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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

18° & 19° VICTORIÆ, 1855.

VOL. CXXXVIII

COMPRISING THE PERIOD FROM

THE THIRD DAY OF MAY, 1855,

TO

THE TWENTY-FIRST DAY OF JUNE, 1855.

Third Volume of the Session.

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1855.

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Tuesday, June 5.

Aberdeen County—Lord Haddo, *v.* Hon. William Gordon.

Wednesday, June 6.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 12 DECEMBER, 1854, IN THE EIGHTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, May 3, 1855.

MINUTE.] PUBLIC BILL.—2ª Loan.

INDIAN OFFICERS—BOUNTIES—NAVVIES FOR THE CRIMEA.

THE EARL OF ELLENBOROUGH: My Lords, as I see the noble Lord the Minister for War in his place, I wish to ask him some questions which relate to subjects which have excited a great deal of interest. The first question relates to the position of the officers of the army of the East India Company as compared with that of the officers in the service of Her Majesty's army. A memorandum, dated the 25th of April, has been issued from the Horse Guards, and has appeared in the *Gazette*, which states—

> "That in order to remove any doubt which may exist as to the rank and precedence of the officers of the Hon. East India Company's Service, it is Her Majesty's pleasure that officers of the Hon. East India Company's Service, whose commissions shall be signed by authorities duly deputed to do so by Her Majesty, shall have rank and precedence with officers of Her Majesty's regular army, according to the dates of their commissions, in all parts of Her Majesty's dominions or elsewhere."

Now, he felt great gratification at finding that an arrangement had been conceded which would be agreeable to the officers of the Indian service; but the officers of the Indian army have by common courtesy always held in this country the same rank and precedence, which they would have had had they been entitled to hold in England the rank they held in India, and no doubt it will be agreeable to them to have their right to such rank and precedence properly established, instead of merely holding it by courtesy; but what I wish to know is, if this memorandum relates merely to their position in society, because, if so, I should have thought that it would have more properly proceeded from the office of the Earl Marshal, or of the Lord Chamberlain, than from the War Office. I cannot help feeling that this memorandum, instead of raising hopes of further advantage to the officers of the Indian army, will rather tend to disappoint hopes which may have been entertained that the Government were prepared to go further, and to give to all officers holding brevet rank in India the same brevet rank in Her Majesty's dominions here and elsewhere. Your Lordships must be aware that, from the year 1838, for nearly ten years great wars raged in our Indian dominions, and that therefore the officers of the Indian service have had the opportunity of making themselves masters of the practice and science of war—an advantage which has not been enjoyed by the officers of Her Majesty's army, with the exception of those who have served in India—and there obtained the same advantages as were enjoyed by the Indian officers. I rejoice, my Lords, that some officers of Her Majesty's army now employed in the Crimea have had the advantage of witnessing operations on an extensive scale in India. General Simpson, the head of the Staff, General Pennefather, General Sir Colin Campbell, all holding high command, and enjoying to a considerable extent the confidence of those under their command, and also Colonel M'Murdo, who has been placed at the head of the Land Transport service, and Colonel Harding, the Commandant at Balaklava—who is, I believe, no relation of my noble and gallant Friend opposite—all these officers have seen service in India, and all of them acquired a knowledge of war under the late Sir Charles Napier. But there are other officers in the Indian service who have enjoyed similar opportunities of acquiring a knowledge of their profession, and who have commanded with distinction brigades which contained regiments of Her Majesty's troops, and who have obtained great distinction in the Quartermaster General's department. It does appear to me to be contrary to all reason that, when we have at our disposal officers who have acquired distinction in command where war has been carried on on a great scale, we should decline to avail ourselves of their services, and should employ in preference the services of officers who, whatever the claim to distinction they may hereafter acquire, have had no opportunity of showing their talents for war. It cannot surely be held that to appoint Indian officers to command would be an invasion of the privileges of Her Majesty's service. At a recent period, and contrary to all former rule, a regulation of the East India Company has been made, permitting officers of Her Majesty's service to hold Staff appointments of a particular description, and not less than twelve officers of that service now hold appointments which they could not formerly have held. Why, then, should there not be a reciprocity, and Indian officers be admitted to Staff appointments, from which they have been hitherto excluded, and which they would fill with great advantage to the country, as officers of Her Majesty's service are admitted to such appointments in India? I cannot conceal from myself, nor do I think that any of your Lordships can be blind to the fact, that a great and growing feeling of dissatisfaction exists throughout the country with regard to the conduct of the war, and that feeling is assuming proportions which are extremely alarming; and I much fear that, unless it be determined by Her Majesty's Government to place the fittest men who can be found in command of all the divisions and brigades of the army, and in situations on the Staff, I much fear, I say, that a feeling will grow up with respect to persons in authority, which will be fatal, not only to Her Majesty's Government, but which will go much further, and which will endanger the constitution of Government, by which authority has hitherto been administered in this country. I wish to ask the noble Lord another question, relating to a different subject. I see there is a memorandum, dated April 30, which, under the authority of an order in Council, raises the bounty given to men enlisting for two years to the same amount as that given to men enlisting for a longer period. Now, with regard to that memorandum, I wish to know whether it is to be understood as establishing the principle that the bounty given to men who enlist for a longer period is to be the same as that given to men who enlist for two years only; and whether there is no difference to be made between those who enlist for the longer and those for shorter periods of service? If that be so, I fear that the result will be that all persons who are desirous of enlisting will enlist for the short period, because at the end of that period they will have the option of re-engaging for a longer service, and with the certainty of receiving some further bounty. It seems to me, too, that men who enlist for the longer period settle down better to the work and become better soldiers than those who are uncertain whether they shall remain for a longer period than two years only, and I would therefore prefer enlisting men for the longer period. But of this I am quite sure—that, if the same bounty is given to men who enlist for two years as to those who enlist for a longer period, all will be desirous of enlisting for two years. I think that when this memorandum was issued, it would have been advisable to notify that, if the bounty given to men enlisting for two years was to be raised to the same amount as that given to men enlisting for the longer period, the bounty of men enlisting for the longer period would also be increased. I fear, however, that in dealing with this question the noble Lord has made the same mistake with regard to the bounty offered as was made in the case of the militia, and the consequences of which we all so deeply deplore. My own impression is, that, if instead of offering the limited bounty of 20*s.* to the militia upon reattestation, a higher bounty had been offered, a very large number of men would have been retained in the ranks of the militia who have now returned to their homes. There is another point to which I wish to call the attention of the noble Lord. I am told that steps have been taken to engage the services of 1,000 navvies to work in the trenches, and that these navvies are to be placed under a gentleman who is to have a salary of 2,000*l.* a year—that is, a salary which is superior by 76*l.* only to the united salaries of a major general and and a lieutenant general, and is superior by about 200*l.* to the salary of all the officers attached to the Quartermaster General's Department in the Crimea. I take it for granted that those navvies will not consent to serve for the same pay as that given to the Sappers and Miners; and it is a matter of serious consideration whether men employed in the same duties and exposed to the same danger should be paid at different rates. What I desire to know is, whether it is true that it is intended to form a corps of this description, and, if so, whether it is to be of a military or civil character? I can hardly imagine it can be of a civil character, because it must be employed under fire like the rest of the troops; but if it be of a military character, what rank is to be given to this gentleman who is to be rewarded with a salary which surpasses that of the officers on the Quartermaster General's Staff? I desire, also, to know what is the difference between the pay to be given to this body of men and the Sappers and Miners; what authority is to be given to the officers commanding them; and under what authority are the men to serve?

Lord PANMURE: My Lords, upon former occasions I have had to complain that when questions were asked notice was not given beforehand of the subject to which noble Lords intended to refer; but I am bound to state that in all cases in which questions have been addressed to me by the noble Earl opposite, I have always received the fullest information respecting the intended question and the nature and extent of the answer which he expected to receive. This has enabled me not only to meet the noble Earl in the same spirit evinced by him to myself, but also to give your Lordships the fullest information in my power upon the subjects to which he so ably refers. With reference to the question which the noble Earl has addressed to me on the subject of the Indian officers, I may state that the memorandum to which he adverts goes no further in its spirit than it does in its letter —namely, to confer upon those officers a social position and authority, which has hitherto been recognised by courtesy, but with respect to which some doubt previously existed. No one can rejoice more than I do at any mark of favour bestowed upon officers of the Indian army, and no one would be more unwilling than myself to say anything which tends to detract from the praise which is due to them. They have for a very long period maintained the honour of the British name throughout the vast terrritory in which that army has served, they have maintained the integrity of the Indian portion of the empire, and they have assisted in extending it; still it is my opinion, as well as that of many others, that the services and distinctions of the Indian officers have been somewhat unfairly used to put in the back ground, by comparison, the services and distinctions of the officers of the Queen's service. I think, in a military point of view, the opportunities those officers have had of practically learning the art of war in the Indian campaigns have certainly given them great advantages; but I do not hold that those advantages ought to entitle them to more than a fair consideration, and they should not be used as an argument to prevent us from giving the officers in the Queen's service the fair opportunities which that service affords of showing by his services to the country whether they are able to carry out in practice the military knowledge which they already possess in theory. I cannot see, my Lords, because the Indian officers have already carved with their swords the way to military distinction, why the same opportunities should be denied to the Queen's officers of carving with their swords the way to the same military distinctions. I have seen it stated that the officers in the Queen's service are now classed in two classes—the Peninsulars, who are said to be too old to be effective; and the Know-nothings, who are too young to know anything. That is not a fair mode of describing the officers of Her Majesty's army; for, reserving always the opinion that the services which are most calculated to advance the interests of the country ought to be taken advantage of, I know of no reason why well educated and well trained British officers, although they may not have seen service, should not be allowed to go into active service. I am not one of those who would adopt the course of confining the services of the officers of the Queen's army, whether belonging to the establishment or to the Indian army—for they are alike the Queen's soldiers—and I am not narrow-minded enough to think that we ought to make a distinction between the officers of the two services. Although progress in reform in these matters is slow, it is also sure, and as an instance of the manner in which the subject is treated, I may refer to the fact that in the Act of last Session the office of Commander in Chief of the army in India was thrown open to officers of the East India Company's service. With regard to the appointment of Queen's officers to the staff in India, to which the noble Earl has alluded, I am given to understand that it has arisen more from accident than from any other cause—it happens that the staff situations in India are very numerous, and that they have been filled by officers of the Indian army, very much to the detriment of the performance of the regimental duties of that army; and it was found necessary to recall some of those officers to their regimental duties and on their recall the vacancies on the staff were filled by officers of the Queen's army. Those are the circumstances, I am told, which form the ground of the statement which the noble Earl has just made. I do not believe that the officers of the Indian army were superseded by officers in the Queen's service; but I am informed that the change was made in consequence of the number of Indian officers who held staff appointments, and that the change was necessary, in order that the regiments in India should be made the more efficient. With reference to the next question—namely, the bounty given to the recruits, that is a subject to which my attention was called by my noble Friend the Commander in Chief when the Act was first introduced. My noble Friend asked whether it was intended to sanction the principle that men enlisting under the new Act should receive the same bounty as the men who enlisted under the Act of 1847. After maturely considering the subject—taking into view the fact that the men enlisted under the Act of 1847 were enlisted at the age of eighteen for ten or twelve years, that they had the opportunity, after five years' service, of acquiring an addition to their pay for good conduct, and that they had the opportunity after the expiration of their first term of service, of re-engaging themselves for a second period; taking also into consideration that none of these advantages will accrue to the men who enlist at the age of twenty-four for a service of two or at the most of three years, that the men who would enlist would probably be between the ages of twenty-four and thirty-five, who, from their habits of labour, would be, even if not efficient as drilled soldiers, efficient as strong men—I did not feel myself justified in giving to those men a lower rate of bounty than we gave to a boy of eighteen years. It must be remembered, too, that none of these regulations are permanent, but may be varied according to circumstances; and if I find that that arrangement is such as to create discontent or prevent the enlistment of young men of eighteen years and upwards, I may consider whether some alteration may not be required. With regard, my Lords, to a general increase of bounty, I perfectly agree with the noble Earl that an increased bounty will, at all times, obtain an increased number of recruits, and probably before very long I may have to propose to your Lordships to increase the bounty in order to augment the army; but it is naturally my wish not to take that course until it is absolutely necessary. With regard to the question of navvies, it is under the consideration of the Government to form a corps of navvies, not for the purpose of working specially in the trenches, but for carrying on the general work of the army, which has hitherto been done by the Sappers and Miners and by the private soldiers, and the execution of which I am sorry to say has hitherto been detrimental to the health of the men. Yet this work must be done; and in order to obviate the difficulties suggested by the noble Earl on a previous night, and to carry out the views of the noble Earl of having as many fighting men as possible at our disposal, it is considered that we may attach, under the command of the engineers, a body of navvies of stout working men, who will be sent out for the purpose of working either in the trenches or in the camp, as circumstances may require, while the army is engaged in the siege. No definite sum has been fixed upon as the amount of payment to these individuals; but it is utterly impossible to expect that men will come from civil employments, either in the capacity of labourers or of directors, for the usual pay given to the officers and men in Her Majesty's service. I have only this to say, that I shall endeavour, if I think it for the public service that such a corps should be formed, to obtain proper men at the lowest possible remuneration; and I shall not recommend the adoption of any such corps unless I am convinced that the benefit likely to result from its adoption will be so great as to counterpoise the inconvenience that I cannot but see may arise from employing individuals with the army at a higher rate of pay than that paid to the officers and men belonging to Her Majesty's service. This corps on being formed will be under the command of Major General Jones as commanding engineer, all the arrangements would be directed entirely by him, the men being at the same time under the immediate control of their own superintendents.

THE EARL OF **ELLENBOROUGH** said, that the appointment of Her Majesty's officers on the staff of the Indian army was not an exceptional case, but was in consequence of the adoption of a new principle; there must, however, have been sufficient authority to warrant that alteration of the rule. No doubt the paucity of officers in the Indian army might have been the cause of the alteration, but it certainly involved altogether a new principle.

EMBARKATION OF TROOPS TO THE CRIMEA.

THE MARQUESS OF **SALISBURY** rose for the purpose of repeating the question which he put to the noble Lord the Secretary for War, on a previous evening. The noble Lord on that occasion complained that the notice of the question he (the Marquess of Salisbury) intended to put was not sufficiently explicit. He could assure the noble Lord that it was not from any want of courtesy that he did not enter more into detail. The whole matter was comprised in the very smallest compass, as it was simply reminding the noble Lord of what must have passed through his own office. With regard to what occurred the other night, their Lordships must be convinced of one fact, namely, that the noble Baron knew nothing of the circumstances of the case. On that occasion the noble Baron laid the whole blame of the transaction on the Quartermaster General. Whether that was just or not it was not for him to say; but he thought after that imputation by the noble Lord, the country had a right to know on whom the blame ought to rest, and who were the parties by whom a body of troops were despatched for foreign service. He had always understood that, when the Minister for War had received Her Majesty's Commands for such a purpose, he communicated with the Commander in Chief at the Horse Guards, and that after conferring together, they made an application to the Admiralty for the transport of those troops; and that on receiving the necessary information from the Admiralty, the Quartermaster-General was then directed to take measures for their removal. It was essentially necessary to know who was to blame in this matter, and why the Guards were sent to Portsmouth for embarkation before the ship *Alma* was ready to receive them. The blame of this transaction had been shifted from one quarter to another until it was impossible to find to whom it should attach. He hoped, therefore, the noble Baron would be able to give their Lordships some information on the subject.

LORD **PANMURE** said, nothing had been further from his intention than to contradict anything which the noble Marquess had stated. What he had said was, that he had heard for the first time from the noble Marquess that the events to which he had called attention had taken place. If the noble Marquess had given him notice of his intention to call attention to those events, he would have prepared himself to give an explanation of them, and would have entered into the details of the facts the other night; but all the notice he had received was, that the noble Marquess intended to put a question with regard to the embarkation of the Guards on board the *Alma*. The noble Marquess asked what were the regulations for the embarkation of troops for foreign service? Formerly the Secretary at War determined what regiments were to be sent abroad; and it then rested with the Commander in Chief to make the arrangements with the Admiralty and the other authorities as to the embarkation of the troops that might be required. Now, however, it was different, and when it was settled what troops were to go abroad, the Secretary for War signifies to the Transport Board the number of troops that were to embark and the time of the embarkation, the Transport Board provided tonnage for those troops by the day named; the embarkation is then carried on by the officer of the Quartermaster General's department in conjunction with the officers of the Transport Board. With respect to the *Alma*, on the 20th of March the Admiralty had notified to the War Department that the *Alma* would be ready about the 5th of April to receive 1,420 men. The *Alma* was fitted at Liverpool, and 420 men of the 18th, 71st, and 50th regiments were embarked there; she then went to Portsmouth to embark the Guards. She had been surveyed by the officer attached to the Transport department at Liverpool, and reported to be fitted to carry 1,420 men, and she had also been passed by Colonel Scott, the inspecting officer at Liverpool, as fitted to carry that number. When she went round to Portsmouth she was reported by the officer there to be incapable of carrying that number, and he believed this report arose from the fact that, while at Liverpool they had calculated that a certain number of men would be constantly on deck and upon watch, they had not taken that circumstance into consideration at Portsmouth. The authorities therefore determined that the vessel could not carry more than 1,048 men. In consequence of this report, the detachments of the 18th, 71st, and 50th regiments were disembarked at Portsmouth, were marched into barracks, and remained at the depot waiting for further orders. His noble Friend (Viscount Hardinge) reminded him that the commanding officer at Liverpool had written to say that the ship was capable of carrying 1,420 men. After some delay—which he thought had been somewhat exaggerated—in landing the detachments and embarking the Guards, the vessel sailed. The whole of the statements concerning the *Alma* were considerably exaggerated. A statement had been made that a large portion of the baggage of the troops which had disembarked were carried in the *Alma* to the Crimea. He had found upon inquiry, that nothing belonging to those troops was carried off except a couple of articles belonging to two officers, and he was sure that if these officers had taken the slightest pains to look after them both of those articles would have been rescued. There had been some mistake with regard to the embarkation of the baggage belonging, not to the detachment of the Guards which then embarked, but to the Guards already in the Crimea. With regard to the orders and the counter orders which had been issued, he had to state, that two of these counter orders had arisen from the fact that a storm had taken place at Portsmouth, which had prevented the *Alma* from being brought into a position proper for the embarkation of the troops, but due notice of this circumstance had been given to the troops before they had left London. He had received communications from officers who sailed in the vessel, to the effect that, whether as regarded their accommodation or that of the men, none of them had ever experienced more comfort in a transport, nor had the health of the men ever been a subject of less anxiety than while they had been on board the *Alma*. With regard to another question of the noble Marquess he begged to state that he (Lord Panmure) had fallen into a mistake the other night; it was his impression that every regiment which had embarked from this country had embarked with the Minie rifles. He was happy to state that all the men who embarked for the East, whether in regiments or detachments, were as far as possible, trained to the use of the Minie rifle; but as it was desirable to carry on the usual drill on board the vessel which could be better done with the old arm, they were armed with the smooth-bore musket, which they exchanged at Constantinople for the Minie rifle, which was kept in store there for that purpose. He thought this a sufficient explanation of the circumstances; and he had further to say, that the result of the inquiries he had made convinced him that the Quartermaster General was free from all personal blame in the matter, and that if any confusion had taken place it lay between the district officers at Liverpool and at Portsmouth, who had reported differently as to the capacity of the ship, and the number of men she could properly carry. There was a desire to send the men on board as quickly as possible, and if an error had been made, it was on the right side, namely, to adopt that arrangement which enables the troops to be conveyed with the greatest comfort and the greatest possible consideration for their sanitary condition. The result was, that there had been no complaint of overcrowding, and, indeed, none could arise in this case.

THE EARL OF HARDWICKE had heard a statement made by the noble Lord which could not fail to raise in the minds of their Lordships various reflections as to the conduct and the present state of the War Department in general, and as to this embarkation in particular. It struck him as being very curious to see the noble Lord, who must be considered a civilian, entering into an explanation of the details of all the different branches of the War Administration, when a distinguished general —the Commander in Chief of the army—was sitting at the noble Lord's right hand and acting as his tutor by telling him what to say upon the subject. This was a bit of machinery which he ventured to say would not work. If he understood the noble Lord rightly, he stated that the system now was, for the Secretary for War, when he wished to send troops abroad, to write to the Transport Board, and then the Transport Board communicated with the Admiralty; and then the Secretary for War informed the Commander in Chief, and then the embarkation took place; whereas, under the old system, as he was informed, a simple communication took place between the Commander in Chief and the Admiralty.

LORD PANMURE said, he had been informed by his noble Friend (Earl Grey) that the mode formerly adopted was, that when a regiment was required to be sent abroad, the Secretary for the Colonies informed the Admiralty of the fact, and the Admiralty provided the proper amount of transport service.

EARL GREY said, perhaps he might be allowed to state, in corroboration of his noble Friend's remarks, that the usual course was for the Secretary for War to state to the Admiralty that such and such regiments were about to be sent abroad on such and such a day, and that department provided the necessary amount of transport.

EARL MINTO was understood to corroborate the observations made by the noble Lord the Secretary for War (Lord Panmure).

THE EARL OF HARDWICKE had misunderstood the observations of his noble Friend (Lord Panmure). It appeared now that no alteration had been made in the mode of communication. With regard to the *Alma*, it appeared that considerable difference of opinion had prevailed, for, whereas at Liverpool she was considered capable of carrying 1,400 men, it had been thought at Portsmouth that she could only carry 1,000. The public naturally hoped that some clear definition would be given as to how many men could be sent out in proportion to the tonnage, and as to whether the men should be under the deck or not under deck. He remembered having once seen 4,000 men embarked in a ship of 2,000 tons, and sent from Constantinople to Samos. They were not permitted to move from their places. It appeared to him that the various opinions entertained at the various ports of embarkation would very materially damage the means of conveyance. It was absolutely necessary that some distinct arrangements should be made with regard to the embarkation of troops.

LOAN BILL.

LORD STANLEY OF ALDERLEY moved the second reading of the Loan (16,000,000*l.*) Bill, and gave notice of his intention to move the suspension of the Standing Orders, so as to pass it through its remaining stages on the morrow.

LORD MONTEAGLE knew the necessity of not impeding the passing of such a measure, but there were some portions of the Bill which called for remark, and he hoped that an opportunity would be afforded on the morrow to have a discussion on it.

LORD RAVENSWORTH said, that he must ask for the usual indulgence of their Lordships in rising to address them for the first time. He could not avoid, on this Bill being presented to the House, expressing his concern at the circumstances which had arisen which rendered the presentation and acceptance of the Bill before their Lordships almost imperative—he alluded to the failure of the negotiations at Vienna—which he and the country considered as the evidence of an indefinite prolongation of the war. He had hoped, as it was the evident interest of all parties, that some arrangement might have been entered into for the pacification of Europe, and he could not now avoid expressing his great concern that this expectation had been disappointed. As it was, however, with war in prospect, it had become our duty to direct our attention to the means of carrying it on with vigour. He found that two burdens of no inconsiderable extent were to be entailed upon the country, and of these the present Bill for raising by loan 16,000,000*l.* formed an important item. The Estimates for the present year for carrying on the navy amounted to more than 16,000,000*l.*;

almost an equal sum was required for the army; the Ordnance Estimates were between 7,000,000*l.* and 8,000,000*l.*, while 3,000,000*l.* more were devoted to other military purposes; the expenditure in the whole amounting to 44,000,000*l.* The present Loan Bill had passed the ordeal in another place, which might be considered more directly the guardian of the public expenditure, and it might perhaps be thought presumptuous in him to offer any remarks on it. He did not, however, intend to offer any direct opposition to the Bill, but at the same time he must say that it was of a nature to excite some discussion and criticism. Out of doors it was asked by those who were engaged in the trade and commerce of the country, why had not the Chancellor of the Exchequer come into the money market for the full amount required—that was, for some 20,000,000*l.* or 21,000,000*l.* of deficiency—instead of coupling the loan with other devices, and laying on additional taxes direct and indirect. He did not go the full length with those who would have the whole raised by loan, but he went so far as to think that this additional taxation was an earnest of the apprehension of the Government that the war would be indefinitely prolonged. If there had been any reason for believing that the war would have ceased in six or twelve months, then he should have concurred with those who considered it unwise to resort to this mode of indirect taxation by levying additional duty on articles which entered so largely into the consumption of the working classes, and which would tend to disturb those fiscal arrangements which had been made with the general consent of the people. If, on the other hand, there was reason—and he feared that there was too much—to apprehend that war would be prolonged much beyond twelve months, then he agreed with the policy which included articles of general consumption in the means for raising the required amount to carry on the war, as it was necessary, in such case, to attempt to restore to some extent the indirect taxation which had been too hastily abandoned. If, therefore, they were to regard the proposition of the Government as an indication that the war would not be concluded within a short time, he was willing to agree to their proposal. Such he knew were the feelings of the mercantile classes, and he did not hesitate to give his sanction to and express his opinion upon them. He must confess that the prospects before us were somewhat disheartening, and express the concern of this country and of the whole of Europe that the negotiations for peace had been brought to a close; and he only hoped that those mistakes which had arisen in carrying on the war on the part of the Government, and the profuse expenditure of the public money without adequate results, would also be brought to a close. He considered that up to this moment Her Majesty's Government had not taken all the steps which they might have taken, and ought to have taken, towards bringing the war to a successful termination. He could not help reverting to this time last year, when, in the Estimates brought before their Lordships, the expense of carrying troops as far as Malta was contemplated, and, at the same time, the expense of the return of those troops was also estimated. He could not help recollecting that the noble Lord, one of the most distinguished Members of Her Majesty's Government, in another place, whom he could only describe as the unsuccessful negotiator of the interests of this country at Vienna, seemed last year to entertain a trifling opinion of the war in which they were about to engage, and declared that it was so far from being an objection to the reform measure which he introduced that he considered it rather favourable, at the same time that they were entering upon a war with the most colossal Power in Europe, to engage also in a civil war at home for the question of reform in Parliament. These considerations would now press on his mind, because he had seen what the Government had attempted, and also that they were not even at present fully aware of the importance of having recourse to all their resources for the purpose of putting an end to the war. Although the Government had called on Parliament and on the people for these large supplies, they had as yet neglected to avail themselves of other means in their power of distressing the enemy. That question had been brought before the House of Commons, and it had been mentioned in their Lordships' House, but he could not consider that it had had a fair consideration or deliberation by the limited number of noble Lords who had attended on that occasion. His belief was, that in addition to those resources in our own country which we had drawn upon, we should have directed our attention to the stoppage of the commerce of Russia. He trusted that an opportunity would be afforded for entering fully into that subject, and he would put a notice on their Lordships' books when he would draw attention to the question of vigorously arresting Russian commerce. Having now shadowed out some of the main objections entertained to this loan, and in doing so discharged what he felt to be a duty, he would not trespass further on the attention of their Lordships, but would conclude by thanking them for the indulgence which they had extended to him.

Bill read 2^a; Committee *negatived;* and Bill to be read 3^a *To-morrow.*

METROPOLITAN DRAINAGE, &c.

The Earl of CARNARVON, in presenting a petition from the Metropolitan Sanitary Association for inquiring into the meaning and intention of the Metropolis Water Act, took occasion to call the attention of their Lordships to the subject to which the petition referred. The noble Earl, who was very indistinctly heard, was understood to commence by alluding to the differences of opinion which prevailed among authorities on this question as to the best mode of carrying out a proper system of drainage and of water supply for the Metropolis. The rival theories extant on this important subject had been long debated, and, while the protracted controversy continued, the most serious inconvenience and injury resulted to the public from the unsettled state of the question. In fact, this was another example of the truth of the old adage, "*Delirant reges, plectuntur Achivi.*" Large sums were expended in remedying partial evils, which would be sufficient, if judiciously applied, to provide a perfect system of drainage and an adequate supply of water. The Metropolitan Commissioners of Sewers proposed to expend 3,000,000*l.* in the construction of a main line of drainage for the whole metropolis, while a rival plan for accomplishing the same object was stated as likely to cost only 1,000,000*l.* Again, the great Victoria Sewer, which had been intended as the commencement of a vast trunk drainage for that portion of the metropolis which lies south of the Thames, the cost of which had been estimated at about 14,000*l.*, but which in reality had exceeded 33,000*l.*, was at this moment in ruins, and the estimated repairs amounted to 15,000*l.* It was clearly worth while to ascertain whether this 15,000*l.* was to be expended upon a system good or faulty in its principles. There was considerable difficulty in finding a competent tribunal to decide this question. Two modes of doing so were, first, either by appointing a commission of scientific and professional men, or, secondly by a select committee of their Lordships' House. If the first of these courses were adopted, it might be difficult to obtain the services of gentlemen whose opinions would carry sufficient weight with them, and who at the same time were not already pledged to any particular view of the subject. On the other hand, a Committee of their Lordships' House, if appointed, should give up all *à priori* or abstract reasonings on the matter, and content themselves with inquiring into the comparative failure, or success of the respective systems which had been tried. The question was one affecting the well-being of all classes alike, whether rich or poor ; and it derived additional urgency from the circumstance that the epidemic which visited the metropolis last year allowed a shorter interval between the premonitory symptoms and the crisis of the disorder than was the case at former periods of its occurrence, and it was most desirable that adequate precautions should be taken beforehand in order to mitigate the severity of cholera, should it unfortunately reappear among us. At present the sanitary condition of some of the largest squares of the metropolis was very defective, and even the walls of the building in which their Lordships were then assembled were sapped by rotten sewers and festering heaps of abomination. He felt satisfied that no effective reform could be hoped for unless the whole management of the drainage of the metropolis was confided to some central controlling body.

Petition to lie on the table.

CONFERENCES AT VIENNA.

The Earl of CLARENDON: My Lords, before the House adjourns, I wish to take this opportunity of apologising to the noble Earl opposite (the Earl of Derby) for having quitted the House on a previous evening. My absence gave rise to some remarks upon his part with which I certainly have no fault to find, because it is my business to be here to answer any questions and attend to any matters which may arise in connection with the department over which I have the honour to preside. I left the House on the evening referred to because there was a great deal of business at the Foreign Office waiting my return, and also because I thought that the noble Marquess near me (the Marquess of Lansdowne) had stated that Her Majesty's Government would lose no time in giving that information to the House which your Lordships have required on the subject of the late negotiations at Vienna, and that no statement would consequently be expected from me on that night. I trust, however, that your Lordships will not be under the very erroneous impression that Her Majesty's Government had any intention to withhold the fullest information on this important subject which they could give to the House; and for myself, I trust that I have always shown a readiness to answer any question that might be put to me, so far as I was able to do so without detriment to the public service. I consider it a duty imperative and incumbent upon me, in a time of so much intense and natural anxiety to be correctly informed with respect to those important matters, to afford to your Lordships all the information in my power; but I have too often experienced your Lordships' indulgence in these matters to believe that even now you would wish me to divulge anything which I believed at the present moment would be prejudicial to the interests of the country. As a proof, my Lords, of the spirit in which the negotiations at Vienna were carried on, and the desire of the Governments of France and England to do nothing that should offend either the honour or dignity of Russia, I may state—as indeed I mentioned the other evening in answer to a question put to me by my noble Friend—that the plenipotentiaries of Russia were invited themselves to take the initiative, and to propose the measures which they thought would best carry out the principle of the third basis of the negotiations, to which they had already given their assent. The Russian plenipotentiaries acknowledged, as they could not fail to do, the spirit which had induced this course; but, somewhat to the surprise of their colleagues, they announced that they were without instructions upon that important subject, and that it was necessary for them to refer to St. Petersburg. The time necessary was given them; but in the meantime the Allied Powers declined to alter the order in which the Four Points were originally placed, and refused to discuss the fourth point, upon which it was possible some concessions might be made, until the third point was disposed of. When the Conference was again called together to receive the answer which had arrived from St. Petersburg, the Russian plenipotentiaries announced that they had no proposal whatever to make; and the allied plenipotentiaries then submitted to them a scheme which, I should think, Russia, without any hurt to her dignity, but with very much addition to her honour as a first-class European Power, might have accepted, if she had been inclined to prove to the world that her policy was as pacific as she had always affirmed it to be, or to remove the uneasiness of Europe by giving guarantees against future acts of aggression which she declared she did not contemplate. The Russian plenipotentiaries asked forty-eight hours to consider these plans, and at the end of that time absolutely rejected them, as well as of another plan put forward by the French plenipotentiary, and agreed to by us, for excluding all vessels of war from the Black Sea, and rendering it a sea for commercial purposes alone. The Conferences were then suspended—they were not actually broken off—and no time for another meeting was then appointed. My noble Friend (Lord John Russell) left Vienna on the 23rd of last month; M. Drouyn de Lhuys stayed two or three days longer. Lord Westmoreland and M. Drouyn de Lhuys were invited by Count Buol, on the part of the Russian plenipotentiaries, to attend another Conference, in order to receive propositions from them. M. Drouyn de Lhuys and Lord Westmoreland agreed to attend this Conference; and Her Majesty's Government have the form of the proposal then made by the Russian plenipotentiaries, but have not yet received the protocols which contain the discussions which have taken place. But we have seen quite enough to enable us to concur in the opinions of the allied plenipotentiaries, that the proposals of the Russian Government were not of a character to promote or accomplish the objects contemplated by the third basis of the negotiations. This, my Lords, is the present state of affairs; and although we shall certainly not object to these Conferences meeting again, provided there is anything of a real and substantial character in the proposals put forward, yet we think that, after they have been suspended, their meeting again without any real or specific object might give the erroneous notion that the negotiations were being carried on, while, in fact, that was not the case. The protocols shall be laid upon the table of the House without delay, and your Lordships will see in those protocols not simply a record of the conclusions which have been come to, but the report of the discussions which took place, and of the opinions expressed by the plenipotentiaries of each Power present during the Conference. I think your Lordships will not consider the statement which I have had the honour to make either satisfactory or conclusive, unless I am able to inform the House of the course which the Government of Austria intends to take in these matters. It is upon this particular point that I am at present anxious to observe that prudent reserve for which upon previous occasions I have received your indulgence whenever I have thought that the circumstances of the case really demanded it. My reasons for this are, that when the sittings of the Conference were suspended, Count Buol expressly stated that he considered that the means for arriving at a basis of negotiations were not exhausted, and that it would be the special duty of Austria to endeavour to discover some mode of attaining that end consistently with the engagement which she had entered into with other Powers. My Lords, whether any proposal that may be thus framed will be likely to be satisfactory to Her Majesty's Government I am sure I cannot venture to say; but on a question of such magnitude, as whether it may be possible to conclude a safe and honourable peace, I am persuaded that your Lordships will feel that any proposition that may be made to us should receive a patient and unprejudiced consideration from Her Majesty's Government—and the more so, as that consideration is at the same time quite compatible with the vigorous prosecution of military operations—and also that the consideration of those subjects, or the prospects of peace which may be possible, should not be in any way endangered by premature discussions or announcements.

THE EARL OF DERBY: My Lords, I should regret, as much as any of your Lordships, that the noble Earl should disclose anything which it would be prejudicial to the public interests to disclose prematurely:—nevertheless, I must be permitted to say that the statement which he has just made to your Lordships appears to me to be of a very unsatisfactory nature. Undoubtedly, before discussions can take place in this House upon the present state of public affairs, it will be necessary that we should have before us the papers which have been promised, and which I am glad to find are not alone to contain the mere decisions and opinions of the various Powers that were present at the Conferences, but also the arguments and grounds upon which those Powers based their respective conclusions. Undoubtedly, from such a collection of documents we may gain considerable light, not only as to what is past, but also on what is of still more importance—our prospects for the future. But I must say that, although I concur with the noble Earl that no prospect, however slight, of obtaining a safe and honourable peace should be sacrificed by this country, yet I have heard from him, almost with feelings of regret, that after an extent of forbearance has been shown on the part of the allied Powers in limiting their demands upon Russia to an extent the good policy of which may be open to serious question, the propositions of the Allies having been totally rejected, and no counter propositions—at least, none of a reasonable character—having been offered by the enemy—I must repeat, that I learn with regret that fresh propositions and fresh negotiations are still in prospect, because I fear that they can have no other object but that of wasting time and prejudicing the cause of the Western Powers. I must say, that I think the propositions which have been made by the Allied Powers to Russia are even now below those which the requirements of the case demand; and that the concessions which were made to her, even if they had been accepted, would have rendered useless—if not worse than useless—the great expenditure of blood and treasure to which England and France have been put since the commencement of the war. I sincerely hope that the Government of Austria is in earnest in its endeavour to bring about a safe and honourable peace—I hope it is in earnest in its desire to fulfil its engagements to support by active assistance the endeavours of the Allies to obtain a satisfactory peace, and that, in the event of peace being obtained, it intends faithfully to perform obligations the hope of inducing Austria to contract which has cost England and France so much of precious time and valuable advantage in their military operations. My Lords, we are now in the second year of this war, and throughout the whole of its progress we have been told over and over again that, although it was quite true that Her Majesty's late Government and the members of the present Ministry had clung to the hope of peace longer, perhaps, than they were reasonably justified in doing, yet, that they had, at all events, gained one great and important advantage from their singular forbearance, patience, and long-suffering—namely, that they had secured, both as to active measures and as to negotiations, the co-operation of Austria, and probably of Prussia also. Well, two years have elapsed, and, according to the statement of the noble Earl to-night, what does that co-operation amount to in the pursuit of which your vigour and enterprise were altogether checked, and for the sake of which you adopted a dilatory course of policy, which must greatly aggravate the misfortunes and calamities of war? At this moment, my Lords, Prussia is excluded altogether, and even stands in an attitude of scarcely doubtful hostility to the Allies; while, on the other hand, Austria, for whose support you have sacrificed so much, is now effectively an ally of Russia, and opposed to the policy of the Western Powers, for she still affects to entertain a hope that every means of negotiation is not yet exhausted, and she proposes by further attempts at negotiation, to continue—and no doubt with the same results—the same system of perpetual procrastination and delay which she has pursued for the last two years. My Lords, we are now in the midst of the second campaign, and it is a matter of the utmost importance—it is, in fact, the essential groundwork and basis of all our future operations—that we should precisely know in what position we stand, not only towards Prussia—for that is already pretty clear, I think—but towards Austria likewise. This knowledge must have the greatest influence, not only upon the course we should take in negotiation, but upon the military operations of our army. It must have the greatest effect upon our conduct and plans to know whether or not we are to reckon on the hostility, the neutrality, or the active and cordial co-operation of the power and resources of Austria; and every day and hour that passes without our coming to a full and distinct understanding with Austria, and without our really knowing where we are and how we stand, seriously aggravates our difficulties, enormously increases our expenditure and our risks, and gives a proportionate advantage to our common enemy, Russia. Therefore, my Lords, although I do not wish to press the noble Earl to make any statement which he may consider would be detrimental to the public service, yet I could not hear the explanation which he has offered us to-night, leaving, as it does, all the most important questions involved in these negotiations in just the same state of uncertainty, hesitation, and vacillation as they have presented for so long a period, without expressing my regret at listening to such an unsatisfactory statement from a British Minister. This prolonged uncertainty is almost an equal evil to the avowed hostility of Austria; and therefore, however important it may be for us to lose no substantial prospect of obtaining a satisfactory peace, I trust that Her Majesty's Government will take care, that in depriving us of the advantage of knowing what are the definitive views and policy of Austria, we shall not be kept in doubt as to their vigorous exertions for the prosecution of the war, and that they will not suffer themselves to be diverted by these protracted, and almost hopeless and illusory negotiations.

The Marquess of LANSDOWNE: My Lords, it is not possible for Her Majesty's Government to afford the noble Earl opposite the information which he not unnaturally wishes to gain, with a due regard to the public interests. I trust, however, that they will be enabled to furnish it soon; but after what has fallen from the noble Earl I cannot refrain from saying, on the part of the Government, that, although they have had a desire—a desire which, indeed, it was their bounden duty to entertain—to secure the co-operation of Austria, nevertheless they have not been induced, from any vain hope of securing that important advantage, to delay the immediate making of those military and naval preparations which are essential to the proper conduct of the war. Undoubtedly, no expedient has been left untried in the endeavour to obtain that degree of co-operation from other Powers which we had a right to expect from them; but during the whole course of the negotiations, up to the Conferences which lately took place at Vienna, certainly not a day has been lost in the advancement of those military preparations and efforts which might bring the war to a conclusion; and while I maintain that it is our duty to avail ourselves of every fair chance of effecting so desirable a result as a great European peace, I equally hold that up to the last moment we ought to relax none of our exertions for prosecuting the war with energy and spirit. With the protocols about to be laid upon the table, your Lordships will receive an account of the arguments, the discussions, and all the collateral transactions by which the agreement, based upon those protocols, was accompanied. Undoubtedly, when they are laid upon the table, a good opportunity will be afforded for the consideration of the negotiations which have taken place, with reference both to the past conduct of the Government and to the future policy of this country, having in view the continuance of the war, if it should be necessary, in order to prevent the recurrence of those unfortunate misconceptions which have thrown Europe into the state in which it is now placed.

The Earl of MALMESBURY: My Lords, as I ventured the other evening to express my humble opinion with regard to the propositions made to Russia in the hope of bringing about a peace, and to state my regret at the probability of a peace having been diminished by the nature of those propositions, I will not now make any observations upon that subject. But I think there is some discrepancy between the statement which my noble Friend has made to-night and that which he made in answer to me about a week ago. I then understood, both from what was stated by my noble Friend and from what passed in another place, that Her Majesty's Government and the French Government, supported by Austria, and of course by Turkey, had proposed to Russia two alternativss—one, the limitation of her fleet in the Black Sea, and the other the neutrality of that Sea. To-night my noble Friend confined himself to a statement that Russia had not accepted the propositions which had been made to her.

The Earl of CLARENDON: I said that the plenipotentiaries of Russia had refused to accept a proposition which we thought that country might have accepted with honour to herself, as well as another proposition by which the Black Sea would have been made a neutral sea.

The Earl of MALMESBURY: My noble Friend is correct in saying that he described the plan suggested to Russia as one quite in unison with her dignity and honour; but he did not state what the first alternative was. I want to know whether it was that the Russian fleet should be limited.

The Earl of CLARENDON: Yes.

The Earl of MALMESBURY: Then it is as I understood; Russia had the choice of two alternatives, and refused them both. With respect to the papers which my noble Friend proposes to lay on the table, I hope he will not confine himself entirely to the protocols drawn up at different times by the various parties, and I am encouraged in that hope by an expression used by the noble Marquess. For nearly a year we have had no official knowledge of any papers relating to this important subject, although at different times we have received information from the public prints, in which I believe many very elaborate diplomatic documents have been correctly copied. Among them are some very able ones emanating from my noble Friend, which cannot, of course, have been obtained from the Foreign Office, but were probably taken from foreign newspapers. In one of those papers my noble Friend has given his interpretation of the four points, or rather of the third point, which, as your Lordships are aware, is one that may be argued upon and explained in various ways, according to the opinions and interests of different parties. I believe I am correct in saying that a very clear statement has been published of what my noble Friend intended by the third point, and that there afterwards appeared an interpretation, if not exactly the same, yet similar in most respects, by the French Minister for Foreign Affairs. It would be very satisfactory to the public, considering that no papers have been communicated to us since the beginning of last year with respect to this question, if my noble Friend would add to the different protocols as many as possible of the diplomatic documents that have passed between him and the Court of Russia, and those documents would also greatly assist your Lordships and the other House of Parliament in understanding and taking a correct view of the protocols.

The Earl of CLARENDON: I hope, after the description my noble Friend has given of the despatch which he has attributed to me, that it was my despatch; but I have no knowledge of such a despatch ever having been published, I never saw it or heard of it, and certainly I never communicated it to any one. To the best of my belief, the intention expressed by the plenipotentiaries that sat at the Conference upon the first day of their meeting, that their proceedings should be kept secret and nothing that passed should be published, has been very strictly acted upon. I cannot at this moment undertake to say what papers will be laid upon the table besides the protocols, but any papers necessary for the clear understanding of them will be produced, and I think my noble Friend will learn a great deal more from those protocols than he imagines.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 3, 1855.

MINUTES.] PUBLIC BILLS.—1° Infants Marriage.
2° Sunday Trading (Metropolis); Dissenters' Marriages; Cinque Ports.
3° Income Tax.

BLOCKADE OF THE WHITE SEA—QUESTION.

MR. COLLIER said, he begged to ask the First Lord of the Admiralty whether instructions had been issued to blockade the ports of the White Sea, and, if so, when the blockade would be instituted?

SIR CHARLES WOOD said, he had not the least difficulty in answering the question of his hon. and learned Friend, and he hoped his answer would be more successful in making known the intentions of the Government than an answer which he had given more than a month ago to a similar question from the hon. Member for Wakefield (Mr. Sandars). He was asked upon the 27th of March if it was intended to establish a blockade of the White Sea, and he then stated that as soon as the seas in question were free for the ingress and egress of vessels it was intended to establish an efficient blockade, and to make it from the first effective. The vessels to be employed in blockading the ports of the White Sea were now ready, had received their orders, and would proceed to their destination as soon as it was practicable from the state of the ice to approach the ports they were ordered to blockade.

TELEGRAPHIC NEWS FROM THE CRIMEA—QUESTION.

MR. WHITESIDE: Sir, I beg to ask the First Lord of the Admiralty whether, since the laying down of the telegraph, any despatch has been received by the Government from the Crimea by telegraph which has not been communicated to the public?

SIR CHARLES WOOD: I hope, Sir, the House will clearly understand that the Government, in reference to communications made to them by the admirals and generals in the Crimea, must obviously, for the good of the public service, exercise the most complete discretion as to what intelligence they will communicate to the public. They may obviously receive intelligence which it would be most improper to communicate, and I wish it to be distinctly understood, in consequence of the numerous questions which have been put upon this subject, that the Government feel it to be their duty to reserve such intelligence as they think ought to be reserved. They will, as I promised the other night, communicate to the public any intelligence of interest of which it is not desirable that the Government should retain the exclusive knowledge. It is true that a telegraphic despatch has been received which was not communicated to the public, but it simply asked a question about the movement of certain vessels. In point of fact, the substance and purport of all the intelligence of public interest which, up to this time, has been received by telegraph, has been communicated to the public in the answers which have been given in this House.

MR. ROEBUCK: I dare say, Sir, it will be in the recollection of the House that this day week I put a question to the noble Lord at the head of Her Majesty's Government, in reply to which the noble Lord told me that orders had been sent to Lord Raglan to make daily reports to the Government, by telegraph, of the state of affairs in the Crimea. The question I now wish to ask the Frst Lord of the Admiralty, in the absence of the noble Lord (Viscount Palmerston), is, whether any report of any kind has been received from the Crimea by means of the telegraph; if so, whether there was somebody able to read it; and if that be the case, whether any portion of it can be communicated to the public?

SIR CHARLES WOOD: I do, Sir, not quite understand the question of my hon. and learned Friend, but I have stated already that the substance of every telegraphic despatch received since the telegraph wires were laid down has been communicated to the House.

MR. ROEBUCK: Then I would ask my right hon. Friend whether a further telegraphic despatch will be sent to Lord Raglan, requiring him to send some information to this country?

COMMISSIONS IN THE ARMY—QUESTION.

Colonel NORTH said, he begged to ask the hon. Under Secretary for War if it was the intention of Her Majesty's Government to grant that part of the return moved for by the hon. Member for Aylesbury (Mr. Layard), which requires, in each case, since the commencement of the war, the reasons to be given for which such commission was granted without purchase?

Mr. FREDERICK PEEL, in reply, said, that, according to the only interpretation he could put upon the words of the Motion of the hon. Member for Aylesbury there would be no objection to grant the return asked for. He understood that the hon. Member desired to know the reasons why commissions were given without purchase, and the only answer that could be given was, that they were given without purchase, either because the original holder of a commission died, or on account of the augmentation of the various regiments, and the consequent creation of new commissions. The hon. Gentleman did not ask why commissions granted without purchase were given to particular officers, and indeed it would be impossible to enter into the reasons why one individual officer had been preferred to another in granting a commission without purchase.

SERGEANT BRODIE, OF THE ENNISKILLENS—QUESTION.

Mr. OWEN STANLEY said, that the public had been given to understand that a most disgraceful circumstance had recently occurred between two officers of the Enniskillens at Canterbury. Many disgraceful tricks had been played, and at last one challenged the other to fight a duel. The two officers went out for the purpose of fighting a duel, when Sergeant Brodie interfered, and was immediately put in arrest by the adjutant of the regiment. He was confined under arrest for a week, and in the meantime an inquiry took place in private in Canterbury. The result of that inquiry was sent up to the Horse Guards, and it was understood that a reprimand was subsequently sent down to Sergeant Brodie, directing him to be released from the confinement to which he had been subjected during the week, assuring him that he had transgressed his duties in the course he had taken, and stating that a repetition of such an infraction of duty would militate against him in his future career. He (Mr. Stanley) now begged to ask the hon. Gentleman the Under Secretary for War, with no feelings of hostility towards any person, but with a view of obtaining correct information as to the transaction, if it was true that Sergeant Brodie, of the Enniskillens, was placed under arrest for preventing a duel being fought between two officers of his regiment—Cornets Baumgarten and Evans; if Sergeant Brodie was reprimanded for his interference by orders of the Commander in Chief; and if there was any objection to place before the House copies of the charge preferred against Sergeant Brodie, and the terms of the reprimand sent from the Horse Guards?

Mr. FREDERICK PEEL, in reply, said, he had been informed that it was not the case that Sergeant Brodie had been placed under arrest for preventing a duel, but that he had been placed under arrest for behaving disrespectfully to one of the officers of his regiment. As, however, he was engaged at the time in trying to prevent a duel, that circumstance was considered a palliation of his offence, and he was released without any further notice being taken of his disrespectful conduct. So far as he (Mr. Peel) was informed, no charge had been made against Sergeant Brodie, and no reprimand had been sent down from the Horse Guards.

THE INDIAN ARMY—QUESTION.

Mr. OTWAY said, he had observed in the *Gazette* on Tuesday last a notification to this effect—that, to avoid all doubt in future, Her Majesty had been pleased to order that officers serving in the Indian army should take rank in all parts of Her Majesty's dominions and in all parts of the world with the officers of the Royal army. He wished to ask whether, in consequence of that notification, Her Majesty was now empowered to command the services of the officers of the East India Company in any part of the world where the Crown and the country might deem their services advantageous; and whether officers in the service of the East India Company were at this moment eligible to posts and offices in Her Majesty's army?

Mr. VERNON SMITH said, he thought it was perfectly well known that Her Majesty could command the services of officers of the Indian army in any part of the world, even before the memorandum referred to by the hon. Gentleman was issued. The object of that memorandum was simply to regulate the rank and precedence of officers of the Indian army, with respect to which some doubt had existed. As the whole question of the state of the Indian army would be brought before the House on a future occasion by an hon. Member, perhaps the answer he had now given would be considered satisfactory.

COLONEL DUNNE said, he wished to know if, by the order just issued, officers of the Indian army were to have command over Her Majesty's troops in this country?

MR. VERNON SMITH said, if Her Majesty chose she had a perfect right to employ officers of the Indian army in this country.

THE SARDINIAN CONTINGENT—QUESTION.

LORD WILLIAM GRAHAM said, he begged to ask the First Lord of the Treasury whether the commissariat supplies for the Sardinian Contingent were to be furnished gratis, or whether the expense would be deducted from the amount of the loan?

VISCOUNT PALMERSTON said, it was originally intended that the Sardinian Contingent should provide themselves with stores, and take charge of their own commissariat. With that view they had loaded two large vessels with provisions to last a considerable time, but one of the vessels had unfortunately been burnt very soon after it left the port, and the loss of the stores it had contained would, he apprehended, render the Sardinian troops dependent upon our commissariat stores for a portion of their supplies. But whatever they derived from our commissariat stores they would pay for, as they would for supplies which they might have procured by other means, and the cost would not be added to the amount of the loan.

MUSEUM OF PRACTICAL GEOLOGY—QUESTION.

SIR STAFFORD NORTHCOTE said, he begged to ask what arrangements were intended to be made in connection with the department of science and art, and particularly with regard to the Museum of Practical Geology, in consequence of the death of Sir Henry de la Beche?

VISCOUNT PALMERSTON said, the loss of Sir Henry de la Beche would, of course, be deeply felt by the institution, as well as by science and art generally. It was, however, the intention of Her Majesty's Government to fill up the vacancy

by the appointment of Sir Roderick Murchison. Sir Roderick Murchison was fully competent for the office, and a memorial had been presented in his favour, signed by almost every distinguished man connected with science.

NATIONAL EDUCATION—QUESTION.

SIR JOHN PAKINGTON said, he was desirous of putting a question to the noble Lord at the head of the Government in reference to the present position of his (Sir J. Pakington's) Bill on the subject of education. He had been informed that the noble Lord the Secretary for the Colonies did not intend to proceed further with his Bill until the sense of the House had been taken upon that now partly discussed, and he (Sir J. Pakington) believed it was the intention of the right hon. Member for Manchester (Mr. M. Gibson) to adopt the same course in reference to his Bill. He (Sir J. Pakington) was somewhat unwilling, after the great courtesy already shown him, to make any further appeal with regard to his Bill, but he thought the House would feel, after the extent to which public attention had been called to the subject, that it was desirable to resume the debate upon it as early as possible. He therefore hoped, upon public grounds, that the noble Lord would be good enough to fix an early day for resuming the adjourned debate.

VISCOUNT PALMERSTON said, he could assure the right hon. Baronet that the Government were fully impressed with the great importance of the subject to which the question of the right hon. Gentleman referred, and also of the importance of resuming the adjourned debate as early as was consistent with the pressing and urgent business of the House. But, having communicated with his right hon. Friend the Chancellor of the Exchequer, he feared that matters of urgency, in point of time, connected with the supplies of the year, rendered it impossible to accommodate the right hon. Baronet with any Government day before Whitsuntide.

SIR JOHN PAKINGTON said, he would then beg to ask if the noble Lord could fix the first Government night after Whitsuntide for the adjourned debate?

VISCOUNT PALMERSTON said, he would give the right hon. Baronet the earliest possible day after Whitsuntide.

In answer to Mr. HADFIELD,

LORD JOHN RUSSELL said, it would be very inconvenient, the House having gone at some length into the discussion of the Bill of the right hon. Gentleman opposite, to discuss any other Bills upon the subject before it was disposed of.

Mr. BRIGHT said, he would recommend that, unless some positive arrangement was made as to what should be done with the three Education Bills now before the House, they ought to be treated equally. Supposing that the Bill of the right hon. Gentleman opposite (Sir J. Pakington) passed a second reading, the noble Lord and his right hon. Friend (Mr. M. Gibson) might be in a difficulty with regard to their Bills. He thought many Members would consent to the second reading of the Bill of the right hon. Baronet if it was to be referred to a Committee, who would vote against it if that arrangement were not made.

Mr. MILNER GIBSON said, he would suggest whether the three Bills on this subject which were before the House might not be read a second time *pro formâ*, with the view of referring them to a Select Committee. The Report of the Select Committee might lead to the introduction of a measure founded upon all these Bills, and a general discussion might then take place on going into Committee of the whole House.

Lord JOHN RUSSELL said, he considered that the House would scarcely consent that any of the three Bills to which the right hon. Gentleman had referred, affecting a question of so much importance, should be read a second time *pro formâ*, more especially after the discussion which had been commenced yesterday, and the necessity that he thought existed for affording the right hon. Member for Droitwich (Sir J. Pakington) an opportunity of answering the very able speech of the right hon. Member for Oxfordshire (Mr. Henley). It was of course in the power of the House to read any of these Bills a second time or to reject them; but his own opinion was, that each of the three Bills should be read a second time, and that they should then be referred to a Select Committee. He considered that, whatever objections might exist to the passing of the Bills, it was desirable that a Select Committee should examine all their details before the subject was brought under discussion in a Committee of the whole House.

Sir JOHN PAKINGTON said, he felt bound to state that, sensible as he was of the great importance and difficulty of the question, it had always been his intention to suggest that the Bill he had submitted to the House should be referred to a Select Committee. He had had some private communications with the noble Lord (Lord John Russell) on the subject, and he concurred in the opinion the noble Lord had just expressed; and so far as he was concerned, he was ready to agree that his Bill, with those of the noble Lord and the right hon. Gentleman (Mr. M. Gibson), should be referred to a Select Committee, by whom their details might be fully considered.

Mr. HADFIELD said, he objected to these Bills being referred to a Select Committee until the House had come to some decision as to the principle on which they were founded. He knew that many hon. Gentlemen were anxious to express their opinions on this important subject, and if the Bills were referred to a Select Committee they would be prevented from doing so.

Mr. EVELYN DENISON said, he wished to ask the noble Lord whether it would not be possible to afford an opportunity for the discussion of these Bills before Whitsuntide? The matter was so urgent, and public attention was so anxiously directed to the subject, that he hoped the noble Lord would make some arrangement for the early discussion of the Bills, even at the expense of a morning sitting.

POOR LAW (SCOTLAND) BILL.

Order for Second Reading read.

Mr. E. ELLICE said, he wished to state briefly the object of the measure, which did not propose to interfere with the operation of the existing law. He proposed to confer no new rights nor to take away any old ones. His sole object was to enforce the better carrying out of the present law, and to secure to the poor of Scotland those benefits which the Scotch Poor Law Act professed to give them, but of which they were in fact deprived. Previously to 1840 the Poor Law in Scotland was in an exceedingly unsatisfactory and uncertain state. There was a prevalent idea that the poor had a right to relief, but practically they obtained no efficient relief. Between 1840 and 1844 proceedings were taken in the Scotch courts to ascertain the power of those courts to interfere and prevent such relief from being altogether illusory and inefficient. The courts interfered with great caution and forbearance, and they decided that they had not only a right to declare that a person was a pauper, but that they had also a right to determine to what amount of relief he was entitled. The court remitted the cases which had been brought before them to the several parishes, intimating that, if the parishes did not afford the paupers the relief contemplated by the statute, the courts would compel the parishes to afford such relief as they thought fitting. The consequence was, that the parishes, seeing they could no longer elude the requirements of the statute, gave these paupers relief, and so took away from them the opportunity of again appealing to the courts to determine to what particular amount they were entitled. The Government, however, interfered, and issued a Commission to inquire into the whole state of pauperism in Scotland. That Commission reported in 1844, but, instead of proposing to give the pauper increased facilities for getting relief in the locality in which he resided, the report recommended that the right to appeal should be taken away, and that he should have no appeal at all. That report, however, was not unanimous, one of the Commissioners, a person subsequently entrusted with an important share in the poor law administration in Ireland, having strongly protested against it. The suggestion to take away the right of appeal was thought by the Government rather too strong, and accordingly in the measure which they introduced the year afterwards, they did not carry out the recommendation of the Commission. From the beginning, in Scotland, the character of pauper had been strictly limited to a person who, from age, infirmity, or other circumstances, was unable to maintain himself, the able-bodied in Scotland never having had, and had not at the present day, according to the law as interpreted, any title to relief. The Act of 1845 in no way interfered with the description of pauper thus recognised, but left him exactly where he was. An entirely new system of parochial relief was, however, introduced. The Act established poor boards, and the levying of rates, and gave power to erect workhouses, and appoint inspectors—in short, the most ample machinery was established for taking care of the paupers, if that machinery was properly put in motion. It took away, however, the appeal of the pauper to the supreme court of law, giving him no appeal whatever, unless he could produce a certificate, signed by the central authority under the Act, declaring that the pauper had a good case for such appeal—so that the power of appeal was lodged in the hands of the central authority. It was obvious, therefore, that the whole well-being of the pauper was placed in the hands of this central authority, called the Board of Supervision. When the Bill of 1845 was before the House, it was opposed by Mr. Rutherford, since Lord Rutherford, and on looking back at the remarks made by his lamented Friend on that occasion, he could not help being struck by the admirable foresight with which he had warned the House of the evils the omissions in the Bill were likely to give rise to. The Bill was likewise opposed by Lord Panmure, then Mr. Fox Maule, who thus expressed himself regarding the measure:—

> "If, indeed, I look on the Bill with the single eye of a landed proprietor, I would allow it to pass without opposition, but it would be a Bill not for the benefit of the poor, but to protect the rich from contributing too much for the maintenance of the poor."—[See 3 *Hansard*, lxxxi, 431.]

He was prepared to show that the actual state of the case fully justified the language which was thus used when the Bill was before the House. The Lord Advocate stated in reply, that the object of the Bill was to secure proper relief to the poor, and the powers given to the Board of Supervision were quite ample enough for that purpose, being, in fact, identical with those possessed by the English Poor Law Board. The Board had not only power to inquire itself into all cases, but could appoint Commissioners with the same authority which it possessed itself. The House, trusting to these assurances, passed the Bill, but the obvious intention of the Legislature was, while it took away one mode of appeal from the pauper, to give him another appeal—namely, to the Board of Supervision—and that this should be a readier and more easy mode of appeal than that which he previously possessed. If, therefore, he could prove that the Board of Supervision had not acted up to its powers—if he could show that, as regarded large districts of the country, the Board had entirely failed in the object for which it was appointed—that there was no system of local inspection or control on the part of the Board—that, in fact, the pauper had practically no means of redress—that complaints made had been treated with contempt and disregard, such complaints as in England would at once have been inquired into by the Poor Law Board—that facts had been evaded and reports made founded on error, tending to persuade the

Government that the Poor Law was put in operation when the contrary was the fact—if he could prove these things, then he thought it would be seen that the pauper was deprived of the privileges Parliament meant to give him, and that he would have made out a case for the interference of the House. He might be able to make out a general case of neglect founded on returns made to that House, and which, therefore, could not be disputed, but it was very difficult, in most cases, to be able to light on particular instances to illustrate a state of things an hon. Member desired to bring under the notice of the House. Nevertheless, he thought he could produce instances, founded on authority which no one could deny, making out a case of the grossest neglect, the grossest incapacity and partiality, and of the grossest attempt to do what Lord Panmure said in 1845 this Act would do—namely, protect the rich at the expense of the poor. He wished to say one word with respect to the system in England, because, to a certain extent, it bore on the system in Scotland. It was true that the laws on this subject in the two countries differed considerably. All destitute people were paupers in England, whereas in Scotland only those who were physically incapacitated were paupers; but, as far as the object or principle of both laws went, they were identical, and required that the cases to be relieved should be adequately relieved. In England, and in Scotland, too, by the Act to which he referred, it was conceded that some control was necessary over the persons administering the relief to paupers. In England boards of guardians were not intrusted to put the law into execution without the inspection or supervision of some superior authority. Under the Poor Law Act, in England, and under what, as far as he could learn, appeared to him to be the most excellent administration of the Poor Law Board, Assistant Commissioners were appointed, whose character and position constituted a guarantee to the public that they were to be relied on. The duty of these Commissioners was to visit continually the unions, and to take into consideration complaints made to them immediately. They were to make special inquiry into all allegations against the guardians, and into all charges against the union and parish officers, and if a Commissioner had reason to suspect any maltreatment of a pauper he was to question that pauper in the absence of the officers. Nothing could be more complete than such a check upon the local authorities. Beyond these safeguards, there was in England the force of public opinion, making it impossible for a case of the maltreatment of a pauper to be concealed for a day. Now, if Commissioners were requisite in the parishes of England, where there existed such an admirable protection for the pauper as public opinion, *à fortiori* were they necessary in the distant parishes of the Highlands of Scotland, where public opinion could not by possibility be brought to bear on the condition of the pauper. But was there any regular system of inspection in the Highlands? He had a return in his hands, presented to Parliament by the order of the House last year, respecting the number of inquiries made in parishes in the three counties of Argyle, Inverness, and Ross, since the passing of the Act of 1845, showing, far from there being any local inspection, that since 1847 until 1851 there had been no local inquiry made into the working of the Poor Law in any of the parishes in those three counties. The return showed that the first special inquiry under the Act by any Commissioner with powers similar to those exercised by the assistant Commissioner in England was in 1851, six years after the passing of the Act, when it appeared that Sir John M'Neill, Chairman of the Board of Supervision, visited those counties. That was not a spontaneous visit on the part of Sir John M'Neill, but was caused by a positive letter from the Home Secretary, requiring an inquiry to be made. As far as he recollected, only twenty-seven parishes in those three counties were visited by Sir John M'Neill, and his Report, indeed, appeared to be more of a general description in reference to the state of the Highlands, which were at the time in a condition of distress, than an examination into the management of the poor. There had been no inquiry since of the same description, except one by Mr. M'Kenzie, now a Judge of the Court of Session, and Sheriff of Ross-shire at the time, and it appeared that in 1853 he did make inquiry, but that inquiry only occupied one day. The Board stated that they had made inquiries on other occasions, but practically they amounted to no inquiries at all. Since 1851 up to the period of this Report—an interval of two years—it appeared that no local inspection had taken place. In fact, there was no local inspection of any kind. In the absence of any such inspection, the only appeal open to a pauper who was refused all relief was to the sheriff of the county. But in the Highlands—to which his remarks now mainly referred—the sheriff was often separated from the pauper by such a distance as to be almost inaccessible; in some instances the pauper would have to travel 200 miles even to get at him, and, practically speaking, therefore, there was no appeal at all. He had received a letter from a rev. friend of his —a person whose usefully spent life and philanthropic exertions to better the condition of his fellow-countrymen were well known throughout Scotland. He meant Dr. Norman Macleod of Glasgow, who, referring to this point, stated most distinctly that in the remote districts of the Western Highlands the appeal was practically a dead letter, and could not possibly be carried out. He put the case of a pauper on the island of Barra desiring to appeal against the decision of the Board. In the first place, he would have to walk some twelve miles to the ferry, and if he could not muster up money enough to pay for the ferry he would have to wait there until some benevolent person gave him a passage over. When he arrived at the mainland he would have some twenty or thirty miles more to travel. But the case of a pauper appealing from Islay or Jura, two islands in Argyleshire, which the rev. gentleman also instanced, was much stronger. In the first place, he would have to travel from twelve to twenty miles to the port where the steamer called, he would proceed by that to Greenock, and he would then have to go by steamer to Campbelton where the sheriff resided, so that, altogether, before he reached the sheriff he would have to travel 200 miles by sea and land, at an expense of half the amount of a year's allowance in the most liberal parish in the Western Highlands. He was justified, therefore, in saying that in very many instances the appeal to the sheriff was no appeal at all. In the case of a pauper admitted on the parish rolls, but with an utterly inadequate relief—a penny a week, for instance—the appeal was not to the sheriff, but to the Board of Supervision in Edinburgh. That appeal, however, was equally illusory. In the first place, the pauper had to go to the inspector —the person who had denied him adequate relief—in order to be furnished with a printed form of appeal; that filled up, he had to take it back to the inspector, who was required to write upon it his observations on the pauper's case, and then to forward it to the Board at Edinburgh. The Board had no means of ascertaining which was the true statement, that of the inspector or of the pauper, but it referred the appeal back to the parochial board, and upon the answer of the parochial board it decided. In the Western Highlands the inspector was appointed by the parochial board, and they, of course, would stand by him, and under such circumstances a poor illiterate pauper could not have much chance of success in his appeal against statements of a well-educated inspector, supported, as he was sure to be, by the board of ratepayers to whom he owed his situation. He had now shown, he thought, first, that the Act of 1845 contemplated an adequate and efficient supervision of the Poor Law in Scotland; secondly, that that supervision did not exist; and, thirdly, that the means of appeal provided were wholly illusory. He now came to special cases, which he thought unquestionably proved the miserable state in which the poor were, and the very disgraceful state of the administration of the law. He must, however, in the first place, say a word upon the subject of eviction. It had one of two objects in view—perhaps both: either to get rid of the people on whose account poor rates had to be paid, or to clear the land for the purpose of letting it to one large tenant who paid a better or surer rent than a number of small ones. In either case the interest of the proprietor was the chief object. He (Mr. Ellice) expressed no opinion against emigration. Where properly conducted, it was beneficial to the able-bodied part of a redundant population. But indiscriminate eviction of old and young alike, of those who were fit for emigration and those who were not, was, in his opinion, a cruelty not defensible on any grounds of justice or expediency. Now parishes differed very much as to the relief required for paupers. In scarcely any Highland parish did the paupers exist upon the parochial allowance. That, from the smallness of those allowances, was obviously impossible. They depended for their existence chiefly upon the charity of their poor neighbours. Thus in a parish where eviction had not taken place, the pauper was better off upon 1*s.* allowance than upon an allowance of 3*s.* in another parish where eviction had taken place. In the latter they were deprived of the assistance of neighbours and friends, and were left with nothing but an inadequate parish allowance. It was very doubtful too, whether in such places helpless women and children, deprived by eviction of their usual shelter and means of existence, did not thereby become legally entitled to parochial relief. He contended that, under such circumstances, the proprietor had no right to complain of increased rates. The eviction had been for his supposed benefit, and he was bound to make up to the pauper the support he had been deprived of. The first case he would particularly allude to was that of the parish of Strath, in the Isle of Skye, the papers in respect to which were before the House. That was a case of eviction, the poor people there being turned out of their houses, he believed, in the winter. One death consequently occurred through exposure. The facts connected with the case had for two months appeared in the newspapers, they were communicated to the Board of Supervision by a highly respectable clergyman, and yet no notice was taken of them by the Board, though in England inquiry would have been made under such circumstances a day after the facts had become known. In these evictions it was actually found that the ground officer by whom they were made was the inspector of the poor, whose special duty it would be to watch over and protect their interests. Upon this becoming known, the Board of Supervision did issue a circular, in which they directed that no inspector of the poor should in future act as ground officer, but they took no other step until, on the 6th of February, he moved for a return on the subject in this House, and then, on the 27th of February, the Board issued an inquiry. That inquiry was not, however, such an one as was contemplated by the Act of Parliament. The Board sent down Mr. Peterkin, a clerk in the office of the Board in Edinburgh. He (Mr. Ellice) wished to say nothing against Mr. Peterkin. No doubt he was a very intelligent and active servant to the Board, but he was in a subordinate capacity, and had neither position nor authority for such an important inquiry. Well, he issued a Report, on the whole favourable to the management of the local authorities, with which he stated that he saw no reason to justify interference, adding that the parish had increased the pauper allowance by 1*s*. a month. So far, therefore, the poor had benefited. The evidence of the minister, however, and the Report itself showed, in his opinion, that a disgraceful state of things existed in the parish of Strath as regarded the relief of the poor, and it was evident that the Board had not instituted inquiry until they had been forced to do so. He understood that matters in that parish were, notwithstanding what had been done, in an unsatisfactory state, and he had lately moved for further returns that had not yet been presented. Upon this subject, he thought he was bound to read a letter sent to him by Lord Macdonald, the proprietor of the parish of Strath. Circumstances had led to that part of Lord Macdonald's estate being put under a trustee, who, unfortunately for the people, had power to do what he liked. Lord Macdonald said—

> "That the evictions had been in direct opposition to his feelings and wishes, and that he had repeatedly written to the trustee on his estate representing to him the cruelty of the measure he had in view, and begging him to send orders not to proceed with it, or, if he insisted upon such a measure, to delay it till spring, when the people would be better able to provide for themselves. His wishes had not been attended to, and these cruel proceedings had been carried out to the utmost extent of harshness."

He (Mr. Ellice) could bear testimony to the esteem in which Lord Macdonald was held in the Highlands, where he was one of the few resident proprietors. He now came to another case—the case of the parish of Glenelg. In Knoydart, in that parish, an indiscriminate eviction had taken place, and it was rumoured throughout the country that the people were in a state of the utmost misery, the lives of many being endangered by the wretched state to which they were reduced. Now, here was an instance of the difference between emigration properly and improperly conducted. On another large estate in the same parish, belonging to a near relative of his hon. Friend the Member for Inverness-shire, a considerable emigration had taken place under the auspices of the proprietor. But in that case it was purely voluntary. Liberal means were given to those desirous of emigrating, but no one was forced to go. There was no hardship—no violence was used, or cause for complaint given. The consequence was, that the emigration was quite as satisfactory to the people sent out, as it could be beneficial to the proprietor who promoted it. But how was it in Knoydart? There violent proceedings were had recourse to. The people had no choice given them; their houses were pulled down over their heads. Two women nearly died under premature labour caused by the hardships they suffered. The people were reduced to the condition he had described, and which the proceedings of the Board of Supervision tended to protect and to conceal. In order that the public might be made properly acquainted with the facts of the case, the proprietor of a newspaper sent down a commissioner to make an inquiry upon the spot, and the description afterwards published of his visit was truly appalling. The state of the persons who had been evicted was found to be most miserable, and he (Mr. Ellice) sent the newspaper description to the minister of the parish, requesting his attention to it. The answer he received from the clergyman fully bore out the account which had appeared in the newspaper, of the condition of the people who were suffering from the evictions. In the course of ten days, however, he heard from the rev. gentleman that nothing had been done, and stating that, in consequence of something that had since occurred, nothing could be done in the matter. It was then that he ascertained that the Board of Supervision in Edinburgh had been applied to, and had sent down certain instructions which, he was led to infer, had had the effect of inducing the minister of the parish to change the humane intentions he had previously expressed. He (Mr. Ellice) then sent the case to the Board of Supervision, and for a month or two he was in correspondence with that Board, but could not get them to take a single step in the matter. All he asked for was an inquiry, but for two months, in spite of all he could urge, it was obstinately refused. But, fortunately, there was a good police in Scotland. The police represented to the sheriff that the state of the people was alarming, and the sheriff at once communicated with the Lord Advocate in Edinburgh, expressing his conviction that a case existed for inquiry. Instead of heartlessly refusing inquiry, like the Board of Supervision, the Lord Advocate directed the sheriff to proceed to the district and thoroughly to investigate the circumstances. In obedience to that order, the sheriff went to the district, taking with him the sheriff's clerk, the procurator fiscal, and a medical gentleman of considerable eminence in his profession. The sheriff, in his Report to the Lord Advocate, said he found thirty-eight paupers in the district, two receiving 1*s.* 6*d.* a week each, two 1*s.* 3*d.* a week each, and the allowance of the rest varying from 6*d.* to 1*s.* a week. The ages of these poor people ranged between 50 and 100. The sheriff also reported that the medical officer—one-half of whose salary was paid by a vote of that House—had, during the two years and a half for which he had held his appointment, only visited three paupers three times each, and twelve paupers once each, the rest of the paupers never having been visited by him at all. The sheriff stated that the houses of these poor people were of the very worst description; thatch was wanting in all of them, so that the wind and cold, snow and rain, found ample entrance. Almost all their houses were without windows, and some without doors; the wretched inmates were scantily and miserably clad, without shoes and stockings or change of raiment. The food was scanty and bad, and the potatoes rotten. Some of the paupers had nothing for their food but potatoes, many of which were diseased, and sea-weed. He (Mr. Ellice) thought this statement would satisfy the House that these unfortunate people were in a condition which it was distressing to contemplate, and that they had been deprived of the means of support which the law intended them to possess. He might mention the case of a man who was in circumstances of the utmost destitution, and who applied to him (Mr. Ellice) to know what he should do. He instructed the applicant to appeal to the sheriff, who made a permanent order upon the parish for his relief. The man's wife had, however, been in the receipt of 1*s.* a week, and the parish complied with the sheriff's order by taking 6*d.* from the allowance of the wife and giving it to the man. This unfortunate couple, therefore, only received the allowance that had previously been made to them, and the order of the sheriff was entirely evaded. The sheriff, having found from his inquiries that the state of the poor was disgraceful, and that the conduct of the officials had been illegal, arrested the inspector to answer four criminal charges for neglect of his duty. The explanation given by the inspector was, that he had acted under the orders of the parochial board, who gave him no discretionary powers; he admitted that, to a certain extent, he was aware of the wants of the paupers, and knew the allowance made to them was inadequate for their support; and he also stated that in some cases he had recommended an increase of the paupers' allowance, but that the Board decided against it. A second Report was afterwards made by the same sheriff, who found that, although some improvements had been effected in the district, one old woman had died in consequence of the privations she had suffered, and a man had been driven mad by the starving position to which his family had been reduced. During these inquiries the condition of the paupers was in some degree ameliorated, the parish having given them *3d.* a week in addition to the allowance which they previously had. Still they were left in a state of deplorable destitution. After the Sheriff's report, the Solicitor General, as one of the law officers of the Crown, delivered a finding on the subject, in which he admitted the defective administration of the Poor Law, but declined to prosecute the inspector on the ground of a difficulty which existed in the statute itself, and the improbability of being able to procure a conviction from its being impossible to bring up the poor and infirm people as witnesses. At the same time the Solicitor General contemplated the prospect of something being done to remedy this state of things. In August, nine months after he had first represented the state of the case, the Board of Supervision sent a Commissioner to inquire into it; and who was the person they sent? They sent —not an Assistant Commissioner, or some other impartial person—but they sent Sir John M'Neill, the chairman of the Board of Supervision in Edinburgh, and who was responsible for the management and conduct of the Poor Law Board. Sir John M'Neill was the last person who should have been intrusted with that inquiry, and his Report must of necessity be looked at with suspicion. He was sorry to allude to persons; but this was a grave matter, and he should not be doing his duty if he refrained from making a full statement of facts. In the inquiry by Sir John M'Neill no ground ought to have existed for a suspicion of partiality. But the result would show that the inquiry was not conducted in that spirit of impartiality which the case demanded. The first thing he did was to send for him (Mr. Ellice) to give evidence in the matter; and, though he knew nothing personally of the circumstances, and had originally made his representation solely on the authority of others, Sir John M'Neill subjected him to examination, and endeavoured to get him to make admissions and arguments that could possibly have nothing to do with the case. Accordingly a good deal of Sir John M'Neill's Report was taken up with meeting statements and opinions that he (Mr. Ellice) had made, and this could only have the effect of involving the facts in perplexity. He also examined paupers and some of the respectable people of the district, from whom, considering the prejudices they entertained regarding the Poor Law and the position of the paupers, he was likely to get evidence that should be received with caution. The Roman Catholic priest, however, who had distributed the funds subscribed for the poor people, was not summoned to give evidence before Sir John M'Neill, and did not give evidence. It was true he was by accident absent from his parish at the time, but a note would have reached him sooner than it reached him (Mr. Ellice). That gentleman would have attended the inquiry if he had had the slightest knowledge of its taking place. Beyond this Sir John M'Neill entirely evaded the sheriff's report to the Lord Advocate, and the cases there established. He took no notice of the fact that the inspector had been criminally charged with neglect of particular paupers or of the cases of those paupers. In fact he ignored those judicial proceedings—the decision of the Solicitor General, which had forced the Board to order an inquiry. He called none of the parties who had, in their official capacity, visited the paupers in winter, and of whose impartiality there could be no doubt. In short, the only witnesses on whom Sir John M'Neill relied belonged to a particular class, whose interests were identical with those of the parochial board, and who, therefore, could not be depended on for unprejudiced evidence. It was not surprising, therefore, that he arrived at an extraordinary conclusion. His report was, that the parish was in a good state, and he expressed his conviction that there was danger to the welfare of the working population, arising from the facility of obtaining parochial relief, and the increasing frequency with which they already sought it. Instead, therefore, of making these poor people aware that they had a right by law to be provided for, Sir John M'Neill stated that everything should be done to discourage relief and to support the parochial board. Mr. Peterkin, clerk of the Board of Supervision, expressed an opinion which Sir John M'Neill quoted, and was therefore responsible for, that the condition of the paupers appeared not only as comfortable, but often better than that of paupers in large towns. What, then, was the House to think of the two Reports—one by the sheriff, the administrator of justice in Inverness-shire, and the other by Sir John M'Neill, who made a Report which, in effect, amounted to a statement that the sheriff had told a falsehood, and that the sheriff and the respectable gentlemen who coincided with him were in a conspiracy? What did the Government intend to do in such a case? They could not leave those two men in responsible situations, remaining under a doubt as to which of their statements was true. Either the sheriff should be removed from his situation, or Sir John M'Neill should be dismissed from the post of Chairman of the Board of Supervision. He wanted to know, too, what was to be done with the inspector whom Sir John M'Neill praised, and whom the sheriff had put under arrest? This was a serious matter. He made no charges—he stated no facts of his own authority. He could have adduced other cases, but he now confined himself to those already established on the printed records of that House, and to which every hon. Member had access. Those facts could not be controverted or got rid of, and he did not see how the Government could give the question the go-by. He now thought he need make no apology for asking the House to read his Bill a second time. The Bill proposed that inspectors of character and position should be appointed to superintend the local administration of the Scotch Poor Law, having analogous powers with those exercised by the Poor Law Inspectors in England. They should be personally wholly independent of the Board of Supervision, and only subject to it as regarded instructions as to the way they should perform their duty. It was the object of the Bill to secure a regular visitation of the different parishes, a month's notice being given of the visits of the inspectors, who would have power to call for documents and examine persons on oath. He did not desire that any special power of interference should be given them, but only that they should satisfy themselves of what was going on in the different parishes, and make reports to the Central Board, which might then interfere if necessary. As a check on the Central Board, he proposed that abstracts of the reports of the inspectors should be made to Parliament. The duty of the inspectors would be, not to interfere with the existing law, but to see that it was properly administered in districts removed from the influence of public opinion. He proposed that these inspectors should be appointed, not by the Central Board of Supervision—for such an arrangement would be useless after what had taken place—but by the Home Secretary. He understood that the Lord Advocate intended to oppose this Bill, but if the right hon. and learned Lord would suggest any other course—if he would promise him a Committee, before which he could prove his case—he should be content. His only wish was to see justice done, and so long as the case was not evaded he should not complain. All the statements which he had made to-night were contained in printed papers lying on the table of the House, and they could not therefore be got rid of. In the face of such a state of things he could not conceive that any Government would expose itself to the odium of standing by idle, and he felt convinced that sooner or later something must be done to remedy the evils which he had described.

Mr. DUNCAN seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."

The LORD ADVOCATE said, he believed that the hon. Member (Mr. E. Ellice) had considerably exaggerated the present condition of the districts in question; but it was not necessary for him (the Lord Advocate), with regard to the course which he recommended the House to take respecting this Bill, to comment in detail on the statements of the hon. Member. He could assure him that the ideas which he (Mr. E. Ellice) entertained with regard to the working of the poor law, and the facilities given to paupers to appeal against the decisions of the Poor Law Inspectors, were exaggerated in the extreme. He (the Lord Advocate) sat as Solicitor General for a time on the Board of Supervision, and he could bear testimony not only to the exceeding ability and unwearied industry of Sir John M'Neill, who presided over that Board, but to the many hours which he devoted to the consideration of appeals from paupers in all parts of Scotland. If the hon. Gentleman would only look at the minutes which were contained in the last Report of the Board of Supervision, he would see with what careful anxiety those appeals were considered, and he would also find that many cases were remitted even more than once to the Board below, because the Board of Supervision was not satisfied, when the amount of relief was increased, that that increase was sufficient. The hon. Gentleman had dwelt at considerable length on what he thought were the defects of the existing system. He (the Lord Advocate) did not mean to follow him into that matter. He was very far from saying that the Scotch poor law was a perfect system, or that there were not parts of it which required to be amended. No poor law that he had ever heard of was a perfect system. It was a misfortune to be under the necessity of having a poor law, and it was a greater misfortune that that necessity had always a tendency to increase. As he stated when this Bill was brought in, he did not think it would be expedient to disturb the settlement which was made in 1845, unless they saw their way clearly to an efficient substitute. His simple objection to this Bill was, that it was not in the slightest degree required, as the powers contained in the present law were quite sufficient to accomplish the purpose aimed at by this Bill. Further, he did not think that it was in the least degree calculated to produce the effect or the object at which the hon. Gentleman aimed. The 11th section of the existing Act enabled the Board of Supervision, with the consent of one of Her Majesty's Principal Secretaries of State, or of the Lord Advocate of Scotland, to appoint some person or persons, not being a member of the Board or of the College of Advocates, to act as a Commission or as Commissioners for the purpose of making a special inquiry into the condition of the poor in any district in Scotland, and to report thereon to the Board of Supervision. Whenever a Secretary of State believed that there was ground for inquiring into the administration of the poor law, he might send a person to make an inquiry, and to report thereon. The Bill of the hon. Gentleman provided that special inspectors should be appointed, but their appointment would necessarily cast a slur upon the administration of the Board of Supervision; and before the House consented to such a course, they ought to consider whether there was any ground which would justify it. He thought it was unfortunate that there was no direct representative of the Board of Supervision in that House to answer the observations of the hon. Gentleman. He did not think that he was called upon to take their part in this contest. On the contrary, having other functions to perform with regard to the matter, he should decline taking one side or the other; but, at the same time, he was not satisfied from anything that had been said by the hon. Gentleman that there was any ground for the strong and sweeping charges which he had made against the Board of Supervision. That Board did not consist simply of Sir John M'Neill. It comprehended not only that gentleman, but the sheriffs of three counties, who had always been able and intelligent men, and attended most sedulously to the business entrusted to them. That was all that he (the Lord Advocate) meant to say with respect to the general question. With regard to the more immediate matter referred to by the hon. Member for St. Andrew's, that stood on a very different footing. He alluded, of course, to the state of the Highlands, and it was impossible not to see that there were elements there of very considerable importance, which gave rise to feelings both of distrust and anxiety. In the first place, there had been a failure of the potato crop. Then there were what the hon. Gentleman called evictions—that was to say, the owners of property had exercised a right of which it was impossible to deprive them. The poor cottars had been turned out, not by the poor law, certainly, nor by any defect in any other law that he was aware of. Next, they had to consider the Highland character. Every one who was acquainted with the Highlands must admit that they were indisposed to exertion, and were rootedly attached to their own soil. That attachment, no doubt, if properly directed, might be made an instrument of great good to the Highlanders; but when they were turned out of their dwellings it made the administration of the poor law, with regard to them, a matter of great difficulty. Sir John M'Neill said that the giving of indiscriminate relief to such unfortunate persons encouraged them to rely on eleemosynary aid, instead of on their own exertions. There could be no doubt that it would have been very undesirable to have given them indiscriminate relief, but he (the Lord Advocate) did not mean to deny that some very distressing and unfortunate cases had arisen. There was, in particular, that case with respect to which he ordered an inquiry, and which, notwithstanding the report of Sir John M'Neill, he still thought the inspector and the Parochial Board ought to have taken care to have remedied. The real difference between the sheriff and Sir

John M'Neill was the constructions which had been put upon the Poor Relief Act by the Parochial Board and by the Board of Supervision. He (the Lord Advocate) thought it right to state, clearly and distinctly, that he did not approve of the stringent interpretation which Sir John M'Neill had put on that Act. Sir John M'Neill stated, in his report, that unless a pauper applied for relief, the inspector had no duty to perform in regard to him. If that was the duty of the inspector, Sir John M'Neill was perfectly right with respect to the whole of his report, and there had been no neglect on the part of the inspector. But what appeared to him (the Lord Advocate) to be the most unfavourable feature of the case was this, that, although there was no application for relief, there was distress which was known to the inspector and to the local Board, and which, he thought, they ought to have remedied. This Bill was, in his opinion, rather too crude to be engrafted on the poor law system of Scotland, and he would suggest that the hon. Member, who had done good service in bringing the question under the consideration of the House, should content himself with that proceeding, and refrain from persevering with the measure. In the absence of Sir John M'Neill on an important mission, he did not wish to pledge the Government to a particular course; but if his hon. Friend would leave the question in his hands, he would promise to procure for it an early and careful consideration.

Mr. CHRISTOPHER said, that much of what had been stated by the hon. Member for St. Andrew's, with regard to the administration of the poor law in Scotland, demanded the serious attention of Government. He should, however, advise his hon. Friend, after the statement of the right hon. and learned Lord Advocate, to defer to his request, and leave the matter in the hands of Government. If a sufficient remedy were not brought forward by Government, it would then be open to the hon. Member to introduce a further measure on the subject. When he found the allowances to poor and infirm persons from 1*s.* to 6*d.* a week, he felt it was high time that a more efficient supervision of the poor in certain districts should take place. Had such instances of distress and misery occurred in Ireland or England, where the people were not quite so passive as they were in Scotland, as those which the hon. Member had represented to-night, they would not have so long remained unnoticed, and if the Government failed to do anything to remove the evil in the course of the Session, the present measure should certainly be revived. Had such cases as those of the Highlands occurred in England, the Poor Law Board would not have allowed twenty-four hours to have elapsed before they would have been inquired into; but the real cause of the evil was the want of a proper inspection. It would appear that in some parishes an inspection of the poor actually did not take place for two or three years together; whereas, in England, an inspection took place at least once in every month. Such a state of things as that which appeared to prevail in Scotland, where the relief was sometimes no more than 6*d.* a week, demanded an immediate remedy, and he called upon the Government to apply it.

Mr. ELLIOT said, that it was notorious that many of the inspectors in Scotland had interests directly opposed to those of the poor, and it was to be hoped that, in future arrangements that might be made with a view to amend the poor law system in that country especial care would be taken to remove from office persons who were so circumstanced that they could scarcely be expected to act with impartiality. He believed that it was but too true that there were gross abuses and most serious defects in the administration of the poor laws in Scotland, and that there was reason to apprehend that the poor did not receive anything like the allowance of food or relief which ought to be awarded to them. He had confidence in the right hon. and learned Lord Advocate's declaration that the subject should receive his consideration, and he had no doubt he would exert himself to provide a remedy for the evils which at present existed. He hoped, therefore, his hon. Friend would withdraw his Bill for the present; but, if nothing were done in the matter, he would promise to give his support either to this or any other Bill which he might introduce on the subject.

Mr. CUMMING BRUCE said, in the course of the debate many reflections had been cast upon the conduct of Sir John M'Neill and the inspectors towards the poor, and more especially in reference to the parish of Glenelg. Now, what were the facts more immediately concerning those parties to whom the hon. Member for St. Andrew's (Mr. E. Ellice) had referred? It appeared that a class of persons called "squatters" had settled themselves upon property in the parish of Glenelg without paying any rent. It was intimated to them that if they would remove they should be provided with a free passage to Canada, and that no demand would be made upon them for their arrears of rent, amounting to about 1,500*l.* A number of families, amounting to about 400 persons, accepted this very liberal proposal, and their passage, clothing, bedding, &c., were provided at a cost of 1,700*l.* Four or five families were unable to go, and these were not ejected. Some, however, refused to embark, and continued to occupy the houses which they had been summoned to vacate. Against these legal proceedings were resorted to, and their houses were pulled down, but they were allowed to retain their cattle, crops, and other property, and no demand was made upon any of them for rent, except in one instance. These were the parties whose case the hon. Member for St. Andrew's had brought before the House as a grievance. The charge of harshness and cruelty on the part of Mr. Ewing Campbell, the inspector, towards the poor of the parish of Glenelg was completely met by the testimony of the Rev. Mr. Macrae, the minister of the parish, of Mr. Macleod, and other witnesses who were examined by Sir John M'Neill. The Rev. Mr. Macrae was asked what was his opinion of the manner in which Mr. Campbell performed his duties, and his answer was, that he considered he had performed them faithfully, diligently, and humanely, and he believed that the parochial board had on more than one occasion expressed their high approbation of his conduct. He had no reason to believe that Mr. Campbell had at any time wilfully misrepresented the circumstances of a pauper to the parochial board. Mr. Macleod said he considered Mr. Campbell to have performed his duty in a humane manner towards the poor, and he believed that the people thought so too. The whole evidence went to show that the inspector did his duty not only to the poor and to the ratepayers, but also to the parochial board. It was his opinion that his hon. Friend had taken up this question without that examination which it deserved. He could wish that his hon. Friend would not press his measure to a division until every Member had had an opportunity of reading the last annual Report of the Board of Supervision for the relief of the poor in Scotland. The pauper in Scotland had greater facilities for compelling relief than in England, for if it was refused to him he might appeal to the Board of Supervision, who, if the parochial authorities still persisted in their refusal, gave him the power of bringing his case before a legal tribunal without any expense, whereas in England no such power was given, and Sir John M'Neill in his Report had stated that from May, 1853, to May, 1854, not a single pauper residing in Glenelg had complained that the relief granted was inadequate. He had also stated that the rapid increase of pauperism, from one in seventy of the population to one in fifteen of the whole parish, and to one in ten in Knoydart, while the proportion in Ireland was reduced to one in ninety-one, would alone have been strong presumptive evidence that both in its amount and in its form the relief afforded to the poor was too attractive to the labourer. The amount of poor relief in that parish, according to Sir John M'Neill's Report was 11½ per cent on the actual rental, and 7*s.* 4¾*d.* per head upon its present population. It must be remembered, too, that many of those who had to pay the rate were, as respected their condition in life, raised but little above the persons receiving relief. All these circumstances led to the conclusion that the poor were not either harshly or unjustly treated, as had been alleged; and, feeling that reflections had been made upon a gentleman of high honour and integrity, whose character had been unjustly assailed he thought it his duty to take the present opportunity of making these remarks in that gentleman's vindication.

Mr. DUNLOP said, he was satisfied that Sir John M'Neill was correct in stating that great difficulty existed from the peculiar circumstances of the country, but, with respect to the statement that the rate of relief given to the poor, varying from 1*s.* to 1*s.* 6*d.* a week, offered great inducements to the labouring class to embrace a life of pauperism; the truth was, that the able-bodied men were not entitled to that relief, and in the case of the parish of Glenelg it related to poor people whose ages varied from fifty to one hundred years, the average being seventy-six. The Report of the sheriff showed, however, the necessity of some further inspection, and the right hon. and learned Lord Advocate referred to the power in the Act of Parliament to cause an inspection from time to time. But that inspection only lasted forty days, and the remedy required was, as had been pointed out, a constant superintendence, like that which existed in England. What was wanted in the Highlands was, that the people should feel confident that they enjoyed the rights which the law gave them. In former days they had been ruled by the lairds, without much regard for the law, and a feeling had grown up that they could get no redress for any wrong. He was very anxious that justice should be done to the poor and infirm, for if scenes like those reported to have taken place were allowed to go on, a strong feeling of indignation would be raised in England, which would lead public opinion to insist upon some change, and this change might be carried further than the people of Scotland desired.

Mr. E. ELLICE said, that after the assurance which had been given by the Government with reference to the subject with which his Bill proposed to deal, he had no difficulty in at once consenting to withdraw it.

Motion, by leave, *withdrawn*;—Bill *withdrawn.*

SUNDAY TRADING (METROPOLIS) BILL.

Order for Second Reading read.

Mr. WILKINSON said, that although he should be glad to see the Sabbath kept as a day of religious observance, yet he doubted whether it was desirable that the enforcement of that observance should be made the object of legislative enactment. He would suggest that the Bill had better be referred to a Select Committee, when he would then be able to judge of its merits, and give his vote accordingly. Looking at the question in a religious point of view, he contended that the Bill was not consistent with the principle upon which it had been framed, inasmuch as it admitted of certain exceptions both of time and place, with respect to the legal prosecution of Sunday trading. It would be lawful, for instance, under the operation of the Bill, to sell certain articles after one o'clock upon the Sabbath, but not before, while cream and milk might be sold even before nine o'clock. Now, surely, if it were a desecration of the Sabbath to sell certain articles at one particular hour on Sunday, it was equally a desecration of it to sell them at any other hour of the same day. Several attempts had been made to carry into effect the system of legislation which the Bill before them had for its object, but the framers of former measures had failed to obtain for them the sanction of the Legislature, in consequence of the difficulties by which the question was beset. For his own part, he could not help thinking that if they were to agree to the passing of the Bill, they would to a certain extent be legislating against the poorer and in favour of the more independent class of traders.

Viscount EBRINGTON said, he should support the measure, mainly on religious grounds, though he was quite prepared also to advocate it on the lower grounds of expediency and political economy. They had been told by Mr. Bianconi that horses which rested on Sundays did more work in six days than others did in seven, and he maintained that the repose of the Sabbath was necessary both for man and beast. The petitions in favour of the Bill were mainly signed by those who were suffering under the operation of the present state of things, which led to unfair competition between tradesmen, and to injurious treatment of workmen. He must deny that the shopkeepers would be injured by the Bill, as the goods which could not be purchased on Sunday would be purchased on another day in the week, and the shopkeepers would have the day to devote to religion or to recreation, and their receipts would not be diminished. Looking at the question in an economical point of view, he was prepared to contend that labourers would produce more in six days' labour, having the seventh for rest, than they would were they to work on all seven days, and their wages would be in proportion. He thought, therefore, that on religious grounds, on grounds of expediency as well as of political economy, it was necessary that some such measure as this should be passed, and though there certainly were some things with which they might in consistency be called on to deal, but which this measure did not touch, he thought on the whole the Bill was a good and would be a beneficial one.

The Marquess of BLANDFORD said, he could not allow the occasion to pass without thanking the noble Lord the Member for Middlesex (Lord R. Grosvenor), and congratulating the House on having the Bill brought before them. It had been so long since a Committee sat on this subject—in the year 1832—that it was probable its Report had escaped the recollection of the House. That Committee had expressed a very strong opinion on this question, stating that it was convinced that it was a proper object of legislation to obtain the solemn and decent observance of the Lord's day, and also to see that every man in the community possessed the enjoyment of that day of rest which had been mercifully given to him. That opinion of the Committee there could be no doubt was a sound one, and he was rejoiced that a measure had been brought forward which would give effect to that opinion; and he hoped it would receive the positive sanction of the House. He trusted it would result in relieving one class of tradesmen from the bondage which they endured from the competition of other tradesmen who kept open their shops on Sundays, and also for relieving the servants of tradesmen from labour on Sundays. He regretted that the Bill, which was likely to be so useful, passed over the sale of spirits and beer. The sale of fish, game, and other things was prohibited; but for reasons which were well known he supposed the noble Lord was not able to touch the sale of spirits and beer. When it was known that from six to ten on Sundays the public-houses were filled with persons carousing, and reducing themselves to the level of beasts, he could not conceive a subject more cognate to the present, nor more deserving the attention of Parliament.

Sir GEORGE GREY said, he had understood the hon. Member for Lambeth (Mr. Wilkinson) to be willing that the Bill should go before a Select Committee, and that he would take the sense of the House upon it when he saw the shape in which it came out of the Committee. Under these circumstances, it seemed hardly necessary to protract the discussion. The hon. Member for Lambeth had appealed to the Government, but the Government were quite ready to support the second reading of the Bill. He was not sure that the measure would accomplish all that was expected from it, but he should be very glad if it had the effect of enabling them to enforce the present law, for it should be remembered that this was no new principle. The existing law, however, contained defects, particularly as regarded the difficulty in enforcing penalties, which made it practically inoperative. He regarded the present measure, not as one to force upon the inhabitants of the metropolis the religious observance of the Sabbath, but it was one which would consult the general convenience of the inhabitants, while at the same time it would correct a great and crying evil. He believed the principle was in accordance with the wishes of the great majority of the tradesmen of the metropolis, and, under the circumstances, further discussion, he thought, had better be reserved for a future stage of the Bill.

Mr. T. DUNCOMBE said, he wished to inquire whether he was to understand that the Bill was to go to a Select Committee? According to precedent, all Bills of this nature went to a Select Committee before they were brought before a Committee of the whole House; and if this Bill was to go to a Select Committee, it would he hardly worth while to discuss its provisions now. He would, therefore, ask, what did the Government intend to do with regard to sending it to a Select Committee? All the Bills on this subject—that brought in by his hon. Friend the Member for Ashton-under-Lyne (Mr. Hindley), one which came down from the Lords, and one brought in by the hon. Member for Lambeth in 1851—were all sent to a Select Committee, and all fell to the ground. That had been the case with all the Bills of this kind which had been introduced. He did not distrust the intentions of the noble Lord (Lord R. Grosvenor), but he had undertaken to deal with a delicate and difficult subject. He (Mr. Duncombe) had not had a deputation of barbers, like the noble Lord, but he had had deputations from the working classes, and he knew that they had no desire to desecrate the Sabbath—they had no desire to make purchases on Sunday morning, but their necessities required it. He thought that on inquiry it would be found that there must be a great many changes in our social arrangements before you could legislate on this subject. In the first place, there was the question of paying wages on Saturday evening. It was said that some employers paid wages at an early hour; but it should be recollected that a great deal of the work done in the metropolis was piece-work, and a working man who took home his work on a Saturday evening, though he might find his wages ready, yet had to wait to get his next week's work given to him, and it was often past twelve o'clock before he got not only his wages, but his work; and how was he at that late hour to lay in his meals for the following day? Again a great many contracts were made with workmen by builders who took them into the country on Monday morning and brought them back late on the Saturday evening. How could these men manage to make their purchases on the Saturday night? He was told that working men went to the public-houses on Saturday and spent their wages in getting drunk, but it was no such thing, for they had not time to do so after they got their wages. Another change must be made before you could legislate on this subject with effect: you must improve the dwellings of the poorer classes. What was the use of a man in this town, who often lived with his family and five or six others in one room, bringing in meat or other articles on Saturday evening; they would be putrid before the night was half over. You must, therefore, in the first place, give those classes better dwellings. It was all very well for those who had larders and cellars to say that those persons should make their purchases on Saturday night. He was told that many tradesmen themselves were anxious that there should be a law against trading on Sunday, and that the very circumstance of their trading themselves did violence to their consciences. But no one was compelled to do so, and the conscientious man should suffer for conscience sake. What was it that compelled them? Why, they said that if they did not, their neighbours would profit by it; and they were not the sort of conscientious men that were worthy the attention of the House of Commons. But he might be asked, what ought to be done? He was told that the trading on Sunday afternoon was disgraceful, and ought to be put down; but that was a mere question of police. They had had many Bills on this question—such, for instance, as Sir Andrew Agnew's Bill; but the only successful lawgiver on this subject was Charles II., but those laws were not sufficiently stringent for the present time. He would have one law for the whole country, for why should a measure be confined to the metropolis? Why should Birmingham and Liverpool, and other large towns, be exempt? There should be one law, which should declare that there should be no Sunday trading after half-past ten in the morning of any sort or kind, and it should be applicable to rich and poor. That would be legislation with regard to the Sabbath worthy of the attention of the House, but such little things as the sale of milk, eggs, and fruits, which they were going to discuss, were unworthy of that assembly; but they should enact one general law for all classes of the community.

Mr. JAMES MACGREGOR said, that having been largely connected with the working men in the metropolis receiving wages, and having had some experience of them, he could say that there was no class better able to judge of their own interest; and as regarded the value of a day of rest to them, he was convinced that if they were referred to it would be found that they would claim their right to that advantage. The intelligence of that class was not to be measured by the wages they received, and they were entitled to retain a privilege which had been sanctioned by a higher legislative power than that House, and which had declared that there should be a day of rest and a cessation from the ordinary labours of life.

Sir JOHN SHELLEY said that the hon. Member for Finsbury (Mr. T. Duncombe's) account of the result of sending Bills of this kind to a Select Committee was not very encouraging, and after the fate of these Bills he was unwilling to send this to a Committee upstairs—especially as the clauses of the Bill were very few, and such as he considered the House could make practicable. When his noble friend introduced the Bill he (Sir J. Shelley) said that he was favourable to the principle of the Bill, but he could not pledge himself to all the details of a Bill which he had not seen. There were some points in the Bill which he thought objectionable; still he thought it was not a Bill which was for the benefit of tradesmen only, but one for the promotion of the comfort of the working classes, and he was glad therefore that it had been introduced. There was a growing feeling that there should be greater opportunities for relaxation afforded to the working classes. He never believed that you could make people religious by Act of Parliament; but the rest of Sunday was the greatest he himself knew, and he wished to see it enjoyed by the working man. He hoped the noble Lord (Lord R. Grosvenor) would not send the Bill to a Select Committee. There was a prejudice out of doors against Bills of this kind, but all the former Bills on the subject were impracticable from their very nature. He thought, however, that this would be a practicable measure. He could only say that if any one doubted the state of trading in the metropolis on Sunday let him go to Clare Market, a part of his constituency, and he would find that it was carried on all day; and much to their credit he had that evening presented a petition in favour of the Bill signed by all the butchers in that locality with one or two exceptions. He therefore hoped the House would give their assent to the second reading.

MR. MONTAGU CHAMBERS said, that this had always been found to be a very difficult subject for legislation, but the reason why other measures had failed was because they had gone too far. His hon. Friend the member for Finsbury (Mr. T. Duncombe) was mistaken in supposing that this Bill was unfavourable to the working classes; and as to the necessity of making other changes before such a measure was passed, he thought such a Bill would rather force masters to pay wages earlier, as it would be urged on them to do so to enable their workmen to go to market on the Saturday, whereas now they did not mind detaining them late on the Saturday, because they could go to market from eight till one o'clock on Sunday. As to the lower class of tradesmen, they had presented many petitions in favour of the Bill; and he had laid some stress on one petition, which came from the New Cut, in Lambeth, because it had been said on a former occasion that the tradesmen in that locality could not do their business if such a Bill passed. He would support a measure which would enable all persons better to observe the Sabbath.

MR. J. G. PHILLIMORE said, that no answer had been given to the objection of the hon. Member for Finsbury (Mr. T. Duncombe), that this was merely a local Bill; and he was of opinion that nothing could be more injurious than legislating for particular places. He thought that the 9th clause, which gave large powers to the police for enforcing the law, would lead to great oppression if it passed as it stood.

MR. HADFIELD said, he hoped, if the Bill went to a Select Committee, that gentlemen would be put on it who were practically acquainted with the management of large concerns, and the mode of paying wages earlier on Saturdays and on Fridays, for their experience and philanthropic feelings towards the working classes would be found of great value. The real question was the regulation of the payment of wages, so as to enable working people to arrange their affairs in such a manner as to leave time for rest and recreation.

MR. W. J. FOX said, he hoped that if the Bill was referred to a Select Committee, that Committee should be composed of the class of men just described by his hon. Friend (Mr. Hadfield), who were practically acquainted with the inconveniences suffered by working men, and how they should be remedied. The principle of the Bill was somewhat different to that which it had been described to be by some gentlemen, who seemed to think it was based on the religious ground of the observance of the Lord's-day. But, in fact, it only went to the question of trading, and had nothing to do with that species of work, and especially of household service, to which the commandment applied. It was curious that the Bill came to the House recommended by its supporters on the ground that it was not in conformity with public opinion. It was said that a number of tradesmen were obliged to open their shops on Sunday, or their customers would abandon them; but if the public feeling were in favour of the principle, it would be more likely that such conscientious persons would obtain customers. If the Bill were founded merely on the wants or the consciences of society, it ought to be rendered more comprehensive, and applied to the whole country as well as to the metropolis, and not only to butchers and bakers, but to many things much more important. After the recommendation of the Committee on public-houses last year, he should have thought that no Bill should have been brought in on this subject which did not extend to the question of the enjoyments of the people, as well as restrictions on the existing state of things on Sundays; but it appeared that the recommendations of the Committee with regard to restrictions were to be carried out, but the other recommendations were not attended to. He should not, however, oppose the Bill at this stage.

MR. KIRK said, that the keeping of the Sabbath holy was morally binding on every man; and how could that principle be carried out when the Sunday was desecrated in so extraordinary a manner in the metropolis? Every Sunday, on his way to a place of worship, he passed through a locality near to that House called Strutton Ground, where there was more trading than on a week day, and he was sure that such a Bill was required to put an end to such trading, both in the metropolis and all over the kingdom. He would support the Bill in every stage, and any measure against all trading on Sunday, whether in goods, clothes, or spirituous liquors.

Lord ROBERT GROSVENOR said, he hoped that the House would not, by referring the Bill to a Select Committee, violate one of its own recent enactments, and give it an intramural interment, which would certainly be the result of such a reference. Three Committees had previously sat upon the subject, and had produced three blue books, so that he thought the House of Commons were quite competent to deal with the measure themselves. In respect to the objection of the measure being only applicable to the metropolis, he would remind hon. Members that it was always the practice to confine such measures to the metropolis in the first instance, with a view of testing their efficiency, and afterwards, if necessary, to extend them to the country generally. The great reason for proposing this measure exclusively for the metropolis was, that the evil it proposed to remedy was greater there than in any other part of the kingdom. Indeed, it was remarkable that in many of the towns in England, such as Exeter and Halifax, there was no such thing as Sunday trading. If the Bill be read a second time he would give ample time before he proposed its going into Committee, for any classes who had solid objections to it to bring them before the House.

Mr. MASTERMAN said, he was quite ready to support the proposition of the noble Lord the Member for Middlesex. As an old citizen of London he was fully aware of the great inconvenience and immorality attendant upon the existing practice of Sunday trading. He hoped that the measure would not be referred to a Select Committee—a course which would occasion a great loss of time and considerable discussion to no purpose.

Bill read 2°.

Lord ROBERT GROSVENOR then proposed that it should be committed to a Committee of the whole House.

Mr. T. DUNCOMBE said, he should move that the Bill be referred to a Select Committee in conformity with the practice usually pursued in reference to Bills of the same hybrid character. He understood the right hon. Baronet the Secretary for the Home Department to agree to this course. [*Cries of* "No, no!"] He hoped that hon. Members would allow the right hon. Gentleman to speak for himself. The hon. Member for Lambeth (Mr. Wilkinson) had declined to divide the House on the second reading, with the understanding that it would be referred to a Select Committee. This was one of the most stringent measures introduced within the last few years. ["No, no!"] He said yes, for it proposed to punish a man by sending him to the House of Correction for fourteen days —after they had taken all his goods from him, and left him unable to pay the lawyer's costs. If they passed the Bill in its present shape, they would have continual riots and rows between the people and the police upon this subject.

Mr. WILKINSON seconded the Amendment.

Amendment proposed, to leave out the words "Committee of the whole House," and insert the words "Select Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir GEORGE GREY said, he was sorry that the hon. Member for Finsbury (Mr. T. Duncombe) had misunderstood what he had said. He had never assented to referring the Bill to a Select Committee. He had merely suggested to the hon. Member for Lambeth (Mr. Wilkinson) to postpone his objections until the Bill was in Committee. It was altogether a mistake to suppose that there was any rule of the House for referring such measures to a Select Committee. He thought that the House, when in Committee, was just as competent to amend the Bill as a Select Committee.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill *committed* for *Wednesday,* 13th June.

LAND AND ASSESSED TAXES DIVISIONS BILL.

Order for Second Reading read.

Mr. FREWEN, in moving the second reading of the Bill, said, that his object was to afford facilities for the formation of more convenient divisions for the assessment and collection of the land and assessed taxes. At present these divisions were regulated by the boundaries of counties, and the consequence was, that persons living near the edge of two counties were often put to great inconvenience by being taken, when prosecuting appeals, to attend the sittings of the commissioners of the county in which they lived, although they were much nearer the place at which the meetings of land tax commissioners were held in the adjoining county. He thought the land tax divisions should follow those of the poor law unions. In order to enable such arrangements to be made as would tend to public convenience, he proposed to give the local commissioners, with the assent of the Lords of the Treasury, power to transfer any parish from one land tax division to another, without reference to the counties in which they were respectively situate for the purpose of hearing and disposing of such appeals.

Motion made, and Question proposed, "That the Bill be now read a second time."

THE CHANCELLOR OF THE EXCHEQUER said, the districts in which the land tax was collected were, like the land tax itself, of considerable antiquity. Each county was divided into hundreds, in which the several Commissioners presided for the collection of the tax. It was competent for the general Commissioners of the county to recommend the transfer of any parish from one division to the other, and if the Lords of the Treasury and the Board of Inland Revenue approved of such transfer, it could be effected. He was not aware that any extensive inconvenience existed at present. There was, however, a great objection to give such a power as the hon. Member proposed because the rateable amount of the land tax differed very much in every county. The tax, too, was sometimes not assessed equally over the whole county. He did not, therefore, feel justified in assenting to the second reading. At the same time, if it were shown distinctly that the present law in any material part was defective, he would undertake on the part of the Government to introduce a measure by which it would be improved. As to giving the power proposed to the Lords of the Treasury, it should be observed that they were necessarily deficient in local information; and their opinions would therefore be influenced by persons placed in a subordinate position. The Bill, in fact, proposed to increase the size of one district at the expense of another.

MR. SPOONER said, it would be found that there were many places from which people would have to travel some ten or twelve miles before they could reach the place of meeting of the Commissioners, and that that was an evil which ought to be remedied. He apprehended under present circumstances that there would be a great increase of appeals, in that case it would be a hardship on a man, especially where he was overcharged only a trifle, but which trifle might be of importance to him, to be put to the expense of travelling that distance to establish his appeal. He saw no reason why the Commissioners might not represent an inconvenience, where it did exist, to the Treasury, or why the Treasury should not have the power to act upon the recommendation. He hoped, therefore, that the Chancellor of the Exchequer would not oppose the second reading of the Bill.

Question put. The House divided:—Ayes 35; Noes 125: Majority 90.

Ordered, That the Bill be read a second time upon this day six months.

COURT OF CHANCERY (IRELAND JURISDICTION) BILL.

Order for the Second Reading read.

MR. WHITESIDE said, in calling the attention of the House to the measures which he had introduced connected with Chancery reform in Ireland, it would not be necessary for him to occupy much time in enforcing a principle long since asserted in England, and which it was his object, with such alterations as might be necessary in reference to the difference of practice, to apply to Ireland. He would, however, as shortly as possible, explain the nature of his propositions. He believed that, since the reign of Charles I., many attempts had been made to reform the Court of Chancery, but that laudable task was not successfully performed in this country until, by the aid of two distinguished laymen in that House, and several able lawyers, the Court of Chancery in England was radically reformed. Very great benefits were conferred on the suitors and the public in this country by the reforms thus effected. He had taken the liberty of inquiring of one of the Vice-Chancellors what had been the result of the reforms accomplished by that House within the last few years, and as the answer he received would have more weight than anything he could say, he would beg to read one sentence from a letter addressed to him by Vice-Chancellor Stuart. [The hon. and learned Gentleman here read an extract from the letter referred to, in which it was stated that the alterations in the procedure of the Court of Chancery under the Act of 1852, especially those relating to the change in the Masters's Office, to proceedings in Judges' chambers before a chief clerk, to the substitution of concise certificates in lieu of voluminous reports, to the abolition of the warrant system, &c., had worked satisfactorily, and had conferred on the suitors the benefit of an enormous saving in point of expense.] Now, he desired to enable his countrymen to participate in that enormous benefit. In the year 1819 the first attempt to reform the Court of Chancery in Ireland was made. That was done by an inquiry into the fees paid in that Court. That inquiry terminated in a reduction of those fees. It was only a partial reform, and did not affect the great question of reforming the voluminous pleadings. It was a curious fact, however, that even that partial reform had the effect of greatly increasing the business of the Court. Subsequently, another reform took place, namely, the abolition of the Six Clerks' offices. The effect of that reform was not, however, very serviceable to the public, although it conferred considerable benefit on the solicitors of the Court. A great number of orders were issued by the Lord Chancellor for the regulation of the business transacted in the Master's Office, but which orders clogged them more than before, and the effect was to increase the delay in those offices, and in many respects the expenses. During the time Lord St. Leonards was Lord Chancellor of Ireland a great reform was effected by abolishing the warrant system, or summons system, by compelling the Master not to proceed from summons to summons every hour, but to proceed continuously by one summons. That reform increased the business in the Master's Office, although the amount of the staff was never altered. He held in his hand a paper drawn up by Master Brougham, which set forth all the objections to the Master's Office in this country (which had since been abolished), and which equally applied to the Master's Office in Ireland. It showed that there existed evils in the system which were incurable, and that if a decisive remedy were sought it could be found only in abolishing the Master's office altogether. That, therefore, was the object of the first Bill which he had to submit to the House. It was a Bill for the more speedy and effectual despatch of business in the High Court of Chancery in Ireland by abolishing the Master's Office altogether. But there was a difference between the Bill relating to Ireland and the Act which had been passed relating to England. That difference would be explained by a short reference to the second Bill which he had to submit, and which was a Bill to amend the practice and course of proceeding in the High Court of Chancery in Ireland. Sir John Romilly introduced a Bill for the benefit of the High Court of Chancery in Ireland, which proved to be a real and practical reform, and by which both the time and the money of the suitor were saved. He introduced a form of pleading by petition, and abolished, as far as he could, the old forms. That measure had succeeded to a great extent. But what was the principle of that measure? It was to give to the Master judicial authority in a great variety of cases, the effect of which was that, instead of the business being referred first from the Lord Chancellor's Court to the Master, then from the Master to the Court, and oftentimes again from the Court to the Master, the Master, by Sir John Romilly's Bill, was required and enabled to discharge a great deal of such business judicially; but in so far as Sir John Romilly's Bill did not wholly abolish the subordinate character of the Master, it was defeating, the fact being that at the present moment the Master of the Court of Chancery in Ireland was partly a judicial and partly a ministerial officer. The Masters were Judges in all cases in which they had original jurisdiction, and ministerial in all cases in which they had not. They were, therefore, without that power, weight, and influence, which Judges ought to possess, and the consequence was that the business of the Court of Chancery in Ireland was in a state of confusion as to its practice in the Master's Office. His argument, however, was that the country was not at present in a condition to abolish the offices of the five Masters, who had yearly incomes of 3,000*l.* each, and give them compensation for their salaries, by which they would be enabled to retire to Italy or elsewhere, and then to appoint Vice-Chancellors in their places. What, therefore, he would submit to the House was, that as the Masters had been proved competent to discharge a portion of the business of the Court satisfactorily, speedily, and cheaply, so they might be fairly intrusted to do the rest. It was, therefore, proposed that the existing senior three Masters in ordinary should be constituted Judges, under the style of Vice-Chancellors, with the same power and authority which the Vice-Chancellors of England possessed. Very few appeals had been made from the decisions in cases in which they had original jurisdiction; he therefore could not see why they should not give them original jurisdiction in all other cases. The saving of the public would be great. In England the salary of the Vice-Chancellor was 5,000*l.* a-year. In Ireland he proposed to fix the salary at 3,500*l.*, being equal to that of a Puisne Judge. Thus, they would have three Vice-Chancellors competent to transact all the business of the Court of Chancery. The value of this measure would be apparent when he explained to the House the course of the business under the 15th section of Sir John Romilly's Act. Under that section no less than eighty cases in one day were thrown into the Master's Office. All that the Lord Chancellor did was to ask whether the cause came within the 15th section of Sir John Romilly's Act, and if he were told that it did, he at once sent it into the Master's Office, and he heard no more of it until the Master had done all the work by ascertaining the rights of the parties, and really and truly deciding the merits of the cause. The suit was then brought back to the Lord Chancellor, who knew nothing, and did not pretend to know anything about it. The effect, therefore, of the proposed Bill was, that the person who was competent to inquire into, to ascertain, and to find out the facts, and to determine the rights of the parties, should have jurisdiction from beginning to end. His second Bill, he could assure the House would tend to economy, and facilitate the progress of business to a degree that would be most gratifying to every law reformer. In 1852 the costs of the Court of Chancery, as brought into the taxing Master's Office, amounted to 170,000*l.*, which were reduced upon taxation to probably about 150,000*l.*, while for the same year the costs for receivers amounted to 40,000*l.* Well, by the Bill which was now before the House, he thought he might calculate on bringing about a saving of expense in non-contested suits of about one-half, and in litigated suits of one-third. And he might state, that his opinions were confirmed in this respect by the calculations of persons well acquainted with the Court of Chancery in Ireland. His third Bill related to a subject of much importance, and was intended to alter the law and practice in respect of the appointment of receivers under the Court of Chancery. Many hon. Members might not be aware of the mischief arising from the present state of the law in Ireland under the system of Receivers. That subject had been inquired into by more than one Committee, and it was proved that the vices of the system were such that it had sometimes led to the commission of great crimes. But the particular inquiry upon which the present Bill was founded was one which took place in 1852, when a committee, of which his right hon. and learned Friend the Member for the University of Dublin (Mr. Napier) and the right hon. baronet the Member for Carlisle (Sir J. Graham) were members, was appointed, which inquired into the management of estates in Ireland under receivers of the Court of Chancery, the rentals of which at that time amounted to 1,000,000*l.* per annum, and which prepared as instructive a Report as could be found among the Parliamentary papers. The present Bill, founded upon that Report and other information, consisted of matter of law and matter of regulation; and of the matter of law he should very quickly dispose. Receivers in Ireland were appointed in many instances in which they were not in England; why, he did not know, and he therefore proposed to assimilate the law of the two countries in that respect. In England, where the mortgagee had a right to enter into the possession of an estate he could not obtain the appointment of a Receiver in Chancery, because he could assert his right at law, while in Ireland the mortgagee could throw the estate into Chancery and get a solicitor appointed as the Receiver; and the late Lord Chancellor had informed him (Mr. Whiteside) that the consequence often was, that where the rents were small, the estate was exhausted, and where they were large it was kept in Chancery to feed the cormorants of the law. The object he had in view was to lessen the number of instances in which Receivers could be appointed, and to abolish the right of parties, except in certain cases mentioned in the Act, to obtain the appointment of Receivers where they were not appointed in England. He would cite two or three passages from the Report of the Committee in question, which would explain to the House the principle upon which the present measure was based. The two classes of estates which were chiefly subjected to the influence of the Court of Chancery in Ireland were the estates of lunatics and minors, and estates which were encumbered either by mortgages or judgments. Now, the Committee in their Report pointed out that the estates of lunatics and minors were better managed by the Court of Chancery than the estates of debtors brought into that Court, because the Lord Chancellor was supposed to have a parental authority in such cases, and made allowances dictated by a sense of justice which could only be done by Act of Parliament in cases where hostile creditors had brought the estate into the Court, and the suggestion made was, that in every such case—namely, that where the estates were brought into Court by creditors, the proceedings should be accelerated with all reasonable despatch. It was accordingly that object he had sought to accomplish by the Bill No. 2, to which he had already referred. The Committee further said, with great truth, that, though a Receiver might be appointed who could manage the estate beneficially, yet where the demands of a creditor were small the rents might be exhausted, and where the estate was small the rentals were often swallowed up by the present system. The Committee therefore recommended to limit the appointment of Receivers to cases in which the debt did not exceed 150*l.* a-year; but he was of opinion that the limit ought to be applied to those cases in which the estate, and not the debt, was small, and he therefore ventured to suggest that no Receiver should be appointed in cases in which the rental did not exceed 200*l.* a-year, giving the Court the power to put the encumbrancer into possession, not, however, with the fees of a Receiver, and taking care that he should not be disturbed by other creditors till his debt was paid off. Under the present system it was generally assumed that the appointment of a Receiver sealed the fate of a debtor; his property was exhausted, and during the interval of delay in the proceedings the inheritor, by collusion or contrivance, obtained all the rents he could. In order to obviate this, he proposed that when it was evident the property must be sold the sale should be ordered as early in the suit as possible. The difficulty at present was to get a proper person to act as Receiver. Now, the present Bill proposed to take away from the parties the power of nominating Receivers, and vest it in the jurisdiction of Receiver-masters, to be appointed under the Act. It was proposed to make the three senior Masters Vice-Chancellors, and the two juniors Receiver-masters, whose duty it would be to obtain and record the names and qualifications of persons fit and competent to become Receivers before their appointment. The expenses of the management of estates in the Court of Chancery were at present 20 per cent, but if these provisions were adopted they would be reduced as nearly as possible to the ordinary agency expenses of a gentleman's estate—namely, to 6 or 7 per cent. Every application now made to a Master by a Receiver was made through an attorney, and caused an addition to the bill of costs; he proposed that the Receiver should communicate directly with the Master personally, and by letter, so as to get rid of the costly system of employing solicitors to do nothing but to quarrel before the Master. Another recommendation of the Committee was that the mode of letting estates under the Court of Chancery should be changed. An estate was now let for seven years, pending the cause, the supposition being that a Chancery suit would not last longer than seven years, and the consequence was that the tenant, not expecting to retain possession for a longer period, wracked the estate as much as he could, and when he left it was sold at a depreciated price. Another consequence of the system was to lower the value of the adjoining property as the tenants applied for a reduction of their rents in the same proportion as the reduction which had taken place on that particular estate. The Committee recommended that there should be a power of granting leases for fourteen years, but he saw no reason why the Receiver-master should not have authority to grant leases for twenty-one years upon the principle that the estate should be managed in the way in which a good proprietor would manage it. Lord St. Leonards had proved before the Committee that when he was Chancellor he had no power to grant abatement of rents or allowances to tenants, when an estate had been brought into Court by hostile litigants. This was consequently fatal to the interests of all parties, and he, therefore, proposed that power should be given to the Court to make abatements of rent and reasonable allowances for repairs such as would be made by a good and careful landlord. He had several high authorities in favour of this Bill, which he believed would give peace to the tenantry under a rental of between 600,000*l.* and 800,000*l.* a year, and he therefore trusted the House would permit him by its means to carry out the recommendations of the Committee. The object of the next Bill was to provide for the sale of estates through the medium of the Court of Chancery, and to secure the titles of the purchasers of estates sold in Court. A few years ago the Court for the sale of encumbered estates had been established. The principle of that Court was, no doubt, a sound one, but he had asserted, as much as eighteen months since, that in a short period the Court would be choked up with business, and would have to be removed. The then Solicitor General for Ireland had opposed a Bill upon this subject which had passed a second reading in 1853, but he had then told the hon. and learned Gentleman that in a short time he would support the principle of that Bill with as much sincerity as he then opposed it. That Bill gave the Court power to confer a Parliamentary title to property sold under its decree and dispensed with the necessity of instituting two suits—one in the Encumbered Estates Court for a sale, and another in the Court of Chancery for a receiver; but on the Motion of the hon. and learned Gentleman it was thrown aside. What had since taken place? The Encumbered Estates Court had got hold of estates to the value of several millions of money. At first it worked very well, because the original Act gave the Commissioners power to avail themselves of the inquiries which had previously been made with respect to the property by the Court of Chancery; but when they came to exercise an original jurisdiction, to do the work of the Court of Chancery as well as that of a great auction mart of land, to decide difficult questions of law and equity relating to marriage settlements, deeds, and wills, they became clogged with business and incapable of providing a remedy. One principle had been acted on in the establishment of that Court, which he trusted the British Parliament would never again sanction; power had been given for the sale of the property of every Irish gentleman—for the sale of an estate upon the possession of which his happiness and that of his family might depend, and he had no power of appeal unless the Commissioners themselves were pleased to grant it. He had opposed that principle, but a high authority had said that it was a right one, and that the Commissioners had always given an appeal when it was demanded. He would now give the House a sample of the operation of that principle. He did not blame the Commissioners, for he was more surprised that so many of their decisions should have stood than that so many of them should have been reversed, considering the difficulties with which they had to contend. The Bar had generally been unable to attend the Court in consequence of its distance from the ordinary tribunals, and the Treasury had refused to place it in a more convenient situation, because it only concerned Irish property to the amount of millions. It appeared, from a Return which he had obtained, that out of forty-two cases there had been only six reversals from cases No. 1 to 19; but, then, from the reasons he had stated, the number increased, and there had been twelve reversals from the 21st to the 42nd case. He submitted, therefore, that it was high time for an alteration in this Court. He would never again agree to the argument that there ought to be an exceptional course of legislation in reference to Irish property. Let them pass a law founded upon the principle of the Encumbered Estates Act for Scotland and England, if they pleased, but they would find that any such law would be opposed by a strong cohort of Scotch Members, and justice was far too much respected in England to allow of the establishment of a Court in which the right of appeal depended upon the discretion of the Judge from whom the appeal was to be made, and in which one of the paid Commissioners was also one of the Judges of the land. He wished it to be understood that he made these observations without any disrespect to the learned Commissioner to whom he had alluded, but he trusted that when a new Court was created that no Judge of the land would be taken from the Bench to sit on it. He would state another instance of the manner in which this Court worked. An estate had been sold for 25,000*l.*, and the unfortunate owner was obliged to pay 1,300*l.* interest on the debts, while the 25,000*l.* was lying in the Court bearing no interest. Instances of this kind had occurred to an almost inconceivable amount. He believed that it would take the Encumbered Estates Court five or six years to discharge the arrears before them. One member of the Bar, indeed, told him that in ten years they would not conclude their labours. That Court had cost the country from 14,000*l.* to 16,000*l.* a year. He did not complain of that, although every year the estimate had increased; but he proposed to increase the vigour of the Court of Chancery, to cheapen its expenses, and to engraft what was good in the Encumbered Estates Courts upon the amended procedure of the Court of Chancery. Some persons had objected that no Parliamentary title was given to sales under the Court of Chancery, but why should not the

Court of Chancery give the purchaser a Parliamentary title? It cost Parliament nothing to give a Parliamentary title, while it put three or four years' purchase into the pocket of the vendor. There was an additional reason why the Court of Chancery should give a Parliamentary title, for there existed in Ireland, what England did not possess, a system of general registration which had been in existence since the reign of Queen Anne. Every conveyance was registered, and if there were an honest title to property it would generally be found registered. To the learning, authority, and experience of the Court of Chancery he proposed to superadd the power of giving a Parliamentary title. He therefore proposed to appoint three Vice-Chancellors competent to do the work that the Commissioners now performed. The Masters were competent to transact the business of the Court of Chancery and of the Encumbered Estates Court, so that in July, when the functions of the latter Court expired, the Court of Chancery could dispose of the business and the arrears of the Encumbered Estates Court, if Parliament should so determine. As it was plain that the business of the Court of Chancery would be greatly increased, and as important principles where small sums were concerned would sometimes be at stake, it would be necessary to create a local Court of Appeal. At present there was no appeal except to the House of Lords, and that was a very good Court of Appeal where the estate was large, where the parties could wait three or four years, and where a large bill of costs was no object. But in cases where moderate and small estates were concerned, the liberty of appealing to the House of Lords amounted to a denial of justice. There was practically in such cases no appealing from the Lord Chancellor. The Encumbered Estates Act gave an appeal to the Judicial Committee of the Privy Council, which cost nothing. A Court of Lords Justices, had been created in this country, which he regarded as a valuable improvement in our system of equity jurisdiction. Why should they not in Ireland avail themselves of the services of the retired Lord Chancellors and other eminent persons, and hear appeals upon the spot? He did not propose to create a new Court, or a new Judge, or a single new officer, or to put the country to the expense of a single guinea. He proposed to give the suitors the power of a rehearing before two members of the Judicial Committee called to the aid of the Lord Chancellor—a Court which could be summoned and sit at less expense than the fees of a single counsel in an appeal before the House of Lords. He had another short Bill to complete this scheme for the reform of the Court of Chancery. It was, indeed, rather a suggestion for the Treasury, since it related to the subject of stamp duties. The 4th of *Geo.* IV. created a Chancery fund stamp, and he proposed that stamp duties of a similar amount to those levied on proceedings in the Court of Chancery should also be paid in the Encumbered Estates Court. He never could understand why proceedings in the latter Court should be exempt from stamp duty. At present there was no Stamp in the Encumbered Estates Court either upon affidavit or any other forms of the Court. Property in Ireland had risen in value, and his proposal would raise a fund to meet expenses. He proposed to levy a shilling stamp upon notices, and a ten shilling stamp on petitions, which would bring in a considerable fund. It must be recollected that the principle of these reforms had been accomplished in England, and there was no reason why they should not be extended to Ireland. He thanked the House for the patience with which they had heard his statement, and, in conclusion, begged to say that he had remarked of this Parliament, whether its existence might be long or short, that, in his judgment, there never had sat, nor ever would sit, a body of Gentlemen more anxious to reform the laws and to recommend them to the feelings and attachment of the people; and of this he was certain, that the first duty of all who professed to be Conservatives was to remove abuses from our system of judicature, and to recommend it to the respect of the country.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. J. D. FITZGERALD said, he was bound to offer some remarks on the Bill of the hon. and learned member, especially as he (Mr. FitzGerald) was a member of a Commission to which the hon. and learned gentleman had not alluded. If he thought that this legislation was calculated to work the reforms the hon. and learned member had stated in his amusing and exaggerated speech, he would not have opposed these Bills; but as he did not believe that they would have these results, but would have a contrary tendency, and as the hon. and learned member had thought fit to introduce his Bills while a Royal Commission was sitting to inquire into these matters, he should feel it his duty to ask the House to negative them. He had to apprize the House that the hon. and learned member in his speech, had dealt, not with the present, but with the past. Many of the evils to which he alluded had been swept away, for by the Act introduced by Sir John Romilly, in 1851, the abuses which had been pointed out by the hon. and learned member for Enniskillen had to a great extent now ceased to exist. He would offer some remarks now on the Royal Commission, to which the hon. and learned member had not alluded. In 1849 a great experiment was tried in the establishment of the Encumbered Estates Court, which had been attended with entire success. In five years the sales of land had amounted to 14,133,000*l.*, and of this sum 12,000,000*l.*, had been distributed to the proper parties. The hon. and learned member had stated that it would take from five to ten years to bring up the arrears of this Court, but, he (Mr. FitzGerald) could tell the hon. and learned member that he was entirely mistaken on this point. He spoke upon the authority of one of the Commissioners, whose opinion of the Court was as far from that of the hon and learned member as the statements of the hon. and learned member were from the facts.

Mr. WHITESIDE said, he understood the hon and learned member to state in the House that he (Mr. Whiteside) had stated what he knew to be totally at variance with the facts. He begged to state that he had said nothing of the truth of which he was not satisfied.

Mr. J. D. FITZGERALD said, he did not believe that he had used language that was at all unparliamentary. He never meant to suggest to the House that the hon. and learned member had knowingly made misrepresentations to the House. All he meant to say was, that the hon. and learned member had made statements to the House, grounded upon information which had been given him, that information being totally mistaken and erroneous, and he now repeated that statement. The House would recollect that it became necessary, year after year, to renew the Encumbered Estates Court Act, and it became a matter of controversy whether the Court should or should not be kept up. This difference of opinion caused Her Majesty's Government, under Lord Aberdeen, to issue a commission to ascertain whether the power of sale given to the Encumbered Estates Court, which gave an indefeasible Parliamentary title, ought to be continued, and whether it ought to be transferred to the Court of Chancery, having regard to the existing practice of that Court. The Commissioners were the Lord Chancellor of Ireland, the Master of the Rolls of England, the late Lord Chancellor of Ireland, the Lord Chief Justice of the Common Pleas, the hon. Member for Belfast (Mr. Cairns), the Solicitor General for England, the late Attorney General for Ireland (Dr. Longfield), and he (Mr. FitzGerald) was also a Member of the Commission. The Commission had worked diligently, and though it only commenced its sittings early in December, the Irish Commissioners were at present sitting to settle their Report, which he expected would, in a short time be transmitted to him for the approval of the English Commissioners, and as soon as it was in his hands a Bill should be laid on the table of the House to carry its provisions into execution. It was with a knowledge of these facts, as though to turn the Commission into derision, and to render it useless and unavailing, that the hon. Member had, in the month of February, introduced six Bills, which, with one exception, dealt with the subjects which the Commission was appointed to inquire into, and there was not a suggestion contained in these five Bills which had not been brought under the notice of the Commissioners in December last. When the hon. and learned Gentleman brought in his Bills he (Mr. FitzGerald) certainly understood him to say that he introduced them in order that they might be considered by the Commission; and he would still make this promise to the hon. and learned Gentleman—that when the Government came to legislate upon the Report of the Commissioners they would be ready to adopt anything that was valuable in these Bills, and give the hon. and learned Gentleman the credit of it. The draught Report of the Commissioners was printed ten days ago. Having inquired into the success of the great experiment of 1849, the Commissioners unanimously came to the conclusion that a tribunal ought to exist having the powers of the Encumbered Estates Court, with this difference—that it should have power to sell unencumbered estates as well as those that were encumbered, it having been found in practice that the advantage of the indefeasible Parliamentary titles given by the Encumbered Estates Court had induced the owners of estates subject to no encumbrance to effect a mortgage on their property, in order to give the Court power to deal with it, and thereby enhance its marketable value. The hon. and learned Gentleman's Bill, however, would confine the powers of the Court solely to the sale of estates that were encumbered. Now, the Commissioners proposed to confer the powers above described on the Court of Chancery, but they recommended that that Court should first be remodelled, that the system of Masters should be wholly swept away, and that the procedure should be rendered more simple, cheap, and expeditious than the hon. and learned Gentleman's Bill would make it. They suggested that two Vice-Chancellors should be substituted for the present Masters, and made other recommendations as to the formation of a Court of Appeal. With regard to the hon. and learned Gentleman's Bills, one of them was intended to improve the procedure of the Court of Chancery, but it did not abolish the system of Masters for the present, and it translated the three senior masters into Vice-Chancellors at once. This was the plan of the hon. and learned Gentleman, although he at the same time said that the Masters had allowed the business to accumulate, and consequently implied that, to some extent at least, they had failed to perform their duty. Again, his Bill proposed to continue the remaining two Masters in their present position, and to appoint a Registrar and a staff of clerks, thereby greatly increasing the expense. The existing procedure with regard to references was also to be preserved, and the Masters would remain, though under another name. As to the hon. and learned Gentleman's Procedure Bill, a learned dignitary gave the opinion that the measure had been drawn up by a person who was ignorant of the rules and practice under Sir John Romilly's Chancery Regulation Act, which provided much better than this Bill did for cause petitions. The ignorance here alluded to was not imputed to the hon. and learned Gentleman, because he did not prepare these Bills himself, although he had brought them in. This Bill, however, carried absurdity to an extreme length. The Lord Chancellor and the Master of the Rolls had power to make general orders under Sir John Romilly's Act. The orders that were framed by the Lord Chancellor were not approved by the Master of the Rolls, while those that were made by the Master of the Rolls were rejected by the Lord Chancellor. An Act was passed to enable the Lord Chancellor alone to make general orders. Well, the hon. and learned Gentleman had taken up the rejected rules of the Master of the Rolls and turned them into a statute. Again, another enactment of the Bill was, that every notice of Motion should have placed over it the title of "cause petition." And the Act contained a number of other similar provisions fit for general orders but not for a statute. He next came to the Receivers Act. At present there was in the Court of Chancery one Receiver-master, who was able to do all the business, and more, and do it well. The hon. and learned Gentleman, however, appointed two Receiver-masters in the place of this one, to do the reduced duty. The House was not informed that, according to the plan proposed by the commission, Receivers would be comparatively unnecessary, or that the appointment of a Receiver under a judgment was now very rare. The Bill, therefore, was unnecessary, and the same learned functionary, whose opinion he had before quoted, had stated that the person who prepared this Bill—not the hon. and learned Member—was entirely ignorant of the subject. Next came the Sales of Estates Bill, the greater part of the provisions of which were taken from the Encumbered Estates Act. Now the Commissioners intended to recommend the extension of this power much further, and while this Bill dealt only with encumbered estates, they thought it was right that any owner of an estate, if he chose to incur the expense, might go into the Court of Chancery and say, "I want to sell my estate; inquire into it, and enable me to give a purchaser a clear indefeasible and Parliamentary title which no man can question." No. 5 Bill, that relating to appeals, was the last upon which he should have to trouble the House, for as to the sixth he quite concurred in its object. He quite agreed that there ought to be an Appellate Court, but he differed from the hon. and learned Member as to what the constitution of that Court should be. The proposed Court was to consist of legal functionaries, some of whom could not, without much inconvenience, leave their other duties to attend the sittings of that Court; and then how would it work? First, there would be an appeal from the Vice Chancellor, whom the hon. and learned Member created, to the Chancellor; from the Chancellor to the new Appellate Court, and then there would be the House of Lords as the final Court of Appeal. The hon. and learned Member proposed that any one who appealed to this new Appellate Court should not be permitted to carry the case further; but his adversary, who had not appealed, was to be allowed to go to the House of Lords. In his opinion, such a provision would be in every respect unsatisfactory. He agreed that an Appellate Court was necessary, but he would not deprive any one of the right to carry a final appeal to the House of Lords; and he could never assent to the doctrine, that a man who had appealed to a local tribunal without success, should be prevented from having recourse to another tribunal in the last resort. One of the fifteen recommendations of the Commissioners was, that a local appellate tribunal should be created, to which a person might appeal from the decisions of the Vice Chancellors; and that, at the same time, a power of appeal to the House of Lords should be open to every one. Under all the circumstances to which he had alluded, he would put it to the House whether the hon. and learned Gentleman should not have been content to leave his Bills upon the table of the House until the Report of the Commission was before them; and whether he was justified in asking the House to affirm the principle of these measures by acceding now to the second reading? Could the House, in fairness, agree to this measure until it knew authentically what were the recommendations of the Commissioners appointed to inquire into the working of the Encumbered Estates Court, and as to whether it would be advisable to transfer its powers to the Court of Chancery? The Commission had found it necessary to consider the construction of the Court of Chancery, and to submit recommendations which would tend to simplify it, and render it fitted to receive and deal with the new jurisdiction. On these grounds, therefore, considering that inquiry was still pending—without any wish to impute to the hon. and learned Gentleman that he had stated knowingly what was erroneous, but only that the information upon which he spoke was inaccurate—he called upon the House now to reject these Bills, and to accede to the Motion he was about to make—namely, that they should be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. CAIRNS said, he wished to suggest the propriety of adopting a medium course between the proposition of his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), who moved the second reading of these Bills, and the proposition of his hon. and learned Friend the Solicitor General for Ireland, who moved that the House should reject them altogether. He thought sufficient reason had been assigned why the House, at all events, should not reject the Motion of the hon. and learned Member for Enniskillen until the report of the Queen's Commission was laid upon the table. He regretted that in the course taken by his hon. and learned Friend the Solicitor General for Ireland, his hon. and learned Friend had not exhibited his usual consideration and judgment. The hon. and learned Gentleman had referred to Her Majesty's Commission, but that Commission was merely required to Report to Her Majesty, and it would be for Her Majesty to say whether the Report should be laid upon the table of the House. The course taken by his hon. and learned Friend the Solicitor General was most unfair to the Commissioners, and, indeed, his hon. and learned Friend seemed to have forgotten altogether what sort of thing a Report was. The hon. and learned Gentleman had stated to the House the contents of a draught Report not yet even approved by all the Commissioners, which was therefore subject to change, and which was confidential until it had been submitted to Her Majesty and ordered to be laid on the table of the House.

MR. MALINS said, he could not refrain from remarking that the hon. and learned Solicitor General for Ireland had commented in a tone of great bitterness upon a proposition which was the result of extreme labour on the part of his (Mr. Malins') hon. and learned Friend the Member for Enniskillen, and was dictated by no other motive than an earnest desire to improve the state of the Court of Chancery in Ireland. Instead of addressing the hon. and learned Member for Enniskillen in a tone of bitterness and sarcasm, he (Mr.

Malins) should have expected that the hon. and learned Solicitor General would have tendered thanks to his hon. and learned Friend on behalf of a reforming Government for the efforts which he had made to reform a profession of which he was himself so distinguished an ornament. But, instead of meeting with thanks, the hon. and learned Member for Enniskillen had been reproached with misrepresentation, and was told that he was totally ignorant of the subject he had brought before the House, but that he was not so much to blame as some other person who had prepared the Bills which had been introduced by him. Now, he (Mr. Malins) had never understood that when an hon. Member brought a Bill into that House he was to be told that it was not his Bill, but that it had been drawn up by some other person. Would the Government like to be treated in a similar manner? It was perfectly well known that a Bill brought in by the Government was not drawn up by the individual Member who introduced it; and, indeed, one of the most important Bills brought into the House since he had been a Member of it—the Succession Duty Bill—was not drawn up by the right hon. Member for the University of Oxford, the then Chancellor of the Exchequer, who introduced it; but was drawn up upon the best legal advice that could be obtained, and did signal honour to those who prepared it. He (Mr. Malins) totally deprecated the observations which had been made by the hon. and learned Solicitor General, and he thought that the criticisms which had been made by the hon. and learned Gentleman were quite unworthy of his position. The hon. and learned Gentleman had spoken of the absurd character of the Procedure Bill proposed by the hon. and learned Member for Enniskillen; but was the hon. and learned Solicitor General for Ireland aware that it was almost entirely the same as the Bill which regulated the procedure in England? The hon. and learned Gentleman reproached the hon. and learned Member for Enniskillen with having proposed two enactments, which showed the contemptible character of the Procedure Bill, one of which enacted that all affidavits were to be made in the first person. Now, was the hon. and learned Gentleman aware that the enactment in question was absolutely a rule in the Court of Chancery in England, made by the Lord Chancellor, the Master of the Rolls, and the Vice Chancellors in pursuance of the Act of Parliament? Was it then to be a matter of reproach to his hon. and learned Friend (Mr. Whiteside), that he had provided for the Court of Chancery in Ireland a regulation that was now a regulation of the Court of Chancery in England, rather than leave it to the Judges to make rules which, when affirmed, were as much a part of the Act as if they had been contained in the Act itself? Previous to the year 1852 practices prevailed in the Court of Chancery in England which he, as a professional man, had no hesitation in asserting were a disgrace to civilised society, and they were removed by a Bill similar to that now proposed by his hon. and learned Friend (Mr. Whiteside) for Ireland. The hon. and learned Solicitor General made an indignant appeal to the House, and said that the hon. and learned Member for Enniskillen was guilty of an impertinence, not only to the Government, but to the House itself, in laying upon the table these six Bills while a Report was under consideration upon the subject. The hon. and learned Gentleman then adopted the course which had already received the condemnation of the hon. Member for Belfast (Mr. Cairns) of reading a draught of the Report of the Commissioners, and then said it was discreditable to bring forward these Bills while there was a Report in progress which might be totally opposed to them. The hon. and learned Gentleman seemed to forget, however, that only a few nights ago the Government themselves brought in a Bill respecting testamentary jurisdiction in opposition to a Report of twelve distinguished Commissioners, which was not a draught Report, but one signed and sealed after having been maturely considered. When the Testamentary Jurisdiction Bill was again brought before the House, he (Mr. Malins) should certainly claim the vote of the hon. and learned Gentleman, because, after his speech that evening, his hon. and learned Friend (Mr. Fitzgerald) could scarcely sanction the proceedings of a Government which set a Report at open defiance and acted in direct opposition to it. It was certainly with great surprise, after the indignant remarks of the hon. and learned Gentleman, that he (Mr. Malins) had found that the provisions contained in the Bills of his hon. and learned Friend (Mr. Whiteside) so greatly coincided with the recommendations of the Commissioners, and he was almost inclined to attribute the bitterness exhibited by the hon. and learned Solicitor General for Ireland to the fact that he had found himself rivalled and forestalled in bringing forward Bills for reforming the Court of Chancery in Ireland. The hon. and learned Gentleman, said, the Encumbered Estates Court worked well. He (Mr. Malins) acknowledged that it worked well in converting Gentlemen's estates into money, but he was exceedingly misinformed if there was not a great arrear of business in that Court. His hon. and learned Friend proposed to transfer the jurisdiction with regard to encumbered estates to the Court of Chancery, and to give that Court all necessary powers. It was said that his hon. and learned Friend had copied the clauses of the Encumbered Estates Act; but he (Mr. Malins) would venture to say that if the hon. and learned Solicitor General for Ireland were to introduce a Bill on that subject he would find it necessary to copy those clauses also. The next Bill was an important one, as it effected a reform relative to the appointment of Receivers to estates. The Report also was anticipated in this respect. His hon. and learned Friend had hit the right nail on the head in all respects, and he suspected that the cause of all the ill-feeling towards his hon. and learned Friend evidently was, that his hon. and learned Friend would make the Report when it was presented nothing more than a series of recommendations, in conformity with his hon. and learned Friend's Bills. The hon. and learned Solicitor General for Ireland had said that he entirely approved the principle of the Appeal Bill, but he raised objections to the tribunal which it would constitute. His hon. and learned Friend (Mr. Whiteside) considered that it was of the highest importance to establish a ready and cheap Court of Appeal in Ireland. In that country an appeal lay from the Master of the Rolls to the Lord Chancellor, and from the Lord Chancellor to the House of Lords in England; but in a great majority of cases the appeal to the House of Lords amounted to a denial of justice, on account of the delay and expense attending such a proceeding. The Lord Chancellor of England, it must be remembered, heard no original causes, but merely appeals. In Ireland, however, the Lord Chancellor heard causes originally, and the consequence was that there was virtually in that country no Court of Appeal. His hon. and learned Friend proposed to constitute a ready and cheap Court of Appeal, consisting of the Lord Chancellor and two other Judges—ex-Chancellors, Masters of the Rolls, or Puisne Judges; and he might remind the House that there was in England a tribunal of great importance, the Judicial Committee of Privy Council, to which all appeals from the Ecclesiastical Courts and the Colonies were submitted, and which was constituted precisely in the manner in which his hon. and learned Friend proposed to constitute a Court of Appeal in Ireland. He (Mr. Malins) would give his cordial support to the Bills of his hon. and learned Friend, which were the results of the labours of upwards of two years; and he considered that his hon. and learned Friend deserved the thanks of Parliament and of the country for his efforts in the cause of judicial reform, and that he ought also to have received the warm and cordial thanks of a reforming Government. He regretted that his hon. and learned Friend, instead of receiving tke thanks of the Government, had been met in a tone of reproach, bitterness, and sarcasm which, he thought, was altogether unjustifiable. He deprecated the tone in which his hon. and learned Friend had been met on the other side, and trusted the Bills would be read a second time.

Mr. KEOGH said, the hon. and learned Gentleman who last spoke had accused his (Mr. Keogh's) hon. and learned Friend the Solicitor General for Ireland of having indulged in bitterness, reproach, and sarcasm, which were directed against the hon. learned, and particularly *suave* Member for Enniskillen. His hon. and learned Friend the Solicitor General, before resuming his seat, had assured the hon. and learned Member for Enniskillen (Mr. Whiteside) that nothing was further from his intention than to utter any expression which might hurt that hon. and learned Gentleman's feelings; and he (Mr. Keogh) would not have expected, after such a declaration, that any charge would have been made against his hon. and learned Friend the Solicitor General for Ireland, if he had not known how particularly sensitive and careful the hon. and learned Member for Enniskillen was, upon all occasions, in that House and elsewhere, not to give to any person the slightest possible offence —not to use a single expression which could jar upon the ear of the House, and not to assail the reputation of any man, whether openly or covertly, manfully or anonymously. If they had not dealt with these Bills in the manner suggested by his hon. Friend the Member for Belfast (Mr.

Cairns) he apprehended that the hon. and learned Gentleman opposite was himself to blame, for he was informed, before the Bills came on for discussion, that the Report which had been referred to was prepared, and he was perfectly well aware that the Commission had dealt with all the subjects to which they referred. It had been suggested to the hon. and learned Gentleman (Mr. Whiteside) that he should not press his Bills until that Report was laid upon the table; but the hon. and learned Gentleman, for some reason best known to himself—whether to obtain a temporary advantage, a momentary triumph over a Commission composed of such eminent and distinguished persons, he (Mr. Keogh) could not say—thought proper to persist in forcing on this discussion. ["Oh, oh!"] No doubt the hon. and gallant Member for Dublin (Colonel Taylor) who said "Oh, oh!" was thoroughly acquainted with all the details of the Commission. He (Mr. Keogh) would submit to the House that if the hon. and learned Member for Enniskillen had chosen to take the moderate and practical course of allowing those Bills to lie over until the Report of the Commissioners was placed upon the table, they would have been spared this long discussion. Hon. Gentlemen had stated that, by the Chancery Regulation Act, a great advantage had been gained in adding to the cheapness and efficacy of the Court of Chancery, but he could only say that he remembered, when that Bill was carried, that it was carried against the strenuous opposition of the present Vice Chancellor Stuart, then a Member of that House, and of a number of hon. and learned Gentlemen opposite, who now thought fit to approve it. The hon. and learned Gentleman (Mr. Whiteside) proposed to make the three oldest Masters in Chancery into three young Vice Chancellors. Now, one of these three Masters was called to the Irish bar in 1815, so that he could not be much under seventy-five years of age, and surely he could not be expected at that age to commence again as a young Vice Chancellor. He would suggest to the House the expediency of adjourning the debate until the Report of the Commissioners was laid upon the table of the House; and if the hon. and learned Gentleman would agree to let these Bills stand over, the Government would consent to that course. If, however, he insisted upon pressing them, they would be obliged to vote in favour of the Amendment of his hon. and learned Friend the Solicitor General for Ireland, that these Bills be read a second time that day six months. He should move that the debate be adjourned for a month.

Mr. HENLEY said, he thought it was not desirable to come to any decision upon the Bills that evening, for if they did they might find, when the Report of the Commission was laid upon the table, that they had affirmed a principle objected to by the Commissioners, or, *vice versâ*, rejected a principle approved by them.

Mr. WHITESIDE said, he understood it to be the pleasure of the House that the debate should be adjourned, and he should therefore yield to that feeling. It was a perilous thing, as he had discovered, to meddle with the Court of Chancery. About six weeks ago he had had some communication with the Solicitor General for Ireland on the subject of these Bills, and that learned Gentleman having told him that on the day then appointed for the second reading he was compelled to be absent to attend on a Commission, he had consented to postpone them, and the reward of his courtesy was the speech of the hon. and learned Gentleman, which was clever in its way, no doubt, but which lectured him in a manner to which he was not accustomed at his hands. As to the hon. and learned Attorney General for Ireland, he had spoken in a style of eloquence which was peculiar to him. He was not aware that he had incurred that attack upon him by meddling with the character of the hon. and learned Gentleman; indeed, it was about the last thing he wished to meddle with, and his acquaintance with the hon. and learned Gentleman, whether at the bar or in that House, was so slight, that he did not know that he had any right to do so. As to what the hon. and learned Gentleman said about anonymous attacks made by him, he could only say that, as he did not in the least comprehend the observation, he was quite unable to reply to it. As to the appointment of a gentleman over seventy years of age, why, did not the hon. and learned Gentleman remember that a man over seventy years of age could be a Prime Minister? The gentleman to whom reference had been made was quite competent to perform the duties which he proposed to confide to him, but he could see what was the object of the Government as well as if he were in the councils of the hon. and learned Gentleman the Attorney

General for Ireland, and he would, if he were able, defeat that object. The object was to carry on a job to get the appointment of two or three new officials, and he saw through that object clearly. With regard to the correspondent of the hon. and learned Gentleman the Solicitor General for Ireland, who wrote in such a provincial style, and said that these Bills had been framed by persons ignorant of Chancery procedure, he begged the hon. and learned Gentleman, the next time he wrote to him, to give him his compliments, and to tell him that he had neither the feelings nor the manners of a gentleman. The Chancery Regulation Act had been praised, and he could only say that the gentleman who prepared that Act had assisted him in preparing these Bills, as he had, he believed, told him that such was the case. He could only say that he should not oppose the adjournment of the discussion until the Report of the Commissioners was laid upon the table. He had endeavoured to carry a measure which was for the good of his country, and it had, as might have been expected, met with the vigorous opposition of the Attorney General and the Solicitor General for Ireland.

Debate adjourned.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, May 4, 1855.

MINUTES.] PUBLIC BILLS.—1ª Union of Contiguous Benefices in Cities and Towns; Income Tax.

3ª Jurisdiction of the Stannary Courts Amendment; Loan.

THE BURIAL ACT—CLOSING OF BURIAL-GROUNDS.

THE EARL OF SANDWICH begged to call the attention of the noble Duke opposite (the Duke of Argyll) to a question to which he had referred on a previous evening respecting the closing of the burial-grounds at Huntingdon, and to the inconvenience which had consequently been experienced by the proprietors of vaults within its precincts, who were denied access thereto. The question was one which affected the whole country, and would until it was settled be a source of continual discussion and anxiety to the parties having vaults. By the fourth clause of the Burials Act the Secretary of State was authorised to send down an inspector for the purpose of ascertaining the expediency of reopening vaults in any particular place, when an application was made for the purpose; and he was desirous to know why the Secretary of State had not complied with the application in the particular case to which he had referred? He hoped the answer of the noble Duke would prove satisfactory, not alone to the persons in Huntingdon, but to all parties throughout the kingdom who might feel aggrieved by the operation of the Act.

THE DUKE OF ARGYLL said, he regretted that on the previous occasion he had not been able to answer the question put to him by the noble Earl; and he thought that now he should best answer it by making a short statement of what the law upon the subject really was. It was this: on the report of an inspector duly sent down by the Home Secretary, due notice having been given to all parties interested that his report had been sent to the Home Secretary, and that it contained a recommendation that it would be for the benefit of the public health to close any specified churchyard, it was in the power of the Privy Council, on the motion of the Home Secretary, to close any burial-ground either wholly or in part. The Act further gave to the Home Secretary a discretionary power to reopen a burial-ground wholly or in part; but that was not an arbitrary power in the hands of the Home Secretary; it could only be exercised on the Home Secretary being reasonably satisfied that the reopening would not be injurious to the public health, and it would be his duty to have some reasonable ground for thinking, before sanctioning the reopening, that all danger to the public health had passed away. With respect to the particular case of the burial-ground at Huntingdon, it had been closed, not in part, but wholly—including the vaults—after the inspector had reported to the Home Secretary that it would be injurious to the public health that burials should continue in that ground or in those vaults. Of course it was the duty of the Home Secretary not again to open those vaults unless he had some reasonable ground for believing that the danger no longer existed. The application in this case had been made, not for a general reopening of the vaults, but in the case of a particular individual who had died. Now it was quite impossible that between the death of the individual and the time fixed for the interment, the Home Secretary could have the means of satisfying himself whether it was proper that the application should be granted or not. He believed that certain persons had waited on Sir G. Grey, and that on his statement as to the impossibility of the case, they were, upon the whole, satisfied. But whether they were so or not, their Lordships would be satisfied that the Home Secretary must exercise a reasonable discretion in the matter. The noble Earl's question was in effect, whether in all cases where the Home Secretary had sent down inspectors, and upon their report had closed any churchyard, he would upon application send down fresh inspectors to examine into the matter. Now, no such general rule could be laid down—it must depend altogether upon local circumstances. If the decision were recent, it would be unreasonable that the public should be put to the expense of sending down another inspector. In other circumstances, it might be thought reasonable to have a fresh inspection. This was all the answer he could give the noble Earl.

The Earl of SANDWICH said, his complaint was that an inspection had been wholly refused by the Home Secretary, when the application was made. There ought to be some general rule on the subject.

The Duke of ARGYLL: The general rule is what I have stated.

The Earl of MALMESBURY was glad his noble Friend had called the attention of the House to the subject, because the Government before long would be called upon to look into it, in consequence of the general feeling throughout the country that great distress was inflicted upon families, particularly in country towns. He was not in the slightest degree a sentimentalist on the subject of interments, as some were; still he could not avoid noticing to their Lordships the strong opinion entertained throughout the country as to the manner in which the Burial Act was carried out. He thought the persons appointed to carry out its provisions had dealt with it too hurriedly, and had carried it into operation without sufficient delay. He did not speak of London, where a necessity existed for the speedy closing of burial-grounds; he spoke of country churchyards; and, with respect to them, there was scarcely an instance in which there was any positive necessity to close them

The Duke of Argyll

immediately. The practice had been, that when the inspector or commissioner reported respecting churchyards and vaults, without any time whatever being allowed, especially in the case of vaults, they were closed in a few hours, and the first notice the families had that their vaults would be closed to them, and that they could no longer be laid by the side of their dead relations, was a notification that an Order in Council had closed these vaults. Should the noble Duke doubt this statement, he would cite the particular case of Christchurch, in his own neighbourhood. They had there a very large church, scarcely inferior in size to some of their cathedrals, but which contained the vaults of only three families. Well, notice had been given to close these vaults instantly, while the churchyard, very properly, was not closed for two years. The vaults under a dissenting chapel had been closed; and he had been written to a few days ago, by a person in very great distress, stating that a lady was expecting to die every moment, that her husband was buried in a vault, that the vault was closed, and that she could not without the permission of the Secretary of State be laid in the same vault with her husband. Application had been made to the Home Office three weeks ago that permission should be given for the purpose, but no answer whatever was received. He was aware that at that time Sir George Grey was acting as Home Secretary and Colonial Secretary, and possibly the matter would not attract the attention of the head of the department; but although the Secretary himself could not be expected to look into such matters, his subordinates ought to have done so, and it was very distressing to the parties to find that no notice was taken of their application. He would suggest to the Government, that in carrying out this Act, in no case whatever should the vaults be closed without twelve months notice to the parties interested.

The Duke of ARGYLL said, that if persons were not aware of the intention to close the vaults, it was their own fault, because means were adopted by the Home Office to make them aware of the fact.

The Earl of MALMESBURY begged to remark that the three families, whose cases had come under his consideration, had no notice whatever that the churchyards would be closed, and knew nothing of the fact until they were closed. He should like to know what was the channel of communication by which they were apprised of the intention to close.

THE DUKE OF ARGYLL believed the Act of Parliament directed that the report of the inspector, and the recommendation of the Home Secretary, should be published and advertised in the district. Objections to closing ought to be made before issuing the Order in Council; after that, it became difficult for the Home Secretary to interfere.

THE BISHOP OF LONDON said, he quite agreed with the noble Earl, that the Act had been altogether carried out with too much haste, and that great public inconvenience had arisen from the operation of the Act; and he would, for the third time, call the attention of their Lordships to the great grievance that was inflicted on the metropolis by the precipitate closing of burial-grounds. He should feel it to be his duty to bring the question in a formal manner before their Lordships, and he should be able to make a statement corroborative of that made by him on a former occasion. He would be able to show that the evil of which he then complained still existed, and was increasing. Until the Government took measures to compel parishes to provide cemeteries, they were in many cases bound to order the reopening of the existing burial-grounds, because the mischief thereby created would not be so great as the evil at present experienced.

LORD PORTMAN thought it was not quite fair to the parties interested to take a very strict view of the Act; and he would suggest that the Secretary of State should allow the inspectors to examine the vaults and burial-places of the neighbourhood in which he happened to be, so that no delay should take place when the vaults were required for interment, and parties should be spared the pain of having to overcome difficulties in obtaining access to family vaults at the moment, perhaps, when the body was prepared for interment.

CAMBRIDGE UNIVERSITY.

THE BISHOP OF ST. DAVID'S begged leave to move an Address to Her Majesty, praying Her Majesty to order that there should be presented to their Lordships Copies of recent communications from some of the Royal Commissioners, appointed in 1850, to inquire into the State of the University of Cambridge, addressed to the First Lord of the Treasury and to the Lord Chancellor, respecting a Scheme of Government for the University of Cambridge. He understood the noble Lord on the woolsack would make no objection to the production of those communications, and therefore he hoped there would be no objection to his Motion on the part of their Lordships.

THE LORD CHANCELLOR said, he knew of no communications that had been addressed to the Government on the subject. Letters from four members of the late Commission, and from the Secretary of the Commission, had been addressed to him (the Lord Chancellor), and he did not see the least possible objection to produce them; but the Motion must be in the shape of a Motion for papers, and not for an Address to Her Majesty.

Papers ordered to be laid before the House.

PUBLIC BUSINESS.

LORD REDESDALE moved—

> "That this House will not read any Bill a Second Time after Tuesday, the 24th of July, except Bills of Aid or Supply, or any Bill in relation to which the House shall have resolved, before the Second Reading is moved, that the Circumstances which render Legislation on the subject of the same expedient are either of such recent Occurrence or Urgency as to render the immediate Consideration of the said Bill necessary."

In making this Motion a second time he would shortly state what had taken place in consequence of the Resolution having been passed last year, with a view to show whether it had or had not produced the effect for which it was proposed. Many were of opinion that the regulation had had little or no effect in expediting the public business, while they thought it was recklessly departing from the constitutional course of proceeding by Parliament. Now, he thought he could show their Lordships, that although the rule had not had that full effect which hereafter might be expected from it, yet that it had last year a very considerable effect in expediting business, and that the exceptions made to the observance of the rule had been exercised with just discretion. After the Resolution was passed last year only twenty-two Bills came up from the other House requiring the application of the rule. In the preceding Session, during the same period of time, fifty-one Bills came up from the other House; this, at all events, showed that the Resolution had had some effect. Out of those twenty-two Bills, five, being Bills of aid and supply, did not come within the rule, four were stopped, and thirteen, including five relating to the war, were passed.

Viscount CANNING, on the part of the Government, expressed his entire concurrence in the Resolution.

Resolution *agreed to.*

THE LOAN BILL.

Bill read 3ª (according to Order).

Moved, That the Bill do now pass.

Lord MONTEAGLE said, as he was fully sensible that this was a Bill which ought not to be delayed, he was reluctant to throw any obstacle in the way of the third reading. He knew there was a considerable sum of loan deposits lying unproductive in the Bank of England, whilst an increased charge was made against the public for money advanced on deficiency bills. He would, therefore, content himself with calling the attention of their Lordships to some peculiarities in this Bill, before they gave their sanction to it, as it involved a principle which admitted of considerable doubt. He did not mean that the principle on which this loan was contracted was one for which the public had the slightest ground of complaint, unless, perhaps, that the amount raised by terminable annuities had not been carried further. He thought the conditions laid down by the Chancellor of the Exchequer were wise and sound, and he also admitted, that he believed the terms of the contract were equitable to all parties, and at the same time advantageous to the public. He was the last person disposed or entitled to controvert this, for in 1835 a loan very similar in character was contracted by himself in Lord Melbourne's Government, for the purpose of compensating the owners of slaves in the Colonies. The circumstances of both loans were nearly identical. The bulk of the sum borrowed was in 3 per cents, the biddings were in an annuity; and the price of the funds in 1835 only differed from their present rate by *5s.* per cent, and the terms of the contract of 1835 were but in a slight degree more favourable than the present. The terms of that loan were questioned in the House of Commons, by the late Mr. Hume. The Government agreed that the matter should be referred to the decision of the most eminent scientific men; that course was taken, and the judgment of Mr. Finlaison laid before Parliament, pronounced, absolutely, that the loan of 1835 was one of the most advantageous to the country ever contracted. It is, therefore, satisfactory to find that the loan just effected by the Chancellor of the Exchequer bore favourable comparison with the loan of 1835. The circumstances of the two loans were, however, different in some important respects, fully sufficient in themselves to account for the slight difference in result. In 1835 we were at peace; we now were at war. We had then no income tax, which now told with such weight on the annuities in which the biddings were taken; we had now an income tax of a heavy amount. Then there was a discount allowed; now there was no discount sought for or granted. Therefore the Chancellor of the Exchequer of the present day was placed at certain disadvantages as compared with the Chancellor of the Exchequer of 1835; and yet, with all these disadvantages, the terms of the present loan were nearly as favourable to the public as were those of the loan of 1835, which Mr. Finlaison had so warmly eulogised. He (Lord Monteagle) considered that this loan reflected the greatest credit on the Chancellor of the Exchequer. He made his loan, and frankly avowed that he made it. It had been argued most ignorantly and most absurdly that the plan of contracting the loan partly in three per cent stock and partly in terminable annuities was objectionable as an innovation. Nothing could be more untrue. He would remind their Lordships that not only did the loan of 1835 afford a precedent, but twelve of the most memorable loans of Mr. Pitt had been contracted on the same principle; indeed, he (Lord Monteagle) considered that the introduction into the loan of the principle of terminable annuities was the only secure mode of establishing a sinking fund, and that was the course taken by himself in 1835, and now very wisely adopted by the present Chancellor of the Exchequer. But, while he approved the main conditions of the loan, he must reluctantly observe that this Bill contained one clause which was not a necessary part of the loan, and which formed no part of the contract made by the right hon. Gentleman. It was, therefore, open to discussion. That clause was intended to provide for a future extinction of the debt of 16,000,000*l.* now created, by pledging Parliament to an issue from the Consolidated Fund of 1,000,000*l.* sterling annually, the first instalment of which was to commence from the termination of the war with Russia, and which was to continue for sixteen years successively. This clause contained within itself almost every vicious principle of the old sinking fund, against which every authority for the last thirty years protested, and it involved an error peculiar to itself, and which was much more objectionable in the old Sinking Fund Act. This prospective engagement assumed that there would either be a surplus revenue of 1,000,000*l.* a year, or that Parliament would be justified in adding 1,000,000*l.* a year to the taxation of the country, in order to provide 1,000,000*l.* annually to apply to the reduction of the debt just contracted. The only third alternative was that of a new loan, or in other words, the old folly of paying debt with borrowed money. All experience proved that these prospective engagements could not be relied on. The Government had only last year entered into an engagement to pay off the 1,750,000*l.* of Exchequer bills promised to be made good out of the revenue of the year; but before that year had elapsed the Government had been obliged to ask Parliament to depart from this engagement. But in the teeth of this our latest experience we are called on to assume that at the conclusion of the war there would be 1,000,000*l.* a year available for the repayment of this loan: this is an hypothesis, not only improbable, but almost incredible. It should be remembered that war was not only a very expensive operation in itself, but that when it was brought to a close there were always heavy bills to pay, ships to be paid off, retired allowances to provide, and thus, in short, that the close of war was even more expensive than the war itself. Suppose, then, that no surplus existed, and that Parliament were unwilling to increase taxation, if money should have been borrowed in time of war, and that at its termination money should have to be borrowed for the purpose of paying off the debt, that would be recurring to one of the most exploded blunders in finance—that of paying off debt with borrowed money. But this is not all. We should remember that our income tax, our malt tax, are only temporary, and will cease or diminish with a return of peace. Therefore, we are putting an additional burden of 1,000,000*l.* annually on a lessening revenue. It may be further asked, who will place confidence in sinking funds? What had been their past experience? Were the statesmen of the present day to be more depended on than the statesmen of fifty years ago? The fact was that the sinking fund had never been preserved inviolate a sufficient time to produce the good results that had been expected. It was first established in 1716; but Sir Robert Walpole detected the folly of a process of paying off debt when carried on contemporaneously with a borrowing, and he wisely put an end to it. So it rested till 1786, when Dr. Price, a man of science, in communication with Mr. Pitt, struck out the notion of paying the debt with borrowed money, and calculated that by the aid of compound interest the debt would be cleared off in some inconceivably short time. The world was dazzled by Dr. Price and his golden globes, as well as by the eloquence of Mr. Pitt. The system continued until 1825, when it was found that even the diminished payment of 5,000,000*l.* per annum by the sinking fund produced no adequate public good. Parliament then applied 3,000,000*l.* as a sinking fund, but this was dealt with in precisely the same manner as the 5,000,000*l.* had previously been. It broke down, and was considered to be absurd, unless where it was based on a real surplus. In 1828 a Committee fully considered this question, and the principle adopted appeared reasonable, which was that the sinking fund to be applied in redemption of the debt was to be arrived at by a calculation of the excess of the revenue over the expenditure, which excess was to be applied as a sinking fund to extinguish debt. But there had been as many violations of the sinking fund after that enactment as there had been before. The course taken had been to contract a debt with the Bank for deficiency bills payable out of the current revenue, but under the general terms of the Sinking Fund Act, that fund had been applied not to the extinction of the permanent debt contracted, but to the discharge of these temporary advances. The result of this operation was simply to increase the Exchequer balances, and then to use the sinking fund, not in diminution of debt, but in providing Ways and Means for the services of the year. That might have been very wise, but it was inconsistent with the principles of the sinking fund. He had shown their Lordships that during a century and a half in no one instance was the sinking fund to be relied on; and he would refer them to a high authority on this subject, Lord Grenville, who, as the colleague and friend of Mr. Pitt during all his sinking fund operations, was not very likely to have lightly condemned the system which Mr. Pitt advocated to the last day of his life; but the noble Lord had, in one of the most able and scientific essays in the language, avowed his departure from the principles which he himself had once advocated, and which had guided Mr. Pitt in his sinking fund operations. As he himself informs us, years had brought with them knowledge, and being convinced of his former error, he had no reluctance or hesitation in acknowledging it. It was with all this experience and these authorities before them that they were now called upon to adopt a principle which had, during the last twenty-five years, been repudiated by every authority that had dealt with this question. He had heard it said that there was nothing in the clause which was compulsory on Parliament with reference to the obligation of providing a sinking fund of 1,000,000*l.* annually. He did not so read the Act. He considered that the clause created the same obligation with respect to this Motion as there already existed in respect to the whole debt, except that the payment of the sinking fund of 1,000,000*l.* was made contingent on the close of the war. But was it wise or just that there should be nothing definite as to this point as it was argued? Did it add to the public credit of England? He thought otherwise; for if the question was brought before Parliament at the close of the war, and if this 1,000,000*l.* were not provided for he considered that the effect of it would be to injure the public credit of the country. He (Lord Monteagle) did not mean to propose any amendment, or to call on the House to leave out the clause, because it would endanger the Bill if any amendment were made, and he did not feel justified in running any such risk, however much he deplored the error into which he considered Parliament to have fallen; but he hoped he had shown to their Lordships that there were sufficient reasons for doubting the policy of the principle embodied in the clause. He believed that it would not really act as a security for the redemption of the loan, whilst it was likely to prejudice the public credit. When the time came, if there were a surplus income of 1,000,000*l.*, it might be applied in reduction of the debt. This, indeed, must take place without this clause and under the general law. But should there not be a surplus, it would be a monstrous absurdity, such as Lord Grenville had exposed, to go on borrowing money in order to make up a sum to extinguish this loan. Before sitting down, he felt it his duty to object to Clause 9, which had reference to a practice lately introduced to provide for the payment of the dividends of the National Debt. Till the April quarter in 1854, as much money was raised at the Bank of England by the deposit of deficiency bills as would suffice to pay the whole of the dividends, even if the whole were demanded when due in one single day. In April 1854, an innovation was introduced, wishing to inforce an antecedent practice, and one not very creditable in itself—namely, a system of feeding the public account from day to day, not with the account actually due and payable, but with so much only as it was calculated might be necessary to meet the demands likely to be made within the day. A more pitiful and trumpery remedy he could not well conceive, and he therefore regretted that Clause 9 was introduced into the present Bill.

THE DUKE OF ARGYLL said, that in the absence of his noble Friend who represented the Government in that House, he rose to protest against the harsh observations of the noble Lord with regard to the course pursued by his right hon. Friend the late Chancellor of the Exchequer in reference to deficiency bills. So far from that course being a paltry one, or being unworthy, as the noble Lord had characterised it, it was, he thought, the course which his right hon. Friend was bound to take. His right hon. Friend found that the public were paying interest upon advances of a purely nominal character—advances which had reduced many Members of Parliament, and perhaps the noble Lord himself, to use on some occasions arguments as fallacious as the advances themselves. He believed that his noble Friend the President of the Council had on a previous occasion been asked whether the opinion of the law officers of the Crown had been taken as to the course pursued by the late Chancellor of the Exchequer, and the reply was that so far from their thinking that the clause bore the interpretation that the noble Lord had put upon it, their opinion was clear that the course adopted by his right hon. Friend was justifiable, and in strict accordance with the spirit and intention of the Act of Parliament.

THE EARL OF STRADBROKE said, it was his misfortune to disapprove both of the manner in which this loan had been raised, and of the mode in which every loan had been raised for the service of the

State for the last half century. He believed that if a different mode had been adopted, the national debt, instead of being 800,000,000*l.*, would not have been half that sum. He hoped, when future loans were raised, some different system would be adopted, and means would be taken to try if loans could not be raised on easier terms for the nation. On the day upon which the present loan was effected Consols were at 90; consequently every 100*l.* would realise 3*l.* 16*s.* 8*d.* per annum. By the bargain made the country would have to pay 3*l.* 14*s.* 6*d.* for thirty years—that is to say, for every 100*l.* there would be 3*l.* per annum, and 14*s.* 6*d.* would be guaranteed for thirty years. He did not doubt that if Ministers had proposed three and a half per cent stock the 16,000,000*l.* would have been raised in a week. There would have been ample and sufficient bonus to induce the public to subscribe, and the result would have been that in a few years the opportunity would have offered of reducing the stock to three per cent. Instead of that, however, we were bound to pay a premium of 14*s.* 6*d.* for thirty years. There was another objection to the proposed measure, that the interest was to count from the 5th January last; so that, although some of the money would not be advanced until July, and some not until December next, on the 5th January, 1856, a year's interest would be due. This was unnecessary and unjustifiable. A most unwise arrangement had been made, and he repeated that he hoped on future occasions an attempt would be made, by a better system, to obtain easier terms.

Lord STANLEY of ALDERLEY was glad to hear the opinion expressed by the noble Lord (Lord Monteagle) that the terms upon which the loan had been raised were exceedingly favourable, and he was also gratified to hear the opinion expressed that the best mode of raising money was by means of terminable annuities. It was felt, however, in deciding upon this loan, that it would not be possible to raise so large a sum as 16,000,000*l.* by terminable annuities. But between terminable annuities and the establishment of a sinking fund there was in effect little or no difference. In the case of the sinking fund the present generation was called upon to pay a larger sum each year in order to reduce the principal of the debt, and terminible annuities involved the action of precisely the same principle. In order to give effect as far as possible to the principle of terminable annuities, it was decided, after mature and careful deliberation on the part of Her Majesty's Government, that the difference between 100*l.* money and 100*l.* stock should be compensated by a terminable annuity, and that the loan should be reduced by annual payments of 1,000,000*l.*, commencing with the close of the present war. There could be no doubt whatever but that at the close of the war this sum of 1,000,000*l.* could be very easily raised, and if any season of reverse should occur it would be perfectly competent for Parliament to repeal this clause. He thought that this provision was entitled to the approbation of their Lordships, as it recognised the principle of the redemption of debt, and decided that the present generation ought not to burden posterity with an unlimited amount of debt.

Earl GREY fully concurred in the opinion that an effort should be made to get rid in a limited period of a debt incurred in time of war, but while fully concurring in that opinion, he could not agree with the noble Lord in thinking that there were no objections to the clause which had been referred to by his noble Friend behind him (Lord Monteagle). His noble Friend had stated that the insertion of that clause was a retrograde step in the financial policy of this country, and he quite agreed with that opinion. They were going back exactly to their former situation under Acts of Parliament which required that sinking funds, first of 5,000,000*l.*, and afterwards of 3,000,000*l.*, should be established. The operation of this principle was most carefully considered by a Committee of the House of Commons in 1828, of which he (Earl Grey) was a Member; and that Committee, after a most careful consideration, agreed to an able report, prepared by the late Mr. Herries, which stated that in the opinion of the Committee the principle of setting apart a fixed sum every year as a sinking fund was a vicious one. The report showed clearly that the effect of the system was to incur the risk of having to borrow with one hand, while they were paying off with the other. If they made a provision binding the Chancellor of the Exchequer to pay off 1,000,000*l.* a year whether he had the money or not, they drove him to the course of paying the money, but at the same time borrowing from the Bank in the shape of deficiency bills; or, in other words, he would have to pay with one hand while he borrowed with the other.

By the clause as it stood there was nothing in the world, supposing the Chancellor of the Exchequer miscalculated as to the probable surplus of the country in bringing in his Budget, or as to the expenditure of income, to prevent him from issuing Exchequer bills for the purpose of carrying on the public service, and, indeed, he must of necessity do so. That principle was one which was opposed to common sense, and its absurdity having been exposed by the Committee of 1828, it was abandoned; and since that time the principle acted on was this: every quarter a calculation was made of the actual, not the anticipated, surplus of the revenue over the payments, and if they had a surplus, to apply it to the reduction of the debt, either unfunded or funded, as might be most convenient. It often happened that it was more advisable to reduce the unfunded than the funded debt, whereas by this clause they bound themselves to reduce the funded debt alone, departing, in short, entirely from the principle laid down in the report of the Committee of 1828. Now, what distinction, he asked, could they make between this 16,000,000*l.* of debt and any other? If the revenue were prosperous, they ought to pay off more than 1,000,000*l.*, and he believed had done so in two or three years succeeding the Irish famine; but, whether it was prosperous or not, by this clause they bound themselves to purchase Consols at whatever rate they might be to the extent of 1,000,000*l.* annually. If the House really believed that by such a clause they could tie up the hands of another Parliament, they laboured under a complete delusion, for the arrangement might at any time be virtually set aside, even without the ceremony of an Act of Parliament. Undoubtedly the noble Lord (Lord Monteagle) was right when he termed this a provision for a sinking fund in another shape. The system of terminable annuities made it a little more, and only a little more, difficult to depart from the principle of paying off a debt in time of peace. Too much importance was attached to the system of terminable annuities, and he believed with the noble Earl opposite (the Earl of Stradbroke) that it would be preferable to give a higher nominal rate of interest, with a view to reduce it in time of prosperity. This system of terminable annuities seemed to imply that Parliament distrusted its own firmness, and was not very creditable to it, for surely it ought to have firmness enough to do its duty and provide some moderate surplus for the discharge of the debt without binding itself by such a provision as this. He believed that it was sound policy always to take care in time of peace to have a surplus available for the gradual reduction of debt, and that policy he desired to see carried out.

The Earl of MALMESBURY said, he agreed in every word which had fallen from the noble Earl. He could not understand the reason why the Government had imposed this measure upon Parliament, unless it were to enable Baron Rothschild to make a better bargain for his capital, for certainly Baron Rothschild would be the only person benefited by it. Something had very justly been said as to making future loans upon a new system, and he thought that in raising the loan the Government might have pursued the principle adopted by the French Government recently, in offering it to the public generally, whereby they had raised 20,000,000*l.* in a week, and he had heard that they could as easily have raised 80,000,000*l.*, and he firmly believed that they might certainly have raised 60,000,000*l.* Now, doubtless, this country was not in the same situation, financially speaking, as France. No doubt in France, a great deal of money was hoarded, there being no savings' banks, and not such abundant means of investment as in this country. Still these considerations were insufficient to satisfy him that the same mode could not be resorted to successfully for the purpose of raising a loan in this country. However wide the difference might be between the habits of the French and the English as to money matters, he could not think there was such a difference that, looking to the enormous wealth of this country, if the French could raise 60,000,000*l.* in a week or two, we could not raise 16,000,000*l.* in the same way. He did not know if the Government had formed a decided opinion on the subject, and if so whether they could state the reasons on which it was founded.

Lord STANLEY of ALDERLEY said, the subject had been very much considered, and the noble Earl had alluded to that which constituted the reason for not adopting the means he had suggested—namely, the difference between the habits of the French and English people as to money. The habit of the French people was to hoard their money, not having the same means as the English people had of disposing of it in trade or in savings' banks; and if the mode suggested had been resorted to, the result would have been that the money would have been withdrawn from savings' banks and other safe and good investments; and, after all, they would not, in all probability, have obtained the loan on more favourable terms than those on which it had been raised from the great capitalists of the country.

Motion *agreed to*; Bill *passed* accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, May 4, 1855.

MINUTES.] PUBLIC BILLS.—1° Religious Worship; Weights and Measures.
2° Tenants' Improvements Compensation (Ireland); Metropolitan Buildings.

EVICTIONS—POOR LAW (SCOTLAND) BILL.

MR. E. ELLICE (St. Andrews) said, that in consequence of a wish that had been expressed by his right hon. Friend the Member for Inverness-shire (Mr. H. Baillie) he wished to say a few words in explanation of something that fell from him last night. A near relative of his hon. Friend had a considerable estate in the parish of Glenelg, which went by the name of that parish, although, in fact, it formed only a part of it. He was desirous of saying that the disgraceful state of the poor to which he had last night called the attention of the House existed in a totally different district to that of the property of the relative of the hon. Member for Inverness-shire, although it was situate in the same parish. So far from intending in any way to reflect upon the management of the property now in question, he was aware that a system of gradual emigration had been for some years conducted there with much liberality by the proprietor, and he believed the result of that emigration, which was entirely voluntary, was quite as satisfactory to the people as it was beneficial to the proprietor himself.

THE VIENNA CONFERENCES.

MR. DISRAELI: Sir, I wish to have some explanation from Her Majesty's Government of the unusual delay which has taken place in laying before the House the State Papers relative to the late unsuccessful negotiations for peace at Vienna. The House is aware that whatever might have been the result of those negotiations—whether successful or the reverse—whether the preliminaries for peace had been signed, or whether the result had been such as it appears to have been—the papers which have been exchanged during the negotiations might have been prepared for the House, so that when the negotiations had terminated there might be only a protocol or two or the last despatch to print. And the papers might have been laid upon the table of the House on the same night that the noble Lord the Secretary for the Colonies returned and took his seat. If you find that this has been the usual course, I think that I may ask from the Government why the usual course has not been followed on the present occasion, and why there has been an apparent unwillingness on the part of Her Majesty's Government to place Parliament as soon as possible in possession of that information which on so grave a subject it has certainly a right to possess, as soon as it is in the power of the Government to produce it. I have searched the Journals which should guide us on this subject, and as I wish at present to confine myself strictly within the technical limits of a Parliamentary question, I will state what I find in the Journals to direct us at this crisis, and then I will ask the Government to explain to the House why upon this important occasion they have not followed the precedents which have always governed the conduct of Ministers under similar circumstances. The precedent which I take to govern us does not vary from others to which I might refer, but I select it because it is one of modern date, and of the highest importance, and because its circumstances are apposite to the present conjuncture. I take, Sir, the precedent of the rupture of negotiations in 1796. The House will remember that on October 18, 1796, the country was informed that the King had sent the Earl of Malmesbury as his Plenipotentiary to France to negotiate for peace. That was on the 18th of October, and on the 20th of December it was known to the country that the negotiations had terminated. The Earl of Malmesbury returned to this country on the 29th of December, but three days before his return—namely, on Monday, the 26th of December—the Minister came down to the House of Commons with a Messag from the Crown—a Message from which will now read an extract to the House.

MR. SPEAKER: Does the right hon. Gentleman mean to conclude with a Motion?

MR. DISRAELI: Yes, I will conclude with a Motion, if you should find that I am not strictly within the limits of a question; but I apprehend that you will probably be of opinion that I am strictly within those limits. I wish first to state what, under similar circumstances, was the course pursued by the Ministry on the occasion to which I am referring, and then to inquire why that course has not been adopted on the present occasion. But if you, Sir, should be of opinion that I am trespassing on the rules of the House, I will conclude with a Motion which will not be inconvenient to the Government, inasmuch as it is one which they would have to make themselves at some period during the evening. I may remind the House, that on the 20th December it was known that negotiations had terminated. On the 29th December the Plenipotentiary (Lord Malmesbury) returned to this country; but three days before his return—namely, on the 26th—Mr. Secretary Dundas came down with a Message from the Crown, expressed in these words—

> "It is with the utmost concern that His Majesty acquaints the House of Commons that his earnest endeavours to effect the restoration of peace have been unhappily frustrated; and that the negotiation in which he has been engaged has been abruptly broken off by the peremptory refusal of the French Government to treat, except upon a basis evidently inadmissible. His Majesty has directed the several memorials and papers which have been exchanged in the course of the late discussion, and the account transmitted to His Majesty of its final result, to be laid before the House."—[*Hansard, Parl. History*, xxxij.]

On referring to the Journals of this House, hon. Members will find that the State Papers alluded to in this Royal Message were of a very voluminous description. They will find there the schedule of the papers laid upon the table of the House, and they will perceive that neither in importance nor yet in number were the documents so submitted, inferior to those which are now so anxiously expected. But the House will observe that two days before——

MR. RICH said, he rose to order. He was most unwilling to interrupt the right hon. Gentleman unnecessarily, and most desirous that he should have the fullest opportunity possible for making the statement which he wished to submit to the House; but he apprehended that the right hon. Gentleman, in entering into all these particulars, was transgressing the rules of the House with respect to the manner in which questions should be put. The right hon. Gentleman should make a Motion.

MR. SPEAKER: The right hon. Gentleman has intimated his intention of concluding with a Motion, and is, therefore, perfectly in order.

MR. DISRAELI: Sir, I am sorry that any misconception on the part of the hon. Member of a statement which it is for the public interest that I should make, and which nothing but the state of the public service, and a regard for the honour and advantage of the country, should have induced me to make, should have subjected me to this interruption. Still, however, I do not despair of bringing the matter clearly before the House, and I will attempt to regather the broken strings of this narrative. The House will see that the moment it was shown that the negotiations were broken off—even before the Plenipotentiary had returned, there came a Message from the Crown to the House of Commons, and the Minister at the same time stated that all the papers relating to those transactions should be laid before the House, and he gave notice that upon the following day the documents in question should be placed upon the table—a very different position from that in which the House now finds itself placed. But was that all? On Monday, the 26th of December, the Message of the Crown to the House of Commons came down. On Wednesday, the 28th, in reference to the promise contained in that Gracious Message, the Minister placed upon the table of the House the whole of the papers connected with those negotiations. But that was not all. Mr. Canning, then Under Secretary for Foreign Affairs, on the preceding day laid on the table of the House, for the use of the Members, a State Paper of the utmost importance, composed with an ability which was not remarkable, since the pen of Mr. Canning may be traced in it, called "His Majesty's Royal Declaration," in which the King informed the House of all the circumstances of the negotiations, and of the cause which had led to their unsuccessful termination. The House will perceive that, in 1796, under circumstances similar to the present—so similar, indeed, that those with whom we were then in treaty appear to have conducted themselves very much in the same spirit as that described by the noble Lord (Lord J. Russell) the other night, in his brief account of his negotiations having terminated with "a peremptory refusal to treat, except on a basis evidently inadmissible"—the House, I repeat, will perceive that upon that occasion, under circumstances not only similar to, but I may say even identical with, the present—we had a Message to Parliament from the Crown—we had laid on the table, even before the negotiator had returned, the whole of the papers connected with the unsuccessful negotiations—we had, for the use of the Members, a Royal declaration containing the whole pith and marrow of these same negotiations; and, more than this, on the very day that he laid the papers on the table, which was on Tuesday, the Minister gave notice, for the following Thursday, of a Motion to take them into consideration. Now, Sir, as I have more free warrant than I had expected to speak upon this subject, I shall briefly ask the House to contrast the situation of Parliament in 1796, under similar circumstances to the present, with the condition in which the House of Commons now finds itself in 1855? How have we been treated? Has there been the same anxiety on the part of the Government to impart to Parliament all necessary information at a moment so pregnant with events bearing upon the fate of the country? Has there been not only the same promptitude, but the same cordial and wise ceremony in conducting the communications between the Throne and the Parliament? So far as the proceedings of Parliament are concerned, I am not sure that we have any authentic information that any negotiations whatever have been carrying on; and most assuredly we have not the slightest authentic information of what the basis of those negotiations was, and what the points of controversy were. Now, Sir, I think that this House has a right to inquire why there has been this singular difference between the modes in which Parliament has been treated under circumstances of so much importance and of so much similarity by the Government of that day and the Government in the present instance? Why was not Her Majesty advised to deign to communicate with Her Parliament when the negotiations for peace were found to have failed? Why has there not been a Royal Message? Why were not the papers prepared during the intervals of negotiation, as was the case in 1796, so that when the negotiations were announced to have terminated, Parliament might have been immediately made aware of the circumstances, and an anxious and deeply agitated country have been placed in possession of such information as might enable it to form an opinion on the state of our national affairs? Again, I ask, why has there not been a Royal Message? Why have not the papers been placed more promptly on the table of the House? Why has there not been a Royal declaration? And why has not the Minister come forward with that frankness that befits a British statesman, and, laying the papers on the table, fixed a day for the House to take them into consideration? I thought, Sir, I should have been permitted to ask these questions without being obliged to trench upon a privilege which I wished other Members to enjoy, of moving that this House, at its rising, do adjourn to Monday next. I will, however, make that Motion, because I wish to be strictly within the rules of the House. Having now done so, I await with interest the answer of the Minister to the questions I have addressed to him.

Viscount PALMERSTON: I think, Sir, the answer which I shall have to give will have been anticipated by almost all who heard the questions of the right hon. Gentleman, who are at all acquainted with the circumstances to which he has adverted and the circumstances connected with the negotiations recently conducted by my noble Friend (Lord J. Russell). The right hon. Gentleman has referred to a case in which, in a war between England and France, negotiations were entered into directly between the two countries—a case in which it was perfectly clear in the course of the negotiations, before they were concluded, that peace was hopeless, and, peace being hopeless, it became the duty of the Government of the day to appeal to Parliament for more vigorous exertions for the prosecution of the war. If my noble Friend had gone to St. Petersburg without any previous negotiation with any other Power, and if the result of a fortnight's or a month's negotiations at St. Petersburg had proved similar to that to which the right hon. Gentleman refers, the cases would certainly have been much more parallel than they are in point of fact. It is well known that the negotiation which my noble Friend undertook was conducted through the intervention of the friendly Government of Austria. It is also well known that from the commencement of the war—and, I may say, even before the commencement of the war—Austria, as maintaining friendly relations towards all parties, has been incessant in her endeavours to bring about a reconciliation of the differences existing between England and France on the one hand and Russia on the other, and it was only a continuance of those efforts which led to the Conferences in which my noble Friend took part. Although, however, these Conferences did not terminate in a successful issue, they were not broken off. They were adjourned without any specific time being appointed for their renewal; but after my noble Friend left Vienna, and after the Conferences had been adjourned *sine die*, there took place, at the request of Austria, another Conference. [Lord J. Russell: of Russia.] Yes, the application for a renewal of the Conferences did come from Russia, but through Austria, and not directly communicated either to England or France. At the request of the Russian Minister, who said that he had another proposal to make, the Conference was re-assembled, and—without being perfectly certain on the subject—I believe that up to this moment the detailed protocols or records of that Conference have not been received by Her Majesty's Government; at all events, if they have been received, it is within the last few hours. Well, Sir, the Conferences were adjourned, and my noble Friend returned to this country; but there still exist at Vienna the elements of a Conference—representatives of England, of France, of Russia, and of Austria. The course the right hon. Gentleman suggests might certainly be a very proper course to adopt, if it was the determination of Her Majesty's Government to shut the door against every possible means of settling those differences which have led to the war. If Her Majesty's Government had fully determined that, under no circumstances, would they listen to any further overture that may be made, either by Russia through Austria, or by Austria with the view of suggesting means of accommodation between the belligerent parties, then, undoubtedly, the course the right hon. Gentleman recommends Her Majesty's Government to pursue, of coming down with a Message to Parliament, stating that all possibility of accommodation was at an end, and declaring that peace was, under the circumstances, impossible, would be the proper course to adopt. But that, Sir, is not the position in which we are placed. We have failed in the attempt we made, but I am not prepared to say that there are no other means open by which, through the intervention of the friendly offices of Austria, propositions may be made which it may become the duty of Her Majesty's Government seriously to consider, with the view of determining whether it is still possible to bring the existing differences with Russia to a close. Allow me to say, Sir, that, even upon the showing of the right hon. Gentleman, the present case and that to which he refers are not parallel cases. The right hon. Gentleman says that, in the case of France, the basis of negotiations was peremptorily refused by France; but in this instance the basis of negotiation has been accepted by Russia. The four points upon which England and France agreed to negotiate have been accepted by Russia, and, to a certain extent, even the interpretation which England and France placed upon those four points has also been accepted by Russia as a foundation upon which to negotiate. The difficulties have been as to the mode in which the fair meaning of these points was to be carried out in detailed articles of agreement. I think, therefore, Sir, whatever may be the opinion of the right hon. Gentleman with regard to the analogy of the two cases, that they are essentially different in their fundamental elements; and I consider that Her Majesty's Government would not have been properly performing their duty if, following out the fanciful analogy of former cases, they had taken steps which would have proclaimed to the world that we had lost all hopes of the possibility of an accommodation. Sir, I should, at the same time, be equally neglecting my duty if I were to hold out false hopes which might not be realised; but, while saying that I feel that the Government would entirely violate their duty if they stated that all hopes of accommodation were at an end, I wish to leave the question in the state in which it is. I wish to leave the door of negotiation open. I would not shut the door to any possible negotiation by such measures as those into which the right hon. Gentleman would wish to drive Her Majesty's Government. We said, Sir, that we would produce the protocols relating to the Conferences at Vienna. Those protocols shall be produced, and when they are produced it will be for the House to determine whether they think it advisable to take any steps founded thereupon. We are anxious to give to this House and to the country all the information we think consistent with the public interests and consistent with the possibility of any future amicable arrangement of those differences which have compelled us to embark in a great and arduous contest. While, on the one hand, we are determined to continue that contest, so long as it shall be inevitably necessary, in a manner consistent with the honour, the dignity, and the interests of the country, so, on the other hand, we shall not be the parties to shut the door to the possibility of concluding an honourable and satisfactory peace.

THE EARL OF DUNDONALD'S INVENTION —QUESTION.

Mr. FRENCH said, he rose to put a question to the First Lord of the Treasury, of which he had given notice some days ago. It was to ask what steps had been taken and what decision, if any, had been come to in relation to the proposal made by the Earl of Dundonald for the destruction of the Russian fortresses. He might remind the House that, after an expenditure of some 30,000,000*l.* upon the conduct of the war, the result, if not humiliating to this country, had at least been most unsatisfactory. He believed the number of available British bayonets in the Crimea did not exceed by more than 1,000 what it was when the battle of Inkerman was fought; that the army was still unable, as when they were stationed at Varna, to take the field for want of the means of transport; that a large portion of the cavalry was still dismounted; that a considerable body of the Artillery was without horses; and that, according to the statement of the First Lord of the Admiralty the other night, the only possible road by which our army could take the field—namely, that by Mackenzie's Farm—had been occupied by a force of between 50,000 and 60,000 Russian troops. He thought that hon. Members would admit that the question which he had just addressed to the noble Lord at the head of the Government was one which an independent Member of that House might legitimately and fairly bring forward. The public out of doors would hold that House responsible if they allowed a Government to remain in power which, failing to conclude an honourable peace, neglected any means which might be placed at its disposal calculated to bring the war to a speedy and successful termination. The plan to which his question referred was one that had been long prepared and well matured by one who had had great experience in naval warfare and in attacks upon fortified places. Lord Dundonald had distinguished himself by his exploits in the Basque Roads and the Bay of Callao and on other occasions, and he (Mr. French) would venture to say that in respect of scientific acquirements, professional knowledge, and personal gallantry, the noble Lord had not a superior, if, indeed, he had an equal among living men. One of Lord Dundonald's most uncompromising political opponents, Sir Archibald Alison, speaking of him under his earlier title as Lord Cochrane, said that he was, "after the death of Nelson, the greatest naval commander of that age of glory—equal to his great predecessor in personal gallantry, enthusiastic ardour, and devotion to his country, and perhaps his superior in original genius, in mental power, and inexhaustible resources." He (Mr. French) had said that the plan of the noble Lord had been long considered and well matured. So far back as the reign of George IV., at the request of that Sovereign, Lord Dundonald's plan was submitted to Admirals Lord Exmouth and Lord Keith, and such was their opinion of the terrific efficiency of the noble Earl's invention, that they expressed their opinion that, for the welfare of the human race, it was advisable that the noble Lord should carry his secret with him to the grave. The noble Lord at that time acquiesced in this view; but last year, seeing the predicament in which his country was placed, and being anxious to promote the cause of civilisation against barbarism, he tendered his plan and his personal services to the late Government without fee or reward. He at the same time offered his services to go to the Baltic and destroy Cronstadt. To these tenders he got no answer, but a reference was made to three admirals and two scientific persons. These admirals were of opinion that at present it was not expedient to carry the plan into effect; but he believed the scientific men gave it as their opinion that the force employed by the noble and gallant Lord would be perfectly irresistible. On the return of Sir Charles Napier from the Baltic the plans were shown to him, and, after giving them the fullest consideration, he came to the conclusion, as he (Mr.

French) was informed, that the noble Lord was able to carry out everything that he undertook to accomplish. It was in these circumstances that he now wished to put a question to the Government. The Government might, on the ground of the high reputation of the noble Lord (Lord Dundonald) have safely availed themselves of the plans which he had submitted to them; but they had forced him to divulge those plans to seven or eight persons, and it might possibly be that the first experiment they heard of them would be in the destruction of our own forces. If the noble Lord the First Minister of the Crown would state that the Government were determined not to give a trial to the plans of the noble and gallant Admiral, it would be easy for him to appeal to the country, and to obtain a sum of money sufficient to enable him to carry out those plans in defiance of the apathy and indifference of the Government.

Viscount PALMERSTON: Having, Sir, already made a speech upon the Motion before us, it is only by the indulgence of the House that I can be permitted to give an answer to the question put by my hon. Friend. I trust, however, that the House will not refuse to grant me that indulgence. No man can entertain a higher opinion than I do of Lord Dundonald—I have had the pleasure and honour of his acquaintance for a great number of years. He stands as high as any man ever did stand in his profession with regard to naval affairs; he is a man, moreover, of great and extensive scientific attainments; and, therefore, any opinion deliberately entertained by him is entitled to the highest and fullest consideration of the Government. The plan which Lord Dundonald proposed last year was, as my hon. Friend states, necessarily submitted to the consideration of a certain number of professional and scientific persons; and the effect of their inquiries and consideration was, that there appeared to be such difficulties of execution and such doubtful expectations as to the result that nothing was then done upon it. The plan has recently been again pressed on the consideration of the Government by Lord Dundonald. The matter is still under their consideration, and is far from being so free from doubts and difficulties as my hon. Friend seems to imagine. But all I can say is, that it is under consideration; and I think that, if there is a plan from Lord Dundonald or any other person, which is calculated to accomplish the ends and objects stated by my hon. Friend, there can be no great advantage in publicly discussing it, or pointing out to the enemy against whom it would be employed either the probability of its immediate execution, or anything which might enable them to guess the manner in which it might be applied.

COLONEL CROMBIE—QUESTION.

Mr. H. B. BARING said, he begged to ask the hon. Under Secretary for War whether it was the fact that Colonel Crombie, late of the Coldstream Guards, was placed on the half-pay list in consequence of ill health, and at his own express desire? He asked that question in consequence of a statement made by the hon. Member for Aylesbury (Mr. Layard) the other evening, that Colonel Crombie was compelled to resign his commission to make way for Lord Burghersh, and a son of Viscount Hardinge, and that he did not know he was put on the half-pay list until he saw his name in the *Gazette.*

Mr. FREDERICK PEEL said, in reply, that the statement of the hon. Member for Aylesbury was entirely incorrect. He could add nothing to the memorandum upon this subject which was read upon a former occasion by his hon. and gallant relative the Member for Huntingdon (General Peel). From that memorandum it appeared that Colonel Crombie, having been advised that his health had suffered so much from an attack of illness at Varna as to unfit him to return to the Crimea, applied to be placed upon the half-pay list, and so far from its being the case that the first notice he had of the circumstance was the appearance of his name in the *Gazette,* he was actually expecting to see his name there during the whole of the month of January.

THE MILITIA.

Mr. H. BAILLIE said, he rose to call the attention of the House to the state and condition of the militia force in the United Kingdom, and to put a question to the Government on the subject. The House was aware that in consequence of a doubt existing as to whether a certain portion of the militia force was liable to be called on service for a longer period than fifty-six days in the year, the Government deemed it advisable to give permission to all who wished to return to their homes to do so. Unfortunately, a large portion of the force took advantage of that provision, and the result was that at the present moment the militia was in a state of great disorganisation, and was very much reduced. He did not know that the Government, under the circumstances, could have adopted any other course; but he believed that the present condition of the militia force was to be attributed to a neglect of duty on the part of the Government in not availing themselves of the powers entrusted to them by Parliament. When the right hon. Gentleman the Member for Midhurst (Mr. Walpole) introduced his Militia Bill, he said there were two modes by which the militia force could be raised—one by voluntary enlistment, the other by ballot. He proposed that the voluntary system should be tried in the first instance, but he never imagined that the voluntary system would be sufficient to maintain the militia at its full complement and in a state of efficiency during a time of war. The voluntary mode of enlistment was calculated to answer in time of peace, because it was unimportant whether the number maintained was 50,000 or 80,000; but in time of war it was of the greatest importance that the militia should be kept up to its full complement, because it was to the militia that we must very much look for the maintenance of the army in a state of efficiency. It must be very obvious, however, that voluntary enlistment for the militia in time of war would enter directly into competition with enlistment for the army. Two voluntary systems could not be successful if carried on at the same time, and in point of fact the enlistment for the militia had interfered very materially with the enlistment for the army. Hence the Government, as soon as war was declared, should have taken steps for raising the militia to its full complement by means of the ballot; but up to the present moment nothing had been done in that direction, although we had now been twelve months in a state of war. The result was, that the militia force was reduced to about 30,000 men, and, what was worse, he much feared that the deficiency in the army was still greater. He believed that at the present time the army was no less than 41,000 men below the complement voted by Parliament, and that, moreover, the daily or weekly returns of recruits, notwithstanding the denials of the Government to the contrary, would not give a greater number of men than the casualties which were constantly taking place in the ranks of the army. In a time of peace, the casualties amounted to from 20,000 to 25,000 men a year. In a time of war they amounted to 35,000 to 40,000 men. Did any one believe that that number of men could be raised by voluntary enlistment so long as the militia force was also raised upon the voluntary system? It was generally supposed, when the noble Viscount the Member for Tiverton was selected by Her Majesty for the distinguished post he now occupied, that he was the fittest person in the country to carry on the war with energy, vigour, and efficiency. He confessed he was at a loss to discover in what that vigour and efficiency consisted. He thought that much more energy was displayed by the Government of the Earl of Aberdeen, than by the Administration of the noble Viscount. Under the present Government the militia force had crumbled to pieces, and the army been reduced to 41,000 men below its proper complement. What had the noble Viscount done for the purpose of raising the Foreign Legion? The Bill had been in force for five months, and yet, until within the last ten days, not a single step had been taken upon it. It was true that the noble Viscount told them, in his usual off-hand manner, that the language used in that House had displeased the Germans, who were consequently not willing to enlist; but that could not be the reason why the Bill had not been carried into effect, for he himself knew a very distinguished Swiss general who came over to England for the express purpose of offering the Government a very large body of Swiss troops, and better troops could not be had anywhere. That officer was detained here for weeks without an answer to his application, and at last he left the country, whether in consequence of his proposal having been rejected, or whether in disgust at the treatment he had received, it was impossible to say. Nor was there any good reason to suppose that the Germans were unwilling to enlist, else how did it happen that the noble Viscount had within the last ten days signed an agreement with a Brunswick general to raise and command a body of troops. What was the condition of the administrative departments at the present moment? For example, had any great improvement taken place in the War Office? The noble Lord the Member for the City of London was very vigilant in looking after the Duke of Newcastle. It was to be hoped he would be equally vigilant in looking after Lord Panmure. An example of the manner in which affairs were still conducted in the War Office occurred the other day. A large body of Guards were sent down to Portsmouth in a great hurry to be embarked on board a ship which was waiting there for their reception. When they arrived on the spot they found the ship half full of other troops. These troops were sent on shore, and the Guards hurried on board, and while the former were unable to get their baggage out of the ship, the latter found it impossible to get theirs into it. The result was, that the Guards were sent off without shoes—the most necessary article of clothing for a soldier—and were obliged to take with them their old regulation muskets instead of Minié rifles. When the attention of Lord Panmure was called to the case in another place, he said that he did not believe it possible, and in reality confessed that he knew nothing about the administration of his own department. Great allowances were to be made for Lord Panmure, because his health was such that he could not devote all his time to the business of his department; but it must be admitted that the War Office was not in a much better state than it was during the time of the Duke of Newcastle, and he would recommend the noble Lord the Member for the City of London to direct his particular attention to that subject. But to return to the militia, it might perhaps be said that if the ballot were established throughout the country it would cause great inconvenience. To be sure it would. It would be very inconvenient to the farmer to lose his labourers, and to the manufacturer to lose his workmen; but did they expect to carry on the war without inconvenience? Did they think that the Russians were carrying on the war without inconvenience? The people of England knew that war would be inconvenient, yet they determined to go to war, and they must take the consequences which such a state of things necessarily entailed. He was one of those who deprecated the objects of the war. He thought it might have been avoided without any sacrifice to the honour or interests of the country; but that was past —we were now at war—and there was no Member of that House more anxious and willing than he was to make sacrifices for carrying on the war with vigour and efficiency—none who lamented more than he did the sacrifice which England had made of her reputation and character by the manner in which the war had been hitherto conducted. He regretted that England should be descending in the scale of nations, and, above all, he deplored that she should no longer be trusting to her own resources, but should be looking for aid and assistance to the battalions of France. They were told day after day that France would send more men to the seat of war; they never heard that England would do so. Why? Because England had no more men to send—because, owing to the mismanagement of her resources, she could afford no more troops. He had thought it his duty to bring this subject under the notice of the House, because he believed that the just indignation of the people would not much longer be restrained, and that the country would not much longer permit its resources to be thus mismanaged and trifled with by the Government. He therefore wished to ask what measures the Government intended to take to place the militia force in a proper state of efficiency.

MR. FREDERICK PEEL said, that the irregularity which the hon. Gentleman had committed in delivering a speech at that time was not the only mistake he had made, for he had fallen into several errors more or less important. The hon. Gentleman said, for example, that while France was sending out large reinforcements to the Crimea, no additional troops were being despatched from England. [MR. H. BAILLIE: I did not say so.] He would beg to inform the hon. Gentleman that if he had made inquiries in the proper quarter, he would have found that within the last two months upwards of 10,000 troops had gone from this country, representing a force equal to three times the number of the enemy. The hon. Gentleman had also fallen into an error respecting the embarkation of the Guards. When the *Alma* was at Liverpool, the Admiralty officers there reported that she would be able to accommodate a certain number of troops; but when she arrived at Portsmouth, the local officers were of opinion that she ought not to take so large a number. Under these circumstances, a certain number of men belonging to the line were landed from the vessel, and a body of Guards taken on board. If the Government had persisted in sending out more men than the ship could conveniently accommodate, the result would inevitably have been great sickness and mortality on board, and he thought, therefore, they were right in the course they pursued. Again, the hon. Gentleman said that nothing whatever had been done with respect to the carrying out the Foreign Legion Act. That was not correct. Several officers had received commissions to raise troops under the Act; two or three of them had already proceeded to Germany for the purpose of enlisting men; and in a short space of time depôts would be in course of formation, both at Heligoland and in this country. With respect to the militia force, he admitted that the Government were bound to take every possible step to put it in an efficient state, and certainly the progress of the war proved more than ever our dependence upon that force. When we first sent troops from this country to the East the number of regiments of the line in this country was so much reduced that it became necessary to embody a certain portion of the militia to do that duty which had before been done by the line, and later on, when the garrisons in the Mediterranean were reduced below their usual strength, for the purpose of reinforcing the army in the Crimea, an appeal was made under the authority of an Act of Parliament to certain militia regiments to volunteer for foreign service; in consequence of which several regiments had volunteered, and two or three had already left this country for the purpose of reinforcing the garrisons of Gibraltar and Malta. It was, no doubt, true, as had been stated by the hon. Gentleman, that a considerable inroad had been made on the effective strength of the militia in consequence of discussions which had recently taken place in reference to the Act of 1854; but the Government was not responsible for all that happened under that Act, nor was it, indeed, open to the Government to take any other course than that which they had adopted. The state of the case was this—the men who were embodied prior to the passing of the Act of 1854 offered their services upon the understanding that they were only liable to be called out for training for a period of from twenty-one to fifty-six days in the year, and they were liable to be called out for permanent duty only in the event of invasion, or threatened invasion. Considering the improbability of this event, there were no doubt many persons who joined the militia under the persuasion that they would not lose their civil employments by their military duties. The question then arose whether the Act of 1854 had a retrospective effect, and whether it applied to those who had joined the militia previous to its passing. The matter was referred to the law officers of the Crown, who gave a decided opinion that the Act did apply to those men—in fact, that it had a retrospective effect, and therefore if any militiaman said to the Government, "I refuse to continue on permanent duty; I have served my fifty-six days, and there is no fear of invasion; therefore I demand to be allowed to go home," the Government would have a complete answer for him. What the Government had the right of doing was perfectly clear, but it was a different question whether or not the Government should exercise their right. The House must allow that nothing was of more importance, with reference to the complete efficiency of the militia force, than that there should be the greatest possible confidence between it and the Government. It was highly desirable that the militiaman should not have it in his power to say that an undue advantage had been taken of him, and that, having enlisted on a certain understanding, the Government, availing themselves of the power granted to them by Parliament, had altered his position and called him out for permanent service, under perfectly different circumstances. A circular was therefore sent round to the commanding officers of different regiments, directing them to give their men the option of returning to their homes after fifty-six days' service, or else to re-attest themselves for continuous service after receiving a bounty of 1*l*. A great many men, no doubt, availed themselves of the circular and returned to their homes, and the militia regiments, though none of them had been broken up, had suffered a material diminution in their numbers. For the purpose of remedying their loss, the hon. Gentleman proposed that the Government should resort to the ballot, but the ballot would not be available for that purpose. It must be remembered that the men who had gone to their homes were still borne on the rolls of the regiment; and, when the time for their fifty-six days' training came round in the ensuing year, they would be called on to rejoin their regiments, consequently the only way in which the ballot could be resorted to in their case would be by first getting rid of them altogether, and then supplying their places by means of the ballot. If, however, it were determined to get rid of these men altogether, the first thing obviously for the Government to do would be to ascertain if their place could not be supplied by the same process by which they had been raised—namely, by voluntary enlistment—and, if that failed, then to resort to the ballot. Even counting the men who had gone to their homes, but who were still borne on the rolls of the regiment, there was no doubt that the strength of the militia regiments was considerably below the establishment. The Act of Parliament authorised the levy of 80,000 men in England and Wales, but at no time had there been more than from 45,000 to 50,000 men actually enrolled, and that number was considerably diminished in consequence of the number of men who had volunteered into the regular army. The present force of the militia in England and Wales under arms, not counting the men who had gone home, or the regiments which had been sent to the Mediterranean, was a little under 25,000 men, rank and file. One reason for not now resorting to the ballot in order to increase this force was the deficiency of barrack and hut accommodation. The present system of billeting the men in the towns where they were stationed gave the greatest dissatisfaction to the householders, and it was at the same time very demoralising to the men themselves. Out of the 25,000 men under arms at the present moment, only 6,000 were in garrison, the remaining 19,000 being in billets. Considering the impossibility of establishing discipline in the militia regiments while the men were in billets, and considering also the great number at present unprovided with barrack or hut accommodation, he considered that it would be very unwise to resort to the ballot just now for the purpose of raising the force beyond its present strength.

Colonel KNOX said, he thought the hon. Under Secretary for War had not answered his hon. Friend's (Mr. H. Baillie) question, which was, what means were the Government about to take for the purpose of putting the militia force on a more efficient footing? Every day complaints were being made by the commanding officers of militia regiments that, whether they wrote to the War Office or to the Commander in Chief, they could get no answer to their letters of any kind. If the War Office could not carry on the business of the militia, the Government ought to organise a regular staff, with an adjutant general, and a quarter-master general, to receive reports from the commanding officers of regiments, and to administer the department generally, under the control of the War Office. It was highly important that the militia should be put into a state of the highest possible efficiency, but at present, so far as he could learn, the whole administration of the force had got into a deadlock. The colonel of the Donegal Militia, he was informed—though he had written over and over again to the authorities in Dublin and to the War Office in England, complaining of the state of his regiment, that his men were sleeping four or five in a bed, and were in a condition disgraceful almost for pigs to be in—could get no answer of any kind to his representations. The whole force was paralysed, and, at the same time, the recruiting for the army had to a great extent been put an end to. If the Government had attended to the representations which were made to them some time go, it would have been perfectly possible for them to get pretty nearly all the militia to re-attest themselves for fresh service, by giving them a small bounty at once. When the men were made aware of the actual position in which they stood, in consequence of a discussion that took place elsewhere, they came forward and claimed their discharge, and then the Government tried to draw them back again into the service by offering them 1*l.* bounty. What was the result? Why, that every one of these militia regiments were thrown into a state of total disorganisation, the inhabitants of the different towns complained of the scenes of riot and insobriety which occurred, and the commanding officers lost all control over a body of men who, with proper discipline, might form a valuable reserve army. It would be in the recollection of all men connected with the military service of the country, that it had always been a very important question whether recruiting for the militia could be carried on without paralysing the recruiting for the army. There was no denying that to a certain extent the recruiting for the army had been paralysed, and at the same time he was of opinion that the pay of the militia had been inefficient. Unless something were done, and that quickly, the recruiting for the army would be altogether stopped. The hon. Gentleman (Mr. Peel) said that 10,000 men had left England within the last two months. He should be very glad to have a return of those men, for, speaking from memory, he was strongly impressed with the idea that that was an over-statement. He must repeat that the duty of the Government was at once to establish a militia staff to be in direct communication with the War Office. He felt sure that this was the only way in which the reports and complaints of the colonels of militia regiments could be properly attended to.

MR. BENTINCK said, that one statement just made by the hon. Under Secretary for War corroborated the charge of apathy and inactivity preferred by the hon. Member (Mr. H. Baillie) against the Government. A special Session of Parliament was summoned early last December for the express purpose of passing the Foreign Enlistment Bill, and, five months having since elapsed, the House was now told that the Government hoped at some future time to be able to state that depôts were forming of the troops to be raised under that Act. No unforeseen difficulties that they had heard of had been encountered in the carrying out of that measure; and, therefore, if this announcement of the hon. Under Secretary was to be taken as a fair specimen of the energy and diligence of the Government in meeting the requirements of such a contest as that in which we were now engaged, there was but little hope of their seeing the war brought to either a speedy or a satisfactory termination. The House was entitled to ask from the Government an explanation of the apparently unaccountable delays that had occurred in the carrying out of an Act which they had themselves regarded as being of such vital importance.

COLONEL GILPIN said, he wished to state, in reference to the complaint that had been made of want of attention on the part of the War Office to the colonels of the militia, that the official communications which, as an officer of that force, he had occasion to address to those authorities, had been always met with the greatest promptitude and courtesy. The replies which he received certainly might not always have been perfectly satisfactory to him; but, as an independent Member of that House, and once sitting on the Opposition side, he felt it to be his duty to say that he had invariably found the right hon. Gentleman the late Secretary at War (Mr. S. Herbert) and the present Under Secretary of the same department, most anxious to consider what was pointed out to them as likely to benefit the service. At the same time, it was questionable whether it would not have been more advantageous for the Government to adopt a somewhat different course than they had done in regard to the embodiment of the militia. When the opportunity of obtaining their discharge was held out to the men, and they found that they might go away in quest of work in the summer and return in the winter, they largely availed themselves of this privilege; whereas, if they had been merely told that some doubts existed as to the law under which they enrolled, and they had been offered 20*s.* each to obey it, the result might have been very different. With respect to the huts now being provided for the militia at Aldershot, if they were intended to be occupied permanently, certainly more attention to the comfort of the men ought to have been evinced than appeared to have been bestowed. The officers' quarters, for instance, were only nine feet by ten, and about eight feet high; such places would certainly be unsafe to occupy for any length of time.

COLONEL NORTH said, he could confirm the testimony borne by the hon. Member who spoke last as to the conduct of the War Department towards the officers of the militia; for it was impossible for any one to experience greater courtesy or assistance than he had personally received as a colonel of militia from the authorities at the War Office.

CAPTAIN BELLEW said, that there could be no doubt that great delay had occurred in the conduct of the militia business in Ireland; and some commanding officers there certainly had had their communications left unanswered. One officer, to his knowledge, having sent a communication to the War Office, and obtained no reply, came over from Ireland in order to have a personal interview with the authorities on a matter relating to his regiment. He (Mr. Bellew) himself had the honour to hold a commission in the militia, and could state that a desire existed among the officers and men to know when it was the intention of the Government to send out these regiments. Great demoralisation had ensued from the billeting of the militia, and steps ought long before now to have been taken to provide them with proper barracks. In one county, where there were 1,200 men, there was only accommodation for forty. The commanding officer was desired to hire buildings in which to place the men, but he declined doing so, as the hire would have amounted to 430*l.* for only a short period. If it should be found, as it probably would, that the troops could not, consistently with their health, occupy the huts at Aldershot during the winter, and if those in Ireland could not remain in the encampment at the Curragh of Kildare later than October, great evil must ensue from the men being sent back to their own homes. When surrounded by their friends and relatives, militiamen were not so likely to long for that activity which was so congenial to the soldier, and which often induced them to volunteer for the line, as would be the case were they provided with comfortable barracks, and subjected to regular training and discipline. He begged, therefore, to ask the hon. Gentleman the Under Secretary for War whether it was the intention of the Government to build barracks, or what steps they had taken towards hiring buildings which these men could occupy, in order to prevent the painful necessity of sending them back again in the winter to the towns in which they were at present billeted? He wished also to know whether it was intended that all the militia sent to encamp on the Curragh should be Irish regiments? This was a matter of some importance, because the Irishmen of the south and west could not possibly be prevented from quarrelling with those from the north of Ireland. [*Laughter.*] Hon. Members might laugh, but, remembering the two designations of Orangemen and Whiteboys applied to the Irishmen of the north and south, he was sure that if these men were sent to encamp together serious mischief might be apprehended.

Mr. COWAN said, that billeting fell very lightly on Edinburgh, a city of 120,000 souls; but on the smaller towns —Dalkeith, for instance, with only 5,000 inhabitants—the injury it inflicted was intense. A medical gentleman of that town had four militiamen billeted on him within three weeks, who turned out to be the most worthless, drunken characters imaginable; in fact, a perfect disgrace to his house. He (Mr. Cowan) had sent a communication, which he had received from the billet-master of Edinburgh, on the subject of billeting, to Lord Panmure; and he hoped, as that document was acknowledged to be valuable, that the hon. Gentleman the Under Secretary for War would direct his attention to it. The present system of militia accommodation in the small towns of Scotland was quite disgusting.

Sir JOHN WALSH said, he wished to recall the attention of the House to the fact that no answer had been given by the Government to the question of the hon. Member (Mr. H. Baillie) as to whether the Government contemplated any, and what, measures for restoring the militia to a state of efficiency. From the very desponding and gloomy statement of the hon. Gentleman the Under Secretary for War, it appeared that the militia was reduced to 25,000 men, and that the regular army was 40,000 men below the number voted by Parliament. The consequences of the unfortunate blunder which had taken place with regard to the militia seemed, therefore, to be that that force was now utterly inefficient. The people of England had never yet (to use an American phrase) "realised" to themselves the serious nature of the conflict into which they had to a certain degree dragged the Government. If this contest continued, and England was to maintain her position as a first-rate Power, very different measures must be taken to any which had yet been adopted, for all the exertions we had hitherto made were puny and insignificant, either considering the mighty contest in which we had embarked, or as contrasted with what this country had done during the last French war.

Mr. OTWAY said, he thought that if there was any foundation for the statement made by the hon. Gentleman (Mr. F. Peel), that the army was at this momoment 40,000 men below its estimated strength, the sooner the noble Viscount carried out the intentions which seemed to be indicated throughout his speech, the better for this country; for, if we endeavoured with so small a force to cope with the enormous military resources of Russia, we might just as well retire at once from such a contest. Connected with the information given to the House by the hon. Gentleman was a question he wished to put as to the proceedings of the agents who had been sent to Germany to enrol a Foreign Legion. He wanted to know if it was becoming the dignity of this country to enter into a sort of surreptitious war? Were the agents sent to Germany to enrol troops for us in communication with the authorities there, and had they, he should like to know, the sanction of the Sovereigns of the German States? Already, he believed, we had been subjected to some severe mortifications on this point. He had recently read that an attempt to enrol Americans for the purpose of fighting the battles of Great

Britain was made in New York, but the office opened by the English agent was closed by the authorities there, and the enrolment was thus put an end to. Again, he had heard that in Prussia an order had been issued directing the attention of the inhabitants to the rules and regulations affecting the entry of Prussian subjects into the service of a foreign potentate, and this attempt on the part of English agents was likewise put an end to. Similar occurrences had, he understood, taken place in Hamburg, and also in Switzerland, so that, if this was the case, very few of the German States seemed disposed to allow the English agents to procure men. He wished likewise to know, therefore, whether these agents had been sent over to Germany (for it seemed the Government had abandoned their original idea to take the foreign emigrants as they passed through this country) with the sanction of the Sovereigns of the States in which they were stationed, or whether the Government was prepared to bear these Sovereigns harmless through any transactions which might occur between them and the Emperor of Russia in consequence of these proceedings? He thought it would be satisfactory to the country that the hon. Gentleman should distinctly inform the House whether Her Majesty's Government had been in communication with the Sovereigns of the countries in which they were endeavouring to raise recruits for the Foreign Legion.

The Marquess of GRANBY said, he was of opinion that, as the original agreement was to enlist the men for a period of fifty-six days, Government could not have acted otherwise than they had done without committing a breach of faith with the militia. He rose, however, to ask the hon. Gentleman, the Under Secretary of War, whether the statement was true, that no militiamen would be reattested after the 26th ultimo?

Mr. H. HERBERT said, he was sure the discussion had lasted quite long enough, but he wished to express his conviction, founded on several years' residence both in the north and south of Ireland, that it would be very inexpedient, without a large sprinkling of English regiments, to assemble a large number of Irish militia at the Curragh. In support of this conviction, he would relate a circumstance which happened to himself a short time ago. He was conversing with some gentlemen from his own county in the public coffee-room of an inn in the south of Ireland whilst two northern gentlemen were sitting at breakfast. A hope was expressed that if the militia was to be sent to the Curragh, a considerable leaven of English regiments would be placed between the northern and southern regiments. Some one observed, he thought that the southern militia would be great fools if they agreed to it, for if they did the English militia would take part with the northern regiments if a quarrel broke out, and the southern ones would stand no chance. One of the northern gentlemen jumped up with a very fierce air, and said, "Why, sir, the northern would not require one of them." The gentleman looked so fierce, that if he had been of a quarrelsome disposition, there would have been a very pretty quarrel ready made to his hands.

Sir GEORGE GREY said, if he correctly understood the hon. Member for Inverness-shire (Mr. H. Baillie), he suggested that Government, to make up the proper force of the militia, should have recourse to the ballot. His hon. Friend (Mr. F. Peel) had replied that Government did not think that they had as yet exhausted all the means of voluntary enlistment, and in confirmation of that statement he (Sir G. Grey) would read a paper which his hon. Friend had just sent for. In this paper it appeared that within the last month no less than 5,412 men had been added to the ranks of the militia, including 500 who had availed themselves of the permission given in the circular, but who had since returned and had been reattested. The whole number discharged under the circular which had been sent out from the War Office was 8,336. The deficiency, therefore, was in great measure supplied by the number which had since joined. The hon. Gentleman (Mr. H. Baillie) also suggested a separate militia staff to ensure its efficiency. Now, the embodied militia formed a part of the military force of the country within the United Kingdom, and were subject to the military authorities, and did not require a separate establishment. With respect to the charges brought against the War Office by the hon. and gallant Member for Marlow (Colonel Knox) he need not say a word. They had had the testimony borne from several quarters totally unconnected with Government with respect to the attention given by the War Office to the communications of militia officers. Before the business of the militia was transferred from the Home Office to the

War Office he had received various communications complaining of the great inconvenience as well as injury done to the discipline of the men by keeping them in billets. He had entirely concurred in that opinion, and when the business of the Militia Department was transferred to the War Office, he had pointed out the importance of meeting the wishes of the officers, and of providing barrack accommodation to the fullest extent. The only reason for billeting the men was the want of barracks. He might inform the House that several regiments not yet embodied would have been embodied but for the difficulty of finding barrack accommodation. At the present moment there were in the United Kingdom 42,381 militiamen, but only 25,000 were under arms. With respect to the remarks of the noble Lord opposite (the Marquess of Granby), he might say that every facility had been given for the reattestation of the men, and that nearly 500 men had been restored to the ranks after having left them. With respect to the foreign enlistment, the question raised by the hon. Member below the gangway (Mr. Otway) was totally opposite to the charge brought by the hon. Member for West Norfolk (Mr. Bentinck), who said that Government were not doing enough to obtain recruits for the Foreign Legion. He thought that the difficulty had been over and over again explained. The ardour exhibited throughout the Continent to join the cause of the allied powers in the present war, which had led Her Majesty's Government to form an expectation that there would be no difficulty in raising a Foreign Legion, was much damped and checked by the tone of the debates which had taken place in Parliament, and by the discredit which was then thrown upon what were termed mercenary corps. In addition to this, the refusal of the House of Commons to allow half-pay to officers had presented great obstacles to Government, and had induced many who had made offers to form corps for the Foreign Legion to withdraw them. The Government had formed a depôt at Heligoland, so that any foreigners who chose to enlist could come there without any violation of the laws of any foreign country, and they would find there the means of being attested.

Sir JOHN PAKINGTON said, he wished to ask if the right hon. Baronet had heard of a rumour that a large number of Germans were expected to arrive to-morrow unexpectedly.

Sir G. Grey

Sir GEORGE GREY said, he had not heard the rumour, but Her Majesty's Government would be very happy to receive them, if they were recruits for the Foreign Legion.

MILITARY CONVICT LABOURERS.

Mr. ADDERLEY said, he wished to take the opportunity of bringing under the attention of the Government a subject which he thought of considerable importance in connection with the prosecution of the war. There were in the Government prisons of England some 10,000 convicts under sentence of transportation for long periods, and an addition was made to this number at the rate of about 4,000 a year. There were also nearly 2,000 convicts turned out upon the country every year with what were rather significantly called "orders of licence," and, however willing these men might be to work, they were almost invariably unable to obtain employment. He thought the present war afforded an opportunity of solving the difficulty which had occurred with reference to the disposal of men of this class. These convicts had, while in prison, become accustomed to an almost military discipline, many of them were capable of great physical labour, and they were by no means the worst criminals in the country, but were, perhaps, the least degraded of any class of criminals. They were, by all accounts, not habitual thieves, but men of ungoverned temper driven by violent impulse into various outrages. He need scarcely remind the House, on the other hand, that our gallant soldiers in the Crimea were compelled to undertake most severe labour of all kinds, which he considered they ought not to be called upon to perform. The choicest troops of England were forced to perform fatigue duties, such as never ought to be thrown upon them, and even the Guards had been required to clean out cesspools. When ablebodied men were turned out of our prisons, at the rate of 150 a month, with, so-called "orders of licence" but without the means of employment, and when our soldiers were overtasked with labour unfit for the troops, but which these convicts were well able to perform, he wished to ask why the convicts who were considered eligible for orders of licence might not have the option of enlisting for a limited time, in commutation of the remainder of their sentences, for the particular description of service to which he had referred? He would not enter into details as to the organisation of such a body, but he would suggest that their dress or uniform should not be military; that they should be embodied distinctly as a labour corps; that they should be paid, as in prison, for taskwork; that a portion of their pay should be kept back until their terms of service had expired; that they should receive gratuities for good conduct in the same manner as in prison; and that they should have one commissioned officer to each company, and sergeants selected from the warders under whose supervision they were placed while in prison. He believed that 1,500 men of this description would be at once available, who might be formed into ten or twelve companies of 120 men each. He had consulted several gentlemen on this subject, whose opinions were entitled to great weight, including officers of the convict department, governors of various prisons, and some of the inspectors of prisons, and they all had expressed their approval of the suggestion, one of the gentlemen to whom he referred having stated his readiness to take the command of the corps. He (Mr. Adderley) had also mentioned the matter to some of the leading military authorities, including Lord Hardinge, Sir John Burgoyne, and Lord Panmure, and they deemed the proposition one which deserved consideration. Indeed he had been informed by Lord Panmure that he would submit the proposition to Lord Raglan for his opinion. The only misgiving in the minds of the military authorities was as to the way in which men embodied in such a service might be looked upon by our soldiers in the Crimea. It was said it was doubtful whether our army would look upon them with great dislike and disgust, or whether they would be very well satisfied with the aid they derived from such a body. Even if the army should look upon such a body of men with some disgust, he did not think any bad result could be anticipated, while, if the army found them an available and useful body of servants, who undertook hard work to the relief of the soldiers, he thought the plan would be regarded with satisfaction. He would remind the House that in the French army a similar body had been organised for some time past, and had been found of very material service. He saw by what took place yesterday in another place that an additional number of navvies were to be sent out to the Crimea; but he thought it was very doubtful whether this scheme would be successful, and there were many reasons why navvies were not so likely to be serviceable as the class of persons to whom he had been referring. They would have high pay, they were not so well disciplined as the convicts, and would not be so easily brought under military control. The discipline which convicts underwent would make them a good force for the kind of service required; but the navvies had received no training, and there was nothing in their habits and customs that could render them at all a satisfactory body for the Commander in Chief to deal with. High military authority was already expressed against such civilian adjuncts to the army. He understood that it was not intended to arm these navvies, though they were to be employed in the trenches; and therefore the soldiers, in addition to their other duties, would have imposed upon them the task of guarding the navvies. In every respect he thought convicts would be superior to this class, and he believed that had their services been employed twelve months ago many valuable lives would have been saved. If it was determined that convicts were not to be employed in any way, it would become a serious question what was to be done with them—the country is at this moment in terror of their mode of being turned loose — and perhaps the House might yet have to regret that so good an opportunity as the present, of trying an experiment that might turn out to be a permanent resource for the country, had not been taken advantage of.

Mr. J. O'CONNELL said, he regretted that the hon. Member (Mr. Adderley) had not submitted his proposition on an occasion when it might have been more deliberately discussed. He regretted also the remarks which had fallen from an hon. Gentleman with respect to the state of feeling which it was said existed between the south and the north of Ireland. Even if a bad feeling did exist there, he thought that it ought not to have been alluded to in that House. The very mention of such a thing was bad. He knew a good deal of his fellow-countrymen, and he could say for the southern portion of the inhabitants of Ireland, that they had not that aversion to the northern districts which was imputed to them by the hon. Gentleman. He confidently believed that when his fellow-countrymen were called upon to act in defence of their country, their only thought would be how they could best defend her honour and interests. If the men would only follow the example of their officers, he was sure that such would be their conduct. He had the honour of being attached to an Irish militia regiment, the majority of whose officers differed from him both in politics and religion, and yet there never had arisen the slightest difference between them. The difficulty of recruiting for the militia was becoming more difficult every day, and several remedies had been proposed to lessen the difficulty. He believed that that would be materially effected by paying the larger portion of the bounty to the recruits as soon as they joined the service, instead of doling it out as now in small instalments. In the first place, that system of doles made the men fancy that tricks had been played with them, and they gave a bad report of the service to their friends who were thereby prejudiced against the militia. From the experience which he had had of the militia, he believed that the very best plan that the Government could adopt with regard to the payment of the bounty was, to pay the whole of it to the recruit as soon as he entered the service. Eight out of every ten of the militiamen that had come from his district sent their bounty at once to their parents and friends, whereas, when only doles were given to them from time to time, they spent it in the drunken habits which they learned from the bad example of ill-conducted men who entered into the service, and their parents and friends were thus deprived of the benefit of their bounty. With regard to the very important point as to militiamen volunteering into the line, he must say that he thought the difficulty of obtaining such volunteers was owing to the disorganised state of the militia regiments during the eight or ten days in which the men had to consider whether they would volunteer into the army. Lord Panmure had strongly deprecated the break-up of their discipline during these eight or ten days, which he said was without doubt very mischievous to the service. And yet that system still continued. He (Mr. J. O'Connell) must speak with diffidence on this subject, as he had had only three months' experience in the militia; but as far as he could judge, nothing was more calculated to do mischief to the service than that break-up of organisation in the militia regiments at the end of their period of service, when the young men were to be seen reeling through the streets in a state of drunkenness.

Mr. J. O'Connell

COLONEL DUNNE said, he most cordially approved of the hon. Member's (Mr. J. O'Connell's) deprecation of the differences which were alleged to exist between the men of the south and west, and those of the north of Ireland. It would certainly be a great disgrace to them if such differences existed; but he had not seen any such differences. He was happy to say that he was acquainted with some Irish militia regiments in which were Protestants and Roman Catholics from various districts of Ireland, who lived together in the most perfect harmony, as if they came from the same town. He had not the slightest fear of such disputes as had been alluded to by an hon. Gentleman. The avoidance of such disputes depended upon the officers, and he was sure that they would not encourage them. The hon. Member for Kerry (Mr. H. Herbert) had spoken of two militia officers who had quarrelled at an inn, but he omitted to state at what hour of the night that quarrel took place. With regard to the question of the payment of the bounty, he concurred with the hon. Member for Clonmel in thinking that its payment in doles tended to diminish enlistment. He must also complain of the manner in which the embarkation of troops and stores was still conducted. The other day when a troop of artillery was embarked, it was found after the guns were on board, that the horses could not be taken in, and if the horses were taken, their harness could not be. These things occurred every day, and yet there could not be a more useful or efficient department than the Board of Ordnance, if properly worked. He did not impute to the Government a want of anxiety with respect to the management of the war, but accidents had occurred with respect to it which proper care and foresight must have prevented. He likewise considered that the whole system of recruiting for our army was bad. We were enlisting boys of sixteen and eighteen years of age, who were totally unfit for active service in the Crimea—and yet they were sent out to fight against the veterans of Russia. But when they reached the Crimea they were sent to the hospital and to their graves. The work in the trenches soon terminated their existence. He had spoken to officers who had returned from the Crimea, and they assured him that those young men and boys were a nuisance instead of a service to the army, and that it would be far better to send out a few efficient men than multitudes of undisciplined and inexperienced boys. We could not at this moment procure men who were sufficiently trained to undergo a campaign in the Crimea. They might talk of enlisting a foreign legion, but the men forming such a legion would have to be drilled and disciplined for some time in this country before they could be fit to join the army in the Crimea. It was said you have got a Turkish legion; but every one who was acquainted with Turkey, and with the habits of the Albanians, must know that they would never make good soldiers, and that they were nothing but rubbish. The Osmanli would not enlist into our service—it would be repugnant to his habits to do so. He saw no probability of our army being efficiently recruited under the present system. Until better pay was given to our cavalry, we certainly need not expect to obtain an efficient cavalry force. Some measure must be taken by the Government to increase the pay of the cavalry, if they wished to carry on the war with vigour. He did not think that the army could be recruited from the convict prisons, as had been proposed by the hon. Member for North Staffordshire (Mr. Adderley). That hon. Gentleman had no doubt quoted high authorities in support of his proposition, but he (Colonel Dunne) wished to know what officer would employ convicts with armies either in the Crimea or elsewhere? It would be necessary to employ a large force to prevent convicts from deserting. Suppose convicts were employed in the trenches, did any one suppose that they would not desert to the enemy on the first opportunity that might present itself, and then our plans would be revealed to our foes. Nothing but the constant terror of the bullet or bayonet would prevent such men from deserting and betraying us. He sincerely hoped, therefore, that the Government would not agree to the proposition of the hon. Gentleman.

Sir GEORGE GREY said, the desultory debate which had taken place upon this subject was a good illustration of the extreme inconvenience of Members bringing important matters under the consideration of the House on the Motion for its adjournment until Monday. He would confine himself to two or three observations, as the subject had not been brought before the House in a formal manner. The hon. Gentleman opposite (Mr. Adderley) seemed to have overlooked the fact that there were two classes of convicts—namely, those who were undergoing penal servitude for a period of two, three, or four years, and who, during the whole period of the term for which they had been sentenced, were either undergoing punishment in prison, or employed in the public works of this country, and those who had been sentenced to transportation, but whose sentences could not be carried into immediate effect. After they had passed a portion of their term of punishment in prison, letters of licence were given to them, which corresponded with the tickets of leave granted in the colonies. The convicts referred to by the hon. Gentleman belonged to the former class, who were sentenced to short periods of penal servitude; and he (Sir G. Grey) thought it would be most dangerous to hold out to them any hope that after they had undergone eighteen months of penal servitude, they should, irrespective of the crimes of which they had been convicted, and of the length of servitude to which they had been sentenced, have the opportunity of enlisting into the service of the army. Irrespective of any considerations as to the effect which such enlistment would have upon the army, he thought that the holding out of such an inducement would greatly diminish the terror which punishment exercised over the evilly disposed members of the community. If the proposition of the hon. Gentleman were carried into effect, the sentences of the Judges would be considered to be only nominal, as the party sentenced would feel that, if he only observed the prison rules—no matter how long the period he was sentenced to—for eighteen months, he would have an opportunity of enlisting into the army. With regard, however, to the other class, who, after having undergone a considerable portion of their sentence, had obtained letters of licence, he thought the case was very different. That class of persons, when they had obtained letters of licence, would be permitted to return to society, and to work for an honest living. He thought it would be desirable to encourage them to enter upon an honest occupation, and if nothing had been publicly said on this subject, it might have bee desirable secretly to facilitate the employment of some of those convicts, mixed up with other persons, in works connected with the military operations; but it would be a dangerous proceeding, on account of the feelings it would excite, to make a distinct corps of them, and necessarily a military corps, because they must form part of the army, be disciplined under the Mutiny

Act, and officered by gentlemen holding Her Majesty's commission. Such a proposition Lord Panmure had informed him could not be entertained. With respect to the employment of that useful class of persons commonly called "navvies," of course the same objection did not exist. Their labours in the construction of the railway in the Crimea had shown them to be a most efficient body of men, and they would be found serviceable, no doubt, in relieving the army from work not wholly of a military character.

Mr. SPEAKER: Before any other hon. Member rises to speak, I think it right to state that Orders of the Day have precedence of Motions on Friday, and that for the last three hours the House has been discussing questions founded on a Motion which must be withdrawn, inasmuch as the House must meet to-morrow, as there is then to be a Royal Assent by Commission.

Mr. MONSELL said, the Board of Ordnance were in no degree responsible for anything that had occurred in regard to the embarkation of the artillery force. It was true, as stated by the hon. and gallant Member for Portarlington (Colonel Dunne) that the *Candia* was appointed to take out a certain number of artillery horses, and when she arrived at Woolwich the horses, men, and, in fact, everything was ready for embarkation. The captain of the *Candia*, however, gave it as his decided opinion that if the number of horses were placed on the deck of the *Candia* that had been appointed to be placed there, it would be attended with considerable danger, and therefore, he strongly recommended that nothing of the sort should be done. He thought the artillery officers exercised a wise discretion in communicating that danger to the Transport Board, but the Ordnance had not the slightest responsibility in the matter. Adverting to another point which had been touched upon, namely, the tents sent out to the Crimea, he could state that 2,000 had already been sent out, while 1,000 were now ready for embarkation, but at the request of the Commander in Chief, they were single tents, in order to save weight.

Motion for adjournment by leave *withdrawn.*

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

Order read for resuming adjourned debate on Question [18th April], "That the Bill be now read a second time."

Sir G. Grey

Question again proposed.

Debate *resumed.*

Mr. GEORGE said, that, in resuming the discussion on this measure it was advisable that he should remind the House that the Bill before them consisted of three distinct parts, and with regard to the last part of it, relating to the consideration of the different Acts having reference to leasing powers, no great difference of opinion existed. The other portions related to the question of compensation to tenants for improvements, that part being again divided into two distinct parts, one relating to compensation for prospective improvements; and the other, and, in his opinion, the most objectionable, to compensation for retrospective improvements. In 1852 he had stated his willingness to consider favourably the question of future improvements; but he had never consented, and never would consent, to the retrospective clauses, having always regarded such clauses as a gross violation of the rights of property and of existing contracts. He wished shortly to call the attention of the House to the position in which the Government stood with reference to their Bill. It would be recollected that when the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) brought forward his Bill in 1852, he declared that he would not have brought it forward if he had thought it interfered with the rights of property. That Bill was the one known as Mr. Sharman Crawford's, but at the period in question he had pointed out that the hon. and learned Member had proposed to add to that Bill two clauses of a most objectionable character, and essentially destructive of property. These clauses related to what was called perpetuity of tenure, and to the compulsory valuation of land. If these clauses had become law they would have converted every man's fee simple in Ireland into a mere rent charge on the property at the good will and pleasure of the tenant. As the Members of the Government had acted on the silent system with regard to the present Bill, he must assume that they were favourable to it, and to the objectionable retrospective clauses. After the declaration made by the right hon. and learned Gentleman the Attorney General for Ireland, and also that of the hon. and learned Solicitor General for Ireland, it was impossible they could sit on the Treasury bench unless they were prepared to support the measure. A conference had been held on this subject almost immediately after the election of 1852, attended by a large number of the Irish Members, and at that conference the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Keogh) moved that they were prepared—

> "To hold themselves perfectly independent of, and in opposition to, every Government which would not make it part of its policy and a Cabinet question to give to the tenantry of Ireland a measure fully embodying the principle of Mr. Sharman Crawford's measure."

The hon. and learned Solicitor General for Ireland (Mr. J. D. FitzGerald) on that occasion likewise said—

> "I stand here prepared to sacrifice all expectations of power, place, or pension—to fling to the winds all considerations of advantage and emolument—provided I can successfully aid in carrying out to its fullest fruition this great project, worthy of the nation."

The hon. and learned Gentleman, he must admit, said, that he would not pledge himself to support Mr. Sharman Crawford's Bill in all its details, but that he would support its principle. So the matter stood till 1852, when the right hon. and learned Member for the University of Dublin (Mr. Napier) introduced his four Bills on the subject, one of which was greatly analogous to the present Bill relating to leasing powers. He admitted that in one of the Bills the right hon. and learned Gentleman had introduced clauses that were retrospective, as well as clauses that were prospective. He, however, did not vindicate that course. In fact he had never voted for a single clause having a retrospective effect. Those Bills, with the Bill of the hon. and learned Member for Kilkenny, were referred to a Select Committee, and the first step taken by that Committee was to reject the Bill of the hon. and learned Member for Kilkenny, on the ground that it was a Bill subversive of the rights of property. The Landlord and Tenant Bill, the Tenants' Compensation Bill, and the Leasing Powers Bill had been referred to the consideration of the other House; and more than one of their Lordships had given expression to their opinions with respect to certain provisions contained in those Bills. Upon the 28th of February, 1854, Lord Campbell, upon the question that the House should go into Committee on the Bills, had stated that he considered—

> "The retrospective clauses contained in them entrenched upon the rights of property. That a person might have bought land under the Incumbered Estates Act with a Parliamentary title, and with no claim upon it which was not set out in the conveyance."—[3 *Hansard*, cxxxi. 30.]

The noble and learned Lord had followed up these observations by stating that the effect of such clauses would be to drive capital from Ireland, and had characterised them as "nugatory, unjust, and absurd." He found also that the present Lord Chancellor had, upon the occasion in question, observed that he looked with trepidation upon the retrospective legislation proposed in the Bills. Notwithstanding the many objections which had been urged against them, however, the Bills had been referred to a Select Committee of the other House of Parliament, and the Leasing Powers Bill, subject to a protest from Lord St. Leonards. They had subsequently passed, with certain modifications, in the shape of a clause providing that in the cases in which a tenant had erected houses upon the farm which he occupied, he should have a right to obtain from the landlord compensation for the fixtures which they might happen to contain upon his giving up possession. In his opinion the fixture clause was a nugatory boon to the tenant; but be that as it might, the other House of Parliament had rejected altogether the Tenants' Compensation Bill, and had given their assent, with the modifications to which he had just alluded, to the other two Bills. These two measures, thus passed by the House of Lords, had been sent down to the House of Commons, but no step whatever had been taken by the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) to procure the enactment of the Bill which he had in the preceding Session introduced. And what was the course which the hon. and learned Gentleman had taken with reference to the question of tenant right during the present Session? One would have supposed that the course he would naturally have adopted would have been to take the two Bills which had last Session received the assent of the other House of Parliament, and to endeavour to pass them into law. But, instead of adopting that course, the hon. and learned Gentleman had appropriated almost word for word the Leasing Powers Bill of his right hon. and learned Friend the Member for the University of Dublin, and had, besides, taken the Bill, not that which the House of Lords had approved of, but that which had been rejected by a Committee of that House, composed of several Members connected with both the late and the present Government. Now, Her Majesty's Ministers had been over and over again entreated to state what course they meant to pursue with reference to the Bill of the hon. and learned Serjeant; and that was a question to which he trusted they would receive an answer that evening. To the clauses of that Bill up to the 14th—which were of a prospective character—he entertained no very decided objection, but to the clauses from 14 to 17—which were retrospective in their nature—he was entirely opposed. To the clauses after Clause 17 he should be prepared to give a favourable consideration; but to the retrospective clauses of the Bill he could never give his assent. The 14th section of the Bill set forth, that if any tenant, or those from whom he derived at any time before the passing of the Act, should have executed any improvements of the description named in the Bill, thus adding to its letting value for agricultural purposes, such tenant would be entitled to compensation. Another portion of the Bill provided, that every tenant in Ireland, no matter what might be the nature of his tenure, or what contract he might have entered into with his landlord, might, within twelve calendar months, prefer a claim for compensation for improvements to the assistant barrister, who was bound to ascertain the amount and nature of such a claim. Now, was it, he (Mr. George) should ask, desirable that those tenants who held land upon leases perhaps 100 years old, and with respect to which a solemn contract had been entered into with their landlords, should have it in their power to entail endless lawsuits upon him within the next twelve months? The consequence of the enactment of such a provision would be that there would be a vast amount of litigation, of swearing and counter-swearing, such as had never been witnessed in Ireland before. Independent altogether of the wrong which they would inflict by sanctioning the violation of solemn contracts, the retrospective clauses in the Bill before the House would lead to the worst possible social results, and would tend to drive the landlords of Ireland from their estates by the hardships and inconvenience which they must eventually entail, and he thought that any lawyer would be scouted who ventured to maintain such principles. He should, therefore, hope that Her Majesty's Government would communicate satisfaction to the mind of every man who possessed property in Ireland, by stating that the clauses to which he referred would not receive their support. He thought it was the more desirable that they should give that assurance, inasmuch as the hon. and learned Gentleman the Member for Kilkenny, in asking for leave to introduce his Bill, had held out a threat to the Government, to the effect that if they wished to secure his support, and the support of those with whom he acted, they must be cautious as to the course which they should take with reference to the measure. Now considering the distinguished position which the noble Lord at the head of the Government occupied, and remembering also that he possessed property in the country which was intended to be subjected to this species of legislation, let him not be restrained by any unworthy fear of losing the support of any political party, but, while displaying a perfect readiness to give every legitimate encouragement to improvement by conceding a fair and reasonable amount of compensation to tenants for their prospective outlays, boldly and at once declare his own fixed determination and that of his Government to be no parties to the unjust principle of transferring the property of one man to another which was involved in the 14th clause of this measure. The hon. and learned Serjeant had mixed his most objectionable enactments with several good ones, apparently in order that in the scramble he might carry the whole; and, probably, he was also desirous of prejudicing the great Conservative party in Ireland by representing them as unwilling to serve the tenantry of that country. His (Mr. George's) withers were, however, unwrung on this question, because he had always advocated fair and equitable compensation for prospective improvements, and he also approved of the consolidation of the heterogeneous mass of existing statutes dealing with the relations of landlord and tenant. He must also solemnly protest against the time which had been chosen for reopening this question. Ireland had now rallied, he was most happy to say, from the misery and depression in which she had been sunk, her prosperity had returned, peace prevailed among her people, and crime had been largely diminished. Her population would, therefore, be much better employed in their industrial pursuits than in the agitation of a question which the hon. and learned Member had raised by a sort of side-wind and mixed up with several measures of a totally different character. And here he (Mr. George) must, in as strong language as the forms of that House would allow, condemn one part of the speech of the right hon. Gentleman the Chief Secretary for Ireland (Mr. Horsman) the other night, in which that right hon. Gentleman, who was about to proceed to Ireland to take an active part in its Government, described the normal relation between landlord and tenant in that country as one of mutual hostility, and animadverted on the injustice inflicted on the tenantry by their landlords. If such were the deliberate opinions of the right hon. Gentleman, he certainly must visit Ireland before he could properly understand its real state. He denied in the most solemn manner the proposition of the right hon. Gentleman, and believed there never was a period in the history of Ireland in which the relations between landlord and tenant were so friendly as at present. He hoped that when the right hon. Gentleman had been longer in Ireland he would see reason to change his opinion, which was hurtful to the feelings of ninety-nine out of every hundred Irish landlords. He should certainly not support the second reading of this Bill; and desired it to be understood that he did so, not because it contained a Leasing Powers Bill, nor because it made compensation for prospective improvements in Ireland, but because there were interpolated into it several clauses which were subversive of property and of solemn contracts which had been entered into.

THE SOLICITOR GENERAL said, that he laboured under considerable diffidence in addressing the House on this subject, because he felt that he was not qualified to discuss it either on its social or economical grounds. The House had heard the strong appeal made by the last speaker, who had told them that the measure before them was so inconsistent with the principles of justice and equity that—to use the hon. Member's choice expression—any lawyer would be scouted who ventured to maintain the principles. Now, he (the Solicitor General) would venture to say, *pace tanti viri*—that the principles of this measure, both in the prospective and retrospective clauses, were consistent with equity and justice; and, on these grounds, he should ask the House to assent to the second reading of the Bill. He should, after what had been said, hardly have ventured to appeal to the House if he could not have asked them to agree with his conclusions, which were supported by the opinion of Sir William Grant, no mean judge of equity and justice; by Lord Eldon, no weak conservative of the rights of property; by Lord Redesdale; and by the universal consent of all writers and expositors of equity and natural justice. If in the social condition of a country in which land was let, deprived of all the necessary accessories for the cultivation and improvement thereof, the land parted from the landlord in that condition, was it expected that the tenant should employ it profitably? He supposed the answer would be that the tenant was to employ it profitably and reasonably, and for this it was essential there should be certain accessories to be supplied by the tenant. There was then an expectation on the one side, and a belief entertained by the other, that the one would supply to the land all that was requisite for its beneficial occupation, and that so supplying it he would be permitted to use it for the purposes of such beneficial occupation. He should now endeavour to show the House, on the highest legal authorities in this country, that if one party, knowing that another entertained a particular impression, belief, or expectation, leading him to lay out money on the improvement of land, stood by and permitted that expenditure to be made, without correcting this impression, and warning the party that he was not to entertain this natural belief, the individual so standing by would not be allowed to dispossess the person whom he had encouraged by his silence to lay out money in improving the land, and would not be allowed to enter into the enjoyment of the profits of the tenant's labour and the results of his expenditure. Well, was not that the principle involved in this Bill? Was it not the fact in Ireland that in nineteen cases out of twenty a landlord expected the tenant would do something for the improvement of the land, and stood by while it was done; and then was it not consistent with justice for the law to assume a tacit understanding on his part that the tenant was to enjoy the results of these improvements? Such doctrines as these had been the A B C of equity in this country for a considerable time, and if parties proceeding against their tenants in Ireland could be compelled to proceed in a court of equity, they would be met at once by the legal apophthegm that "he who seeks equity must do equity," and they would not be allowed to dispossess the tenant until they had given him satisfaction for the expenditure he had incurred. He would call their attention to the language of Sir William Grant in a case very nearly resembling that embodied in the principle of this Bill:—

> "If a landlord enters into an arrangement with the tenant relative to improvements,"—

the House should remember that such an arrangement might be either express or implied, might be made either by contract or by looking on and permitting a thing to be done upon a certain evident understanding and belief which you do not take the pains to remove—

> "If a landlord enters into an arrangement with a tenant relative to improvements, and completely sanctions them, &c., I doubt whether that does not fasten an equity upon the landlord, precluding him, when these improvements are made under his authority, from saying there is an end of the lease. Such an arrangement, though without a specific agreement, would imply one, as it would be so contrary to good faith to encourage a tenant in so positive and direct a manner to proceed in particular improvements, and then deny him all benefit, that I think equity would interfere, and hold it an implied term, that the tenant should have the fair benefit from the improvements thus made with the concurrence of his landlord."

Lord Eldon was still more explicit:—

> "This Court will not permit a man, knowingly, though but passively, to encourage another to lay out money under an erroneous opinion of title, and the circumstance of looking on is in many cases as strong as using terms of encouragement,—a lessor knowing and permitting those acts, which the lessee would not have done, and the other must conceive he would not have done, but upon an expectation that the lessor would not throw an objection in the way of his enjoyment."

So that a contract was produced in the eye of this great Judge, this great master of equity and natural justice, if the lessor permitted, without warning, that to be done which he knew the tenant could not be expected to do unless he entertained the belief that his enjoyment would not be interfered with. This, in Lord Eldon's opinion, created a right in equity against the landlord. He went on to say:—

> "Taking the repairs to be substantial and proved, the case fails in a material point, that, in order to give a person a larger interest in the property than he derives under the instrument making his title, it must be shown that with the knowledge of the person under whom he claims he conceived he had that larger interest, and was putting himself to a considerable expense, unreasonable compared with the smaller interest, and which the other party observed, and must have supposed to have been incurred under the idea that he intended to give that larger interest, or to refrain from disturbing the other in the enjoyment."

These passages and decisions might be cited not unfavourably against the opinion of the hon. Member for Wexford (Mr. George). Some hon. Gentlemen might think that these Bills were founded upon some novel principle, upon some new, strange, and unheard-of rule required by the necessities of Ireland, but not sanctioned by the English system of jurisprudence, and not to be found in any of the ordinary systems of the administration of justice. So far from that being the case, however, it would be found that the principles of this Bill were in strict accordance with the rules established in that great exemplar of jurisprudence and equity, the civic law of Rome, and it had been adopted in many of the systems of jurisprudence of European nations. With regard to the application of the retrospective clause there was no doubt some difficulty, but that difficulty, he submitted, was much less in the present case than generally existed where the Legislature was called upon to pass a statute having a retrospective operation. It was undoubtedly a general principle of equity that you should be bound by any of those contingencies which, at the time of acquiring your property, you had reasonable ground to presume existed. Now, whoever had purchased land during the last five, six, seven, or eight years—for in the year 1845 the principles he was now advocating were to their full extent brought forward by the present Earl of Derby, as a Member of the Conservative Government of Sir Robert Peel—must have done so with the perfect knowledge of the agitation upon this particular question, that these demands were generally made on behalf of the tenantry of Ireland; that it was a matter then pending, and (if he might adopt a legal expression) at that time *sub judice;* and therefore such purchasers were by no means without a fair intimation that some such principle as was now under discussion would ultimately be adopted by the Legislature. If a man bought lands at the time they were in the occupation of a tenant, and he found that the rent paid by the tenant was very inadequate to the actual value of the land, and that it had upon it commodious buildings, good roads, and other facilities, would not any intelligent person at once come to the conclusion that, taking into consideration the small amount of rent paid, the various improvements must have been made by the tenant and not by the landlord? Undoubtedly, if a man had let land within the last ten or twelve years, since this agitation commenced, and he was so circumstanced that he must know that any prudent man would expect to be compensated for his improvements, and if he sought in a court of equity to defeat the tenant, he would be met with the argument that the tenant had considered he had a claim to be compensated for his improvements, and the House would observe that the Bill before it always placed these parties in this situation, for the equity of the Bill did not arise until the landlord sought to charge the tenant. The moment the landlord sought to enter into the enjoyment of the fruits of the tenant's labour the equity of the Bill arose. The tenant was not the aggressive party, for his claim only arose on the landlord seeking to charge him with his improvements. They were the shield with which he defended himself, and not the sword of aggression with which he attacked the landlord. On these grounds he considered that the Bill was founded upon principles of equity and justice, and therefore deserved the support of the House.

Mr. MALINS said, he could not allow the speech of the hon. and learned Gentleman the Solicitor General to pass without entering his solemn protest against the doctrines he had enunciated, for, unless he (Mr. Malins) had spent all his life in vain, he was justified in saying they were opposed to every principle established in the courts of equity. But he was the more astonished when he heard the hon. and learned Gentleman quote the opinions of Sir William Grant and Lord Eldon in favour of those principles, for he was convinced that if those learned Judges could have heard their authority cited in favour of such doctrines they would have started with amazement and affright from their graves. He must confess that nothing could more surprise him than to hear his hon. and learned Friend, himself a distinguished equity advocate, state that natural justice required that where a landlord had permitted his tenant to expend money in improving his property he should be prevented from recovering possession at the expiration of the lease, and cite the opinion of those eminent Judges as his authority. [The Solicitor General: No, no!] What, then, he asked, were they discussing—a definite question, or an uncertain theory? When he spoke of landlords and tenants, he spoke of persons having some knowledge of each other's rights; the landlord knew when his property would fall in, and the tenant when he would have to give it up; and for his hon. and learned Friend to say that, because a tenant, having a full knowledge of this circumstance, laid out money in improvements without the consent of his landlord, the landlord would be deprived of his right of entry, was opposed to every principle of common justice, and compelled him to express his astonishment at hearing such a doctrine advocated by the hon. and learned Gentleman. He challenged the hon. and learned Gentleman to attempt to propound any such erratic doctrine in a measure for England, and warned the House against paying the slightest attention to it. The particular case alluded to by the hon. and learned Gentleman, and from which he quoted the opinions of Sir William Grant and Lord Eldon, was one of a peculiar character, where a landlord had knowingly allowed a tenant to spend money on improvements under an erroneous impression of his right, and afterwards sought to reap the benefit of those improvements. That it was which these eminent Judges held to be against natural justice, and not for a landlord under ordinary circumstances to enter on his property on the expiration of the lease. But the principle of the Tenants' Compensation Bill was, that if a tenant made improvements without the consent of his landlord, he thereby acquired the right to an indefinite possession till the landlord should have compensated him for his improvements. The cases which his hon. and learned Friend had cited were decided upon the principle of natural justice, and referred, as he had previously stated, to the case in which a landlord, knowing that his tenant was under a misapprehension as to the term of his lease, permitted him to expend his money in improvements, and in those cases equity would interfere for the relief of the tenant. He would proceed to consider how the principle of the Bill affected the case of mortgagor and mortgagee. In Ireland, when the interest was in arrear, a receiver was appointed, but in England that was not the case. In England, the legal title being in the mortgagee, the law allowed him to enter into possession of the property, subject to the equity of redemption appertaining to the mortgagor—that was, until he was paid the money due to him, when the property again became vested in the mortgagor. In that case the courts of equity allowed the mortgagee, while in possession, to expend money to a moderate extent in lasting improvements, and repayment of that money had to be made by the mortgagor, but the rule of law was that a mortgagee might not improve the mortgagor out of his estate; that was to say, that he was not permitted to expend such a sum as the mortgagor could not repay, but the principle of the present Bill would totally upset that state of things. The present Bill enunciated a principle for the first time heard in this country. It laid down the rule that the landlord could no longer assume possession of his property at the expiration of any lease which he might have granted; in short it established the principle that a lease should no longer mean a term of years, but that it should imply the indefinite period until the landlord had repaid the tenant the money which he had laid out on the estate without his consent. Now, he wanted to know why the relation between landlord and tenant should not be allowed, like all other business relations between man and man, to rest upon contract. The law in England had always recognised that principle; and why, if the tenant chose to expend money in improvements, should not the law say to him, "Take care that you obtain a lease of such a duration as to make it worth your while to make improvements; or, if you have not made such a lease, take care that you enter into a contract with your landlord for the repayment of the money you expend?" It appeared to him that by consenting to the present Bill the House would be, without any necessity, interfering to protect those who were well able to protect themselves, and would be introducing a principle fraught with danger. If such a principle were applicable to Ireland it certainly was to England, and he would challenge his hon. and learned Friend to lay upon the table of that House an English Bill involving such a principle. The hon. Member for Wexford (Mr. George) had principally addressed himself to the retrospective action of the Bill, and most certainly he was of opinion that the operation of the Bill would in that respect be most unfair. He would warn the landed proprietors whom he had the honour to address to pause before they gave their assent to such a principle, which would set all contract between landlord and tenant at nought. The hon. and learned Gentleman the Solicitor General had said that agitation upon this subject had been going on for about ten years, and that persons who had let or purchased property had therefore been prepared for a measure like the present. He had never heard such a doctrine as that of purchasing under notice of agitation. Such a doctrine as that laid down by the hon. and learned Gentleman was, he thought, repugnant to natural justice and dangerous to the rights of society, and he blushed for the day on which he heard such a principle propounded, and propounded by an English lawyer, that lawyer being one of the legal advisers of the Crown.

Mr. DE VERE said, he trusted that the present Bill would not be treated as a party question. He hoped that it would rather be considered upon a broad basis, and not as it affected county and county, one class or another. It had been objected that this was not an appropriate time for bringing forward such a measure; but to him it seemed peculiarly so. This was a period of profound peace in Ireland; but experience ought to have taught us that such a peace was not always permanent, and that we ought to take advantage of it for social reforms, which, in a state of agitation, were almost impossible. One of the main causes of the unfortunate condition of Ireland was the relation between landlord and tenant, and he thought the Bill of his hon. and learned Friend (Mr. Serjeant Shee) an excellent remedy. Let them compare the case of a poor tenant who went into the occupation of land in Ireland with one similarly placed in England. In Ireland he went into the occupation of a farm without agricultural dwellings and drains, or roads, or fences. He could only improve the farm by the expenditure of his little capital. He looked around and saw those who had invested their capital deprived of the benefit of it, and he said he would not be guilty of such imprudence. He would keep his capital in his pocket, and pay a rent proportioned to the improved value of the farm. But if he did expend his capital, the result would be that the benefit would go not to him, but to his landlord. How would the case be in England? He would find the farm as a farm ought to be, and no expenditure was needed. The law for England and Ireland was the same, but the custom unfortunately was different. The custom of England was created by public opinion; whereas in Ireland there was no public opinion, rightly so called, that public opinion which is based upon unanimity of feelings and interests between class and class, who were not in Ireland, as here, interwoven into one great whole. The Bill of the hon. and learned Member for Kilkenny would effect in Ireland—would operate by law—that which in England existed by custom. The custom of England was, that the tenant should be entitled to the undiminished capital employed on the farm at the end of the period. With regard to landlords, it was his firm belief that they would derive incalculable benefits; they would have a better rent—a better tenantry—a surer rent-roll; tenants would invest their capital instead of hoarding—they now only wanted confidence. Industry would be thus promoted, the whole face of the country would be changed, and the condition of the labourer materially benefited by obtaining ample employment. He would be loath to place his advocacy of this measure on a mere class interest—he believed it would benefit the whole community. He had spoken hitherto only of the direct benefits of the measure, but the indirect benefits would be greater still, and this time of Irish prosperity was the very time of all others to attempt to legislate upon this subject. Who were those who opposed the measure? Amongst its opponents he regretted to see some excellent men and humane landlords; but they were men who fancied that others were as humane and as just as themselves, and who were not aware of the condition of the great body of the people; next, a class of men who were the destruction of the country, who used their territorial rights for political purposes. This evil existed to a fearful extent—and he believed that one of the many grounds of such men's opposition to this Bill was based upon the fear of a diminution of their political influence. He begged the Government to remember that now was the time for pushing forward this measure, not with a mere formal, but with a sincere, hearty, and earnest support. Let them concede in time, and let not the people of Ireland be agitated year after year by this question, which was at the bottom of all the evils affecting the social relations of Ireland. The Bill of the hon. and learned Gentleman the Member for Kilkenny was certainly not all he could desire, but it contained all that he could see a hope of being carried to a practical issue. Upon these grounds he gave to the Bill a cordial support. He did so not actuated by mere party or political considerations, but to promote what he believed to be the best interests of Ireland. Feeling strongly that the measure would be productive of the most beneficial results, that the fears expressed of its operation were groundless, that the accusation of Socialism against it was unjust, and that it was more dangerous to perpetuate injustice than to make even a serious change in the relations between landlord and tenant in Ireland, he should give his support to the second reading.

Mr. J. G. PHILLIMORE said, he had very great objections to the retrospective clause, which was so worded as to be without any limitation whatever. Under the 14th clause, the man actually in possession of the property might be called upon to refund a large sum on account of improvements which might have been effected in the days of his ancestor in the twentieth degree. With that exception, however, he approved of the objects of the Bill, and should give his vote in favour of the second reading. When he considered the evils occasioned by the tenure of land in the sister country, and the manner in which the privileges and influence conferred by property had been abused, he thought they were bound to depart in some degree from the strict rights of the question. But to a clause such as he had mentioned he could never give his consent, and if sanctioned by the House, he thought they would show great ignorance of the principles of jurisprudence.

Mr. BENTINCK said, that as far as he understood the measure, it neither emanated from those by whom it professed to have been recommended, nor was it intended for the benefit of those to whom it purported to afford relief. He considered that this Bill, and all other measures of a similar kind, were got up by a certain section, for the purpose of political agitation. He believed the sole effect of the retrospective clause, if it was carried out, would be to transfer a certain amount of property from the pockets of the Irish landlords to those of the Irish tenants; and the clause to which the hon. and learned Member for Leominster (Mr. J. G. Phillimore) had referred, seemed to him designed for the sole purpose of robbing both landlords and tenants, and transferring the amounts of which they were to be plundered to the pockets of country attorneys.

Mr. HORSMAN said, he must beg the indulgence of the House while he briefly explained the views and intentions of the Government with respect to this measure. He was somewhat surprised to find how forgetful the Gentlemen who had spoken on the other side seemed to be as to what had taken place in previous Sessions with respect to this Bill. To listen to the expressions of indignation at the monstrous proposition which it would appear from them was now, for the first time, submitted to an astonished House, one would think that the question of retrospective compensation to the tenants of Ireland had never been heard of before that evening. It surely was not necessary to remind the House that the Bill now under discussion was, in terms, in clauses, and in language, almost precisely the Bill which the present House of Commons passed only two years ago, which was introduced, not by any hon. Gentleman on that (the Ministerial) side of the House given to change, but by the right hon. and learned Gentleman the Attorney General for Ireland of the Government of Lord Derby, who carried the retrospective principle much further than any one had advocated that night? That Bill was referred to a Committee upstairs, from which it came down amended, passed the House, and was sent to the House of Lords, where, late in the Session, it passed the second reading, by which the principle of retrospective compensation was recognised. The Bill, however, failed to become law, in consequence of the late period of the Session when it arrived at this stage. Now, what, in these circumstances, was the position of Government with regard to this Bill? In a former Session they endeavoured to legislate on this question, but were unsuccessful; and when, in consequence of their not taking up the matter again, the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) brought in the present Bill, were they to refuse it their support, especially when they considered that it was the identical Bill they had themselves approved, and to the principle of which the House had given its deliberate assent? The Government could not, in such circumstances, withhold their sanction from the measure, and, accordingly, it received their most cordial support. It was now twenty years since a Bill was introduced upon this subject by Mr. Sharman Crawford. Ten years afterwards another Tenant Compensation Bill was brought in by one of the largest proprietors and most exemplary landlords in Ireland — Lord Derby, then a Member of Sir Robert Peel's Government—and he was the first high authority who advocated the principle of retrospective compensation. That was in 1845, and it was the first occasion on which the retrospective compensation principle was brought before Parliament. Then, in 1852, the Attorney General for Ireland of Lord Derby's Government brought in three Bills to give compensation to tenants. On that occasion a division took place on the retrospective clause, which was affirmed by a majority of two to one. Not only was the then Attorney General (Mr. Napier) in favour of the retrospective clause, but he wished it to go back to an absolutely unlimited period. These Bills went to the House of Lords and passed the second reading, but, as he had previously mentioned, it was too late in the Session to proceed with them through the other stages. In the following year the initiative was taken by the House of Lords, where two of these Bills were carried, but circumstances occurred by which their progress into law was again stopped. The hon. and learned Member for Kilkenny then came forward with the present measure, and after all that had passed, he did not see how the House could withhold from it its sanction. The hon. and learned Gentleman took two Bills that had been brought in by one Administration—that of Lord Derby—and then taken up by another — that of Lord Aberdeen — and to which the House had also given its sanction; he combined the two Bills into one, and he now asked the House to consent to its being read a second time. In these circumstances—both the Government and Parliament having sanctioned the principle of the measure, and committed themselves to a settlement of the question at no distant period—he repeated that he did not see how they could refuse to read the Bill a second time. In the Bill of the hon. and learned Gentleman there was a prospective and a retrospective clause. With regard to the prospective clause, he apprehended there was no difference of opinion. It was provided that whatever contracts and arrangements were made between landlord and tenant, those contracts and arrangements would shut out the operation of the Bill. It, therefore, was the interest, both of landlord and tenant of Ireland, to make those arrangements between themselves which were invariably made between landlord and tenant in England and Scotland. He then came to the retrospective portion of the Bill, and there could not be a doubt that the advocacy of that clause was attended with considerable difficulties. No one denied it. But, at the same time, he was rather suprised that a Gentleman so learned and acute as the hon. and learned Member for Wallingford (Mr. Malins) should have met the cases cited by his hon. and learned Friend the Solicitor General as he had done. His hon. and learned Friend stated that the principle of retrospective compensation was in conformity with the natural law of justice and with the practice of the court of equity; but, said his hon. and learned Friend, "I don't ask you to believe that upon my statement; I will give you the authority of two of the most eminent Judges that ever presided on the bench;" and he then mentioned the names and cited the opinions of Sir Wm. Grant and Lord Eldon. But what said the hon. and learned Member for Wallingford? He exclaimed, how astonished would those two learned Judges be, could they be told that the Solicitor General had said that they maintained the doctrine that a man who held under a lease, and was evicted by his landlord, was entitled to compensation? But my hon. and learned Friend the Solicitor General said nothing of the kind; the judgment to which he referred related solely to tenants at will, and not to tenants holding under lease. Tenants in Ireland holding under lease were extremely rare; nine-tenths were tenants at will. You must look, also, when considering this part of the question, at the condition of Ireland, at the relation between landlord and tenant there, and to all the circumstances which preceded and which caused those derangements which were admitted to exist in that country. If he were told by the opponents of this measure that this legislation was an exceptional legislation, he would reply that the whole of their legislation, as regarded landlord and tenant in Ireland in previous years, had been exceptional. What was at the bottom of all the evils that were felt to exist in Ireland? It was that the proportionate number of landlords in Ireland to the acreage of Ireland was far smaller than in any other country in the world. What again was the cause of that? They must look back to past legislation to answer that question. What could be more exceptional than that legislation by which, merely on account of their religious faith, you debarred seven-eighths of the population of Ireland from the right of being possessors of land? That was a fact which they must not lose sight of when they considered what was the present condition of Ireland. If the state of society in Ireland had proceeded from the operation of natural causes, then they must legislate for it in conformity with the common rules of legislation; but if the difficulties they had met with proceeded from their exceptional legislation, then by exceptional legislation they must provide a remedy. Ireland was purely an agricultural country. What made it so? Was it not your exceptional legislation? Was it not your policy deliberately and intentionally to destroy the manufactures of Ireland in order to serve England? Was it not by that law that you compelled the population of Ireland to depend for its subsistence upon the land? And did you not by another species of legislation deliver over that land to be a monopoly in the hands of a certain few? You thus began by placing society in Ireland on a wrong basis; you placed the relation of landlord and tenant upon a wrong basis, and made the many depend for their subsistence upon the few. What was the result? Tenants were compelled to compete for the land, but landlords were not compelled to compete for tenants; so that the two parties were placed upon an unequal footing. It would be idle and most unjust to say, that the landlord took advantage of this state of things. The landlord under such circumstances did what, according to human nature, every man would have done. The race in the competition for land gave him such opportunities of advantage to himself, that, without any design, he gradually and unconsciously became absolved from all those obligations which landlords in other countries were placed under. It was not necessary for him to build a house or raise a wall, his estate might be a wilderness, still there was a legion of poor miserable beings competing with one another for the high privilege of earning a scanty subsistence upon the land. He would for a moment refer to a statement of the hon. Member for Wexford (Mr. George), that he (Mr. Horsman) on a former occasion had accused the landlords of Ireland of being guilty of great oppression and injustice towards their tenants. No such expression ever fell from him, and no such sentiment was ever entertained by him. But to return. They must remember, too, that the land cultivated by these competitors was cultivated without capital; while the system of competition engendered imprudence and embarrassment on the part of the landlord, so that the question was not whether assistance ought to be given as a matter of duty on the part of the landlord, but it became one of ability merely. Thus they had in Ireland an embarrassed proprietary and an impoverished tenantry. The result of all this was a total disorganisation of society in Ireland, in which neither life nor property was secure; where there was no encouragement for industry, no motive for exertion, no reward for enterprise. He was speaking of a state of things which existed previously to the passing of the

Catholic Emancipation Act, when the tithe war was raging, when the peasant was armed against the proprietor, and when agrarian outrages took place in every district. It was then they had the Arms Act, the Sunset Act, Crime and Outrage Acts, the suspension of the Habeas Corpus, districts proclaimed, martial law, and predatory depredators ravaging the whole country. These things had happily passed away, and a change had come over the condition of Ireland. The habits and feelings of the population had improved; the proprietors were exerting themselves in the performance of their duty in a manner which did them great honour. There had scarcely been an instance of a change in any country so sudden, so blessed, and so hopeful as that which had taken place within the last few years in Ireland. That change had opened to them an opportunity and had thrown upon them a responsibility which they could not lay aside, of enacting a measure for establishing, strengthening, and rendering permanent that happy state of things. Sorry, indeed, should he be if any party feeling were allowed for a moment unhappily to interfere. He thought that, as expectations had been raised in Ireland by past proceedings, it was their duty to arrive, if they could, at a settlement of the question. He believed that the majority of the House were disposed to assist in that object, and the Government were also most anxious by every means in their power, consistently with their own opinions, to give every aid in effecting a settlement on this subject. Now the present Bill was, in his mind, liable to certain objections, not very serious, but which, at the same time, unless removed by Amendments, would not justify him in voting for the final passing of the measure. Many appeals had been made to the Government to take up this measure as a Government measure, and they had been told that it was too important a measure to be carried through the House by an individual Member of the House. In some respects that was true, in so far as the Government had greater facilities in appointing days for public business than individual Members, but he could not but feel that the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) had brought to this question a vast amount of information and had bestowed on it great pains. The hon. and learned Member introduced it to the House, supported by his great knowledge, ability, and high professional character, and if any individual Member of the House was fitted to carry the measure through, he knew no one in whose hands the Bill could be more safely trusted than in those of the hon. and learned Member. At the same time, he felt that, if the Government were really in earnest in the support of this measure, and if they could really adopt the principle of it, the settlement of the question was so important that it formed a very fair ground of appeal to them to adopt the measure, if they could, and make it their own. Still they only ought to do so on two conditions—first, that the measure should be in such a shape that they could honestly and heartily approve of it; and secondly, that there should exist a fair prospect of carrying it to a successful issue. He would now state the grounds of objection he had to the Bill. There were certain classes of subjects in respect to which the Bill proposed to give compensation. Now, he held, not on his own authority, but on the highest legal authority, that the classes of subject for which compensation could fairly be asked were improvements visible, tangible, and material, in respect to which evidence could be fairly given, and of the value of which there could be no mistake. The Bill which passed that House, and was carried up to the House of Lords, contained three classes of improvement for which compensation was given—improvements in buildings, in roads, and boundary fences. In the present Bill there were, besides those three classes of improvements for which compensation was given, a fourth class—namely, that of reclaiming waste land, and to the insertion of that he had an objection. Again, by the 14th clause, compensation was to be given for every improvement made before the passing of this Bill. Now he attached considerable importance to the objection urged by the hon. Member for Wexford as to the amount of litigation which might arise if they allowed a man to claim compensation for any improvement, the origin of which ran back to any period of time beyond that which any one in his own experience could recollect. If they passed the Bill in that shape, he felt that the advantages which would flow from it in some respects would be more than counterbalanced by the amount of insecurity, embarrassment, and litigation to which the clause in its present form would give rise; and, therefore, he would suggest that there should be a certain period beyond which the claim for compensation should not turn back, so that the evidence of improvement might at least not be entirely removed from the reach of those who needed it. He should also suggest that the amount of compensation should be limited to a certain sum—say, so many years' rent. There was another class of subjects for which he thought compensation should not be given. He held that a tenant who did not pay his rent was guilty of a breach of contract, and he did not think that compensation should in any case be given to a man who was evicted, because he was guilty of a breach of contract. The Bill in this respect, therefore, would require amendment. Having stated these as the general grounds on which he thought that there ought to be some limitations inserted in the Bill as it now stood, he was prepared to say, that with those limitations the Government would then be prepared to give to the Bill their support. He was quite aware that when he proposed certain limitations of this kind, he laid himself open to the charge that he was making the Bill less liberal, and even less liberal, he might be told, than that which the late Attorney General for Ireland proposed to the House when he was a Member of Lord Derby's Government. He could only say in answer, that what the Government wished to do on this occasion was, to carry the measure to a successful issue, and not to gain popularity by making concessions which they knew would render it impossible for the Bill to be carried out. If it were the object of Government only to please the majority of their own supporters, with whom they entirely sympathised on these questions, it would be much easier for them to say that they would take the Bill as it stood, and adopt it as a Government measure. But if they had done so, they would have been acting an unworthy part, because they would have been taking up a Bill which they knew they had no chance of passing, because in its present shape it ought not to pass. He thought that the application of the principle of compensation, to so large an extent as the present Bill would permit, was highly objectionable, and he could not honestly and conscientiously support it. They must also remember that there were two parties concerned in this transaction. It must not be forgotten that the proprietors of Ireland had the law on their side. They were asked to make great concessions, and they might say that the improvements were made by tenants who were perfectly cognisant of the law and who knew they had no security in making them; and in many instances the improvements were made without their (the proprietors') consent or knowledge, and in some instances embarrassed them in making alterations they desired. It must be borne in mind, likewise, that the proprietor would take his view of the question as well as the tenant, and it must not be expected that the proprietor was to make every concession, and that no concession was to proceed from the party who was to obtain an advantage. Again, while establishing the principle of this measure, they should endeavour to fence and guard its application so as to avoid temptation to litigation. The Government felt that a settlement of this question was most desirable, and they were ready to assist in the settlement of it, not in a shape which would be, as the right hon. and learned Gentleman the Member for the University of Dublin said, "a sham and a delusion," but just and equitable between all parties. If the House should be generally of opinion that this Bill should be received into the hands of the Government with those limitations which they thought would be likely to insure its success not only in this, but in the other House; and if both sides of the House would agree not to treat this, as a party question—for it never had yet been considered as a party question since the Government of Lord Derby had introduced a Bill with a retrospective compensation clause, and the Government of Lord Aberdeen had taken it up—they might now, he thought, approach a successful settlement of the question. But he could not answer what would be the result if it should be treated as a party question, and if those who had formerly supported this measure should now turn round and oppose it for party reasons. On them, at least, would rest the responsibility if this attempt to close this much-agitated controversy should prove a failure.

Mr. DUFFY said, it seemed to him that the right hon. Gentleman the Secretary for Ireland, in the remarks he had just made, had omitted two material elements in his consideration of the question. The present Government were supported in that House by a number of Irish Members, who obtained their seats because they entered into an undertaking with their constituents to support no Government but one who undertook to make a Landlord and Tenants' Bill, involving the principles of Sharman Crawford's measure a Cabinet question. He now asked hon. Gentlemen opposite to make their election between their promises to their constituents and their allegiance to the Government. There was another element still more important. The noble Lord (Viscount Palmerston) found, when forming his Government, that it was desirable to take into it certain Members representing the Irish constituencies. He accordingly appointed to office the two hon. and learned Gentlemen opposite—the Attorney and Solicitor Generals for Ireland—and subsequently gave the office of Under Secretary for the Colonies to the hon. Member for the county of Carlow (Mr. J. Ball.) The hon. and learned Member for Ennis (Mr. J. D. FitzGerald) was one of a party of Irish Members, amounting to forty and upwards, who assembled together in Dublin, and came to a resolution to refuse their support, and to stand in opposition to any Government who did not make a Landlord and Tenant Bill, on the basis proposed by Sharman Crawford, a Cabinet measure. Now, he (Mr. Duffy) wanted to know from the hon. and learned Solicitor General for Ireland, if he were now prepared to endorse the statement of his right hon. colleague the Chief Secretary, or was he prepared to throw up his office. The hon. Gentleman the Under Secretary for the Colonies stood in the same position; but the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Keogh) did not simply stand in that position. The right hon. and learned Gentleman, on the most public occasions, made a declaration, and sealed it with a solemn oath, that he would support no Government who did not make a Landlord and Tenant Bill, on the basis of Sharman Crawford's Bill, a Cabinet measure. He wanted to know from the right hon. and learned Gentleman, therefore, if he were content with the limitation now proposed, or whether he was going to dissolve his connection with a Government who declined to make a Landlord and Tenant Bill, on the basis of Sharman Crawford's Bill, a Cabinet measure. If those hon. and learned Gentlemen had come to the conclusion that those pledges were to mean nothing, they would find it very difficult to maintain before an Irish audience, or before those who were witnesses of the undertaking, that character which it would be satisfactory for the Members of that House to maintain. The measure submitted to the House by the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) fell so far short of the wishes of the Irish people that he (Mr. Duffy) was resolved that his support of it should depend upon the fact that the Government would make it a Cabinet measure, and carry it through this Session, and that no legerdemain should be again practised by which the measure would pass from their sight as if it had vanished through a trap-door never to be seen afterwards. He was sorry to see an hon. and learned English Member make himself the advocate in that House of a party opposed to any reform on this question, because, if he had the selection of a jury before whom he would desire to represent the case of the Irish tenants with the certainty of a favourable verdict, it would be composed of an assembly of English landlords who did, without compulsion, what they sought to make the Irish landlords do by law. There were millions of Irish people in that country, and there was not one of them who would not prefer living in Ireland if the country were made fit to live in. The adoption of the alteration which the right hon. Gentleman (Mr. Horsman) had proposed would make the measure a complete farce, and were that course to be taken, he (Mr. Duffy) would infinitely prefer that the landlord and tenant question should be left as it was; and if the hon. and learned Member for Kilkenny should further curtail his Bill, he (Mr. Duffy) would decline to vote, *pro* or *con*, on the question.

Mr. H. HERBERT said, he would only trouble the House with a few observations at that late hour—eleven o'clock. He thought that, if any hon. Gentleman travelled in Ireland, he would come to only one conclusion, that there was something wrong in the system of tenure. Whether this was the fault of landlords or tenants he would not say, but any one who compared the cultivation of the land in that country with other countries, at all events, would say somebody was to blame. He thought blame attached to both parties—both landlords and tenants. But he thought it would best serve the cause of the latter by not endeavouring to recriminate either on the one side or the other. No doubt faults existed on both sides, in many instances, and it was now desirable that some fair and equitable decision should be come to. On looking at the Bill, he asked himself whether it was calculated to settle the question at issue, and he came to the conclusion that it would not be anything like a boon to landlords or tenants as described by hon. Members.

With regard to the north of Ireland—a part of the country where considerable improvements had been made by small farmers at their own expense—he thought the Bill would scarcely affect it; for neither this Bill nor any other Bill would be received as a substitute for that which tenants there already possessed. It was also absurd to think that it would be of any great practical benefit to the small farmer in the south of Ireland, and with regard to the class of large farmers in the south, he had no hesitation in saying that an eligible tenant ought to get from a landlord infinitely more favourable terms than this Bill would give him. He should, however, support the Bill; for the latter portion of it contained most valuable powers for making and carrying out voluntary arrangements. If any Irish tenant came to him and asked him if he would be justified, in prudence, in laying out his capital on the improvements mentioned in the schedule of this Bill, he would recommend him to go to his landlord, and make the best arrangements he could under the latter clauses of the Bill; but he would add, also, that he should think he was a foolish man to lay out his capital on those things at all, because the landlord ought to do it. He saw a daily tendency in Ireland to a better state of things. The landlords were beginning to see that it was their interest as well as their duty to make these improvements on their estates, and he believed any tenant who laid out his capital on that species of improvement would be doing an imprudent thing. Reserving to himself the right of supporting any alteration he should deem desirable in Committee, he was, on the whole, disposed to give his hearty support to the second reading of the Bill in the hope that the question would be satisfactorily settled this Session.

LORD CLAUD HAMILTON said, he sincerely regretted that the Government should have permitted one of its members —the hon. and learned Gentleman the Solicitor General for England—to embarrass the whole question by propounding a doctrine which he would not able to repeat in any Court in Westminster Hall without subjecting himself to a castigation that he would never forget. The House was considering a Bill the object of which was to settle a great social question, by giving strength to covenants between different free agents, and the doctrine laid down by the Solicitor General went to the destruction of the principle of all covenants. The purchasers under the Encumbered Estates Act had hitherto held their land, as they thought securely, under a Parliamentary title, but by the doctrine of the hon. and learned Solicitor General, they were now told that a Parliamentary title meant nothing. He would not further allude to the hon. and learned Gentleman's monstrous proposition, but he trusted the noble Lord at the head of the Government would not again allow the subordinates of his administration to render difficult the settlement of important questions. The other night he had come down prepared to vote for the Government proposition relative to copyright, but the Solicitor General, after making a speech in its favour, gave up the clause in the last sentence of his speech. He would recommend the right hon. Gentleman the Secretary for Ireland on any future occasion not to go back into history, not to remind the people of Ireland how they used to live in discord, but to address himself to the present more cheering aspect of a united and friendly people, and bury the past in oblivion. He would beseech the right hon. Gentleman not to resuscitate the past evils and discords of Ireland in his future speeches, but to look to Ireland as it happily now was. It surely could not be the right hon. Gentleman's ambition to bring back and perpetuate the social state which he had deplored. He hoped the House would allow the Bill to be read a second time without division. No one had yet moved an Amendment to this Bill, and he would remind the House that this was the third Session in which the question had been brought before Parliament, and that almost all the clauses had received the sanction of the House on former occasions. Public attention in Ireland had been roused. The people looked to that House for a settlement of this subject, and he hoped that the House would not, by rejecting the second reading, render it impossible for any legislation to take place this year. The people of Ireland who were waiting anxiously for the result of this debate, at present put confidence in the House. But if they found that Parliament refused to entertain this subject in a spirit of justice, the time might come when their patience would be exhausted, and the solution of this question would be rendered tenfold more difficult than it was at the present time. The Amendments which had been suggested in the Bill by the Government removed the objections that might be taken to many of its provisions, and, therefore, hoping that the measure would be allowed to pass through its present stage without a division, he should yet reserve to himself the full right in Committee of recommending such alterations in the details as he might think necessary.

Sir JOHN FITZGERALD said, he considered that the Bill related wholly to Ireland. In that country, when a tenant took land, he was obliged to erect farm buildings upon it at his own expense. When his lease expired there of course arose the question which was now before the House, whether or not he was to receive compensation from the landlord for those buildings which he had erected, and which he must leave on the premises. At the expiration of the lease the land was become more valuable, and no renewal of the lease would be given except at a higher rent. No law at present in existence compelled the landlord to give to the tenant the compensation to which he was entitled; and this had caused, and was causing, the most alarming emigration of the Irish agricultural population. He gave his most hearty support to the measure.

Mr. KENNEDY said, there was nothing novel in the principle of this Bill; it already existed in the tenant right of Ulster. If this Bill were bad, it would be a serious restriction on the tenant rights of that province. At present the tenant there could sell his rights for the highest sum he could get for them. As for the landlords of Ireland, there were some as good as any to be found elsewhere; but there were also middling and very indifferent landlords. This Bill appeared to be intended to bring those middling and inferior landlords into the good practices of the better class; and it would have the further effect of relieving a good landlord from the reproach of his bad neighbours.

Viscount PALMERSTON: Sir, as there seems to be so general an agreement as to the second reading of this Bill— ["No, no!"] I did not say the agreement was unanimous. But I say, as the great majority of this House appear disposed to agree to it, I do hope the House will determine to pass the second reading this evening without further debate. The course which Her Majesty's Government are prepared to take with regard to this Bill has been fully and completely explained by my right hon. Friend the Secretary for Ireland; on that point, therefore, I have nothing to add to the statement which he has made. I differ from those who urge that this is not a proper time for settling this question; I think, on the contrary, that the present moment is one peculiarly favourable for the settlement of it. It is a question which has agitated the public mind in Ireland for many years past—which has given rise to great animosity, if I may so speak, at all events to strong differences of opinion, between different parties. The present moment is, as has been stated, one in which these differences do not run so high as they have done at former periods. It is a moment of general contentment and prosperity in Ireland; and I think that is precisely the time at which you will find the minds of men most disposed to come to a reasonable accommodation upon a question of great national and social interest. Sir, it is perfectly true that this Bill contemplates a condition of things in Ireland different from that which exists in England and in Scotland. But that difference arises not from the fault of landlords or of tenants. I acquit both classes of the blame of bringing about the condition of things which we are seeking to remedy. I concur entirely in what was stated by the hon. Member who has just sat down. Nay, I go further, Sir, than he did. He said there were good landlords in Ireland. I say there are better landlords there than in almost any other country, landlords who do more for their tenants than the landlords of England do, or are required to do. There are, of course, exceptions; there are those who, from their limited means, are unable to afford to their tenants the same amount of assistance that their richer neighbours afford; but I repudiate entirely the wholesale accusations which are made against the landlords of Ireland. Well, on the other hand, people reproach the tenantry of Ireland with being wanting in industry, and with being improvident. That charge is equally unfounded. The tenantry of Ireland, when they receive encouragement, and have reason to believe that their exertions will meet with a due reward, are as much inclined to industrious exertion as the tenantry of any part of the world. Sir, the evils of Ireland are to be traced to the history of Ireland. What is that history? Why, it is the history of civil war; of rebellion; of confiscation; of wholesale and violent transfers of land from class to class; of penal laws; of the exclusion of the largest class of the nation from the ordinary privileges of social existence—of the domination of a small minority professing one religion over a large majority professing another; of laws which aggravated those animosities which political and social inequalities were of course of themselves calculated to produce. Well, Sir, those times are fortunately past; those animosities are, I hope, for ever extinguished, together with the differences which created them, and which have been swept away. But there still remain some effects, even though the causes have ceased to exist, and those effects belong to the condition of things which this Bill is calculated and intended to remedy. In Ireland, up to about half a century ago, from the very circumstances under which the great proprietors derived their titles, land was not held and occupied in the way that it is in England and Scotland. It was let in large bulks by the owners to persons who sub-let it to others; and, perhaps, two or three gradations interposed between the owner and the actual occupier of the soil. But what was the tenure on which the land was occupied? Land was let upon leases of preposterous length; leases, for example, of sixty-one years and three lives. Well, what was then the position of the landlord and the tenant? The landlord was a stranger on his own estate. He had no control over those who occupied the land. He did not even know them—he felt no interest in them—and they had no sympathy with, or affection for, him. In this state of things there was no person who was interested in the improvement of the estate. Why should the owner improve the land? It was taken away from him by a long lease, and no improvement he could make would produce any advantage for him. Why should the middleman improve the land? He had only a temporary tenure, and no improvement, therefore, that might be made would produce any advantage for him. Why should the occupying tenant improve the land? He had no inducement to do so, because he held at the will of the middleman. There was no party, therefore, connected with the cultivation of the land who had a strong interest in the soil. Well, then, when these long leases expired, the landlords, disgusted with the old practice, went to the other extreme; they would not give leases, or, if they were willing to give leases at all, the tenants, accustomed from their childhood to hear of nothing but leases of sixty-one years and two or three lives, refused to ask those leases which in England and Scotland are sufficient to secure improvements. To offer them a fourteen years' lease, or even a twenty-one years' lease, was to offer them what they did not think worthy of their acceptance. Well, then, that generated the state of things which had hitherto prevailed, under which the landlord has done very little for the improvement of the land—I refer to the erection of buildings, and the setting up of boundary fences, contemplated in this Bill—all such things being left to the tenant. Now, so far as the prospective part of this Bill goes, nobody seems to object to its provisions; the part of it which is objected to is the retrospective clause. Well, Sir, one cannot deny that, as a general rule, it is undesirable to interfere between landlord and tenant, as it is to interfere between any other two parties in society who make bargains together. The best arrangement, undoubtedly, is in general to leave parties free to make what engagements they please; and on general principle it is, I admit, objectionable to pass a retrospective clause altering the relative position of those who have acted on a certain understanding. But, on the other hand, I think that, looking at the position of Ireland, considering that land is there frequently held at will—that tenants, in order to a due and profitable cultivation, have been obliged to make outlays which in other countries are made by the landlords, I think an exception, coupled with the conditions proposed by my right hon. Friend (Mr. Horsman), may in this case fairly and properly be made. Now let us see generally how that would work. The enactment, combined with the restrictions and conditions proposed by my right hon. Friend, would give a tenant who was turned out a claim for compensation for any visible and tangible improvement by which he had added to the letting value of the property. Why should the landlord turn him out? He would do so for one of two reasons, either because he had had a quarrel with the tenant, and wished to get rid of one who had become disagreeable to him, or because, seeing that the tenant had improved the value of the land, he thought that after ejecting him he would secure to himself the benefit of his improvements, and let the land to another person at an increased rent. The latter proceeding would be an unworthy one, it is a proceeding to which no honourable landlord would resort, and to which assuredly no landlord whatever ought to be allowed to resort. With regard to the first cause which I have mentioned, even supposing the landlord had had some difference with his tenant, if buildings had been raised which added to the value of the farm, an honourable man would say, "I will turn you out, but I will pay you for the buildings; though I dislike you, I will not apply the capital which you have invested to my own profit." I think, therefore, that, accompanied with the conditions to which I have referred, even the retrospective clause is one which this House might safely pass. Well, then, if this Bill is accompanied with the other Bill which on a former occasion accompanied its progress in Parliament, I do think those Bills will go far to settle entirely those unfortunate differences which have so long agitated certain parts of Ireland. It does not appear to me that they would in any case inflict individual injury, while they would quell the angry feeling which existed in Ireland on this subject. And if these Bills should lead to the establishment of an improved relation between landlord and tenant—if they should lead to the introduction in Ireland of the system which prevails in England, under which the landlord invests his capital in his own property, and makes improvements which are estimated to increase the letting value of his farms—if the result should be to do away with preposterously long leases, and to introduce a state of things in which farms would be let for terms of moderate duration, I think a great improvement would be effected in the social condition of the country. I am, therefore, disposed not only to support the second reading of the Bill to-night, but in the event of the Amendments suggested by my right hon. Friend the Secretary for Ireland being adopted, to give my best assistance in its passage through this House, and I should hope that, with the assistance of the Government in another place, the Bill might be passed into a law during the present Session.

Mr. I. BUTT said, that the noble Lord (Viscount Palmerston) had argued as if the retrospective clause were a part of this Bill. He could not agree in that view, but thought that the principle of the Bill was that the existing law of landlord and tenant did not afford sufficient protection to tenants who might make improvements on their farms. In voting for the second reading of the Bill, therefore, he did not consider that he was pledged to anything further than the affirmation of that principle. He could not see that the insertion of a retrospective clause should justify the rejection of the second reading. It could not be forgotten that when his right hon. and learned Friend the Member for the University of Dublin (Mr. Napier) introduced a Bill having the same object in view, it had such a retrospective clause, and yet that Bill passed a second reading. If in the one case the House agreed to a second reading with such a clause, it might be said that hon. Members were equally bound on the other. After what had occurred—after looking at the question as it affected landlord and tenant in Ireland—after considering what Lord Derby had done in 1845, and subsequently by his right hon. and learned Friend the Member for the University of Dublin—he thought it impossible to maintain that legislative interference was not required. There was no ground, then, for resisting the second reading. He was anxious, however, that his vote should not be misunderstood. In voting for the second reading he did not pledge himself with respect to the retrospective clause. After the opinions which at the last election hon. Gentlemen had expressed with regard to the settlement of this question—he had himself said he was favourable to a consideration of it—he thought that if the House were to refuse a second reading to the Bill, they would only add to the mischief which had already arisen. He was ready to go into Committee on the Bill, and if there he found that the subject could not be treated with justice he could refuse his assent to the third reading.

Colonel DUNNE said, he considered the present Bill as far less objectionable than that brought in by the right hon. and learned Gentleman (Mr. Napier); but he had opposed that measure at the time, and was therefore perfectly consistent in opposing the one now before the House. He had been perfectly astonished to find the right hon. and learned Gentleman bringing in a retrospective clause, after he had assured him that he never would do so. He (Colonel Dunne) thought that Lord Derby's Government, of which he had been a Member, had acted upon this question with insincerity to those who supported them, and the right hon. Member the Secretary for Ireland (Mr. Horsman) had taunted them on that point with much justice. He admitted the difficulties of the question, but after seeing the temper of the House he would not divide the House on the present occasion, but he would reserve any opposition which he had for the consideration of the Bill in Committee.

Viscount BERNARD said, he was anxious that it should be clearly understood with respect to the 14th clause whether it would interfere with improvements under existing contracts. He should oppose the retrospective clause.

Mr. KEOGH said, they were specially exempted.

Mr. Serjeant SHEE was proceeding to reply, when

Mr. SPEAKER said, the hon. and learned Gentleman had no right to reply, no Amendments having been made to the second reading.

Mr. Serjeant SHEE said, in explanation, that he desired nothing better than that Her Majesty's Government should reduce their intentions and wishes to clauses upon which he should be in a position to express an opinion when he saw them.

Mr. GROGAN said, he should move the adjournment of the debate. He considered that it was most injudicious to interfere with existing contracts. There was only one exception made for the whole of Ireland, and that was grounded upon the fact that the landlords of Ireland were too cruel and hardhearted to be trusted to deal fairly by their tenants. No reason had been shown why the House should agree to the policy of the 14th clause. Every one spoke of the great utility of the Bill when this clause was expunged—but no notice had been given whether it was the intention of the hon. and learned Gentleman (Mr. Serjeant Shee) to expunge it. If he refused to do so, in what position would the House be after it had assented to the second reading of the Bill? The clause could not be condemned in stronger terms than those of the noble Viscount the First Lord of the Treasury. He (Mr. Grogan) meant to give the hon. and learned Gentleman an opportunity of stating his intentions, for he would move that the Bill be read a second time that day six months.

Mr. SPEAKER reminded the hon. Gentleman that he had already moved the adjournment of the debate.

Mr. GROGAN said, with the permission of the House he would substitute the last Amendment for that which he had previously moved.

Motion made, and Question put, "That the Debate be now adjourned."

Motion, by leave, *withdrawn.*

Question again proposed, "That the Bill be now read a second time."

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. CONOLLY said, he understood that the House were agreed as to the propriety of reading the Bill a second time, and leaving the 14th clause open to any objection that might be raised to it in Committee.

Mr. WHITESIDE said, if he was to understand that the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) left the 14th clause an open question for the Committee, the hon. and learned Gentleman would receive no further opposition from him (Mr. Whiteside). He wished, however, to state that the doctrine of the hon. and learned Solicitor General, speaking on the part of the Government, was the most extraordinary doctrine in reference to property that had ever fallen from the lips of a Law Officer of the Crown. He begged to remind the House that 20,000,000*l.* of property had been purchased in Ireland on the faith of a Parliamentary title, and that title depended upon the fact that every purchase was concluded between the purchaser, the owner, and the tenant. If it were intended to reopen these purchases they might as well establish a law of confiscation.

Mr. P. O'BRIEN said, he was not prepared to enter into any compromise on the subject of the proposed elimination of the 14th clause from the Bill, which he believed to be the very essence of the Bill, but he would have no objection to consider the subject in Committee.

The SOLICITOR GENERAL said, the hon. and learned Member for Wallingford (Mr. Malins) ought to know, though, perhaps, the hon. and learned Member for Enniskillen (Mr. Whiteside) did not know, the difference between the case he (the Solicitor General) had put to the House, and the case which the hon. and learned Member for Wallingford represented him to have put. The case the hon. and learned Member for Wallingford represented him to have put was the case of an express contract between landlord and tenant; but those who had done him (the Solicitor General) the honour to attend to what he said, knew very well that he stated the law applicable to a case where there was no express contract, but where the landlord had looked quietly on and had been tacitly a consenting party.

Mr. MALINS said, that the hon. and learned Solicitor General complained that he had not correctly represented what had fallen from him, because he had in the cases which he had cited referred to imputed contracts. He had not understood the hon. and learned Gentleman to be referring to that subject, and, if he did do so, it was clear that he was speaking on a subject not then under the consideration of the House. He had understood the hon. and learned Gentleman to apply those cases to the present Bill, and he thought that, in that case, he had shown that they were not applicable, and, if they were not applied to the Bill, then the hon. and learned Gentleman had been speaking to a subject not before the House.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 163; Noes 50: Majority 113.

Main Question put, and *agreed to.*

Bill read 2° and *committed* for *Thursday* next.

CUSTOMS DUTIES BILL.

Order for Committee read.

House in Committee.

Clause 1, *agreed to.*

Clause 2,

Mr. BLACKBURN said, he wished to point out the inequality in the proposed reduction of the duty on the different classes of sugar at the conclusion of the war, he should move to substitute the figures 12*s.* 3*d.* for 12*s.* 9*d.* in the second column of the schedule attached to the clause.

Amendment proposed to leave out 12*s.* 9*d.* and to insert 12*s.* 3*d.*

Mr. WILSON opposed the amendment, and explained the principle upon which the reduction was made.

Mr. MOFFATT said, he considered that the change proposed by the Government would be injurious to the sugar producers and consumers, and to all classes connected with the sugar trade.

Mr. I. BUTT said, he understood the proposition of the Government was to reduce the duties by one-third, but unless they were prepared to vote that 4*s.* 6*d.* was a third of 15*s.*, he did not know how they could support the schedule in its present form.

Question put, "That 12*s.* 9*d.* stand part of the Schedule."

The Committee *divided:*—Ayes 99; Noes 48: Majority 51.

Mr. MOFFATT said, as the Committee had decided by a majority of more than two to one that 4*s.* 6*d.* was the third of 15*s.*, he thought it was useless to press the amendment of which he had given notice. At the same time he believed the two "drops" in sugar would be attended with very vexatious consequences, both to dealers and consumers.

Mr. BLACKBURN said, he also considered that the change would be productive of much inconvenience.

After a few words from the Chancellor of the Exchequer, the clause was *agreed to.*

The other clauses of the Bill were also *agreed* to, and the House resumed.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Saturday, May 5, 1855.

Minute.] Public Bill.—Royal Assent.—Loan.

Their Lordships met; and having gone through the business on the Paper,

House adjourned to Monday next.

HOUSE OF COMMONS,

Saturday, May 5, 1855.

House met, and having gone through the business on the Paper,

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Monday, May 7, 1855.

Minutes.] Public Bills.—1ª Fisheries (British Islands and France); Church Patronage Transfer.

2ª Affirmations (Scotland); Income Tax.

THE CRIMEAN MEDALS—QUESTION.

Lord VIVIAN begged to ask the noble Lord the Minister of War how it happened that the issue of the medals for Alma, Balaklava, and Inkerman had been so long postponed? The fortune of War had already carried to their last account many of the gallant men who had helped to gain the victories won in the Crimea, and he hoped, therefore, that rewards intended to be bestowed upon them would not be longer delayed.

Lord PANMURE was able to inform the noble Lord that in the course of a week or two the Crimean medal, with the clasps for Alma, Balaklava, and Inkerman, would be ready; while he could assure their Lordships that no one regretted more than he did the delay which had taken place in their preparation. With regard, however, to the higher honours to be conferred on the officers, namely, the decoration of the Order of the Bath, the delay which had arisen in bestowing them originated in the, as yet, non-fulfilment of the prescribed rules of the Order. For, as their Lordships might be aware, according to those rules, it was requisite that the names of all the officers who were to receive the decoration should first be mentioned in the public despatches, and then inserted in the *Gazette*. In the present case that had not, up to this time, been done, and hence the delay. But, in order to prevent any further delay taking place, he had written to Lord Raglan, calling upon him to forward a despatch, enclosing the names of all the officers whom he considered entitled to receive that distinction.

The Earl of MALMESBURY hoped that for the future they would learn a lesson from their enemies. Their Lordships might perhaps be aware that at the present moment there were in London more than one Russian medal, with the stamp of "Inkerman" upon it, granted to Russian soldiers for distinguished bravery in that action. Now that circumstance proved that in other countries greater despatch could be used in the preparation of medals than in England.

Lord PANMURE said, the fact of the Russian army having already received a medal for Inkerman was easily explained. It was well known that a medal for Sebastopol was actually prepared at the moment of the battle, and all that the authorities had to do was to affix the name of Inkerman to the medal with means existing on the spot.

Earl GREY hoped that due caution would be observed in the distribution of the honours of the Bath. The rule which required that the names of the persons who received the Order of the Bath should have appeared in the *Gazette* was adopted with the view to prevent that honour being conferred, except in cases of most distinguished service; but, in the present instance, he dreaded very much, unless that consideration was kept in view, the mention of names in the *Gazette* would be far more indiscriminate than upon former occasions. In the Peninsular war the Duke of Wellington was most careful only to report the names of those for that honour who had done some especial service. By degrees, however, the practice of mentioning names in the *Gazette* had come to be so extended, that the published list was tantamount simply to a statement of the officers engaged in the particular service recorded. He was much mistaken, however, if a perseverance in the practice would not tend to render the honour valueless in the eyes of those on whom it was conferred; while, at the same time, he could not help thinking that this calling upon Lord Raglan to state in a despatch the names of all the officers whom he deemed worthy of the honour, would conduce to increase the mischief rather than otherwise. If it was determined that all officers who had distinguished themselves should receive the decoration of the Bath, the best course would have been to advise Her Majesty to issue a new statute providing for their appointment, and dispensing with the particular portion of the original statute which caused the present delay. Such a course would have been by no means unprecedented, as especial statutes had constantly been issued where the ordinary ones were not sufficient to meet the demands of the moment.

AFFIRMATIONS (SCOTLAND) BILL.

Lord CAMPBELL, in moving that this Bill be now read a second time, said, that their Lordships would have no difficulty in sanctioning a measure the object of which was to extend to Scotland an advantage now enjoyed in the rest of the United Kingdom, and to allow witnesses appearing in a court of justice, who had conscientious scruples to the taking of oaths, when that was proved to the satisfaction of the presiding Judge, to make affirmation instead. He had been informed by Members of the right reverend bench that those scruples were not confined to Dissenters, but were shared in by many who were sincere members of the Church of England, and who grounded their objections on the words of our Lord, as well as on the phraseology of the Thirty-nine Articles. The Bill which provided for the satisfaction of those scruples as regarded England, by the last clause in it expressly exempted Scotland; but the fact was, that that those scruples were more prevalent in Scotland than in England. The English Bill confined the power of dispensing with oaths to courts of civil judicature; whereas by the present Bill it would extend also to criminal courts: but he should propose in Committee to restrain the enacting clause to courts of civil judicature, leaving Her Majesty, at the same time, power to extend it to criminal courts by Order in Council, if it were considered advisable.

The Earl of WICKLOW thought that their Lordships could hardly be aware of the extent to which the English Bill had been altered in the House of Commons. Regardless of the feeling which had been over and over again expressed by their Lordships with regard to Lord Denman's and other similar Bills, they had so altered it that every individual in this kingdom who chose to say that he had a conscientious objection to taking an oath, whether in a court of justice, on affidavit, or any court of record, would be at liberty, with the consent of the Judge, to make an affirmation instead of an oath. No doubt, if the measure were a good one for the rest of the kingdom, it should be extended to Scotland. He asked their Lordships to contrast their proceeding in the present instance with that which they adopted in another. While oaths were about to be dispensed with in every court of justice in the kingdom, their Lordships still tenaciously adhered to the necessity of every member of the House taking oaths at the table which he might believe to be false and improper. He trusted that in a short time their Lordships would no longer be called upon to take those oaths, to which so many Peers conscientiously objected; for how was it possible to assert that the Pope had no spiritual authority in this country, when every one knew that he had, and that we endowed schools and colleges for the express purpose of cultivating Roman Catholicism?

Lord CAMPBELL wished to set his noble Friend right in one particular. The only alteration which the Commons had made in the Bill of last year was to extend it to affidavits, which it did not include when it left their Lordships' House.

Bill read 2^a, and *committed* to a Committee of the whole House on *Thursday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 7, 1855.

Minutes.] Public Bills.—1° Sewers (House Drainage).
3° Parliamentary Representation (Scotland) Act Amendment; Intestacy (Scotland).

POOR LAW RELIEF TO FAMILIES OF SOLDIERS AND SAILORS—QUESTION.

Colonel KNOX said, he would beg to ask the President of the Poor Law Board whether, among the exceptions to the entrance into the workhouse, the following was one, namely, " where any such person shall be the wife or child of any ablebodied man, who shall be in the service of Her Majesty as a soldier, sailor, or marine;" and whether, therefore, the wife or child of a soldier might not demand relief without being compelled to enter the workhouse.

Mr. BAINES: In reply, Sir, to the question of the hon. and gallant Gentleman, I beg to state that poor persons of this class cannot legally insist upon outdoor relief if the guardians for any particular reason think it right to administer relief in the workhouse. On the other hand, however, the guardians in every union in England and Wales are at perfect liberty to give them outdoor relief if they think fit to do so. Even in those unions where the prohibitory order, as it is called, renders outdoor relief to the ablebodied generally illegal, there is an express exception in favour of the wife or child of any soldier, sailor, or marine, in Her Majesty's service. The same rule applies to the wife or child of any militiaman on duty. The result is, that the discretion of the guardians in giving outdoor relief to poor persons of this class is wholly unfettered either by the general law or by any order of the Poor Law Board; and I am happy to be able to add that, so far as my information goes, the guardians throughout the country are exercising this discretion in a very considerate and humane spirit.

THE VIENNA CONFERENCES—QUESTION.

Mr. DISRAELI: Sir, it is now about a fortnight since the House of Commons were informed that the negotiations at Vienna had proved unsuccessful, and it is exactly a week since the unsuccessful negotiator reappeared in this House. I wish to know whether the protocols of the conferences, which Her Majesty's Government promised to produce, are ready to be laid upon the table, and if not, when they will be.

Sir GEORGE GREY: I am not able, Sir, to give a definite answer to the right hon. Gentleman's question. I know, however, that my noble Friend the Secretary of State for Foreign Affairs is preparing the papers to which the right hon. Gentleman refers for presentation, and that they will be laid before the House on the earliest possible day.

Mr. DISRAELI: I beg to give notice then, Sir, that I shall to-morrow ask Her Majesty's Government, whether they can inform us positively on what day these protocols will be laid upon the table; and, unless they can promise that the papers shall be produced very speedily, I shall call on the House to express an opinion on the subject.

Viscount PALMERSTON, having subsequently entered the House, said that the papers would be ready the next day, and that the cause of the delay which had taken place in their presentation, was the temporary illness of a person in the Foreign Office, in whose department it lay to translate papers of that description.

ARMY—MILITARY DRESS, &c.—QUESTION.

Sir GILBERT HEATHCOTE said, he would beg to ask the hon. Under Secretary for War, whether the improvements and amelioration announced last year in the dress and accoutrements of the army, with a view to render them less cumbrous and embarrassing, and more adapted to the requirements of actual service, particularly as to stocks, knapsacks, &c., had been carried out, and to what extent, both at home and abroad.

Mr. FREDERICK PEEL in reply, said, that the improvements which it had been determined to make in the dress and accoutrements of the army had, he believed, been carried out as far as circumstances would allow, but, of course, some time must necessarily elapse before they were universally adopted. With regard to accoutrements, new accoutrements were only issued when they were required, but when it was necessary that they should be issued, those of the new pattern were supplied. Alterations had been made in the knapsacks, which would relieve the troops of about one-third the weight they formerly carried, and all knapsacks now issued were of the new pattern. The old stiff leather stocks had been abolished, and in their place stocks of a light elastic substance had been adopted. The troops in the colonies had been furnished for the current year with clothing of the old pattern, but clothing of the new pattern had been supplied to the army in the Crimea.

Colonel DUNNE said, he would beg to ask the hon. Gentleman whether he had received any report representing that the new stock was infinitely worse than the old one.

Mr. FREDERICK PEEL said, he had reason to believe, on the contrary, that it was infinitely better.

THE SARDINIAN CONTINGENT—QUESTION.

Lord WILLIAM GRAHAM said, that there seemed to be some inconsistency in the statements which had been made in that and the other House of Parliament, on the part of Her Majesty's Government, with reference to the Commissariat arrangements for the Sardinian Contingent. It had been stated that the original agreement was, that the Sardinian Government should supply the contingent with one month's provisions, and that after that time the contingent should depend entirely for their supplies upon the English Commissariat. He begged, therefore, to ask what was the nature of the arrangement that had been entered into.

Viscount PALMERSTON: Sir, the arrangement was, that for whatever period the Sardinian Government provided supplies, in the first instance, for their force, after the lapse of that time the Sardinian Contingent should draw their supplies from the British Commissariat, the Sardinian Government paying for those supplies. I will also take this opportunity of stating, that on this day week my noble Friend at the head of the War Department (Lord Panmure) will explain, in his place in the other House of Parliament, the arrangements Her Majesty's Government intend to make, with the view of consolidating several military departments of the Administration.

ARMY—INVALIDED OFFICERS—QUESTION.

Colonel NORTH said, he begged to ask the hon. Under Secretary for War, if Her Majesty's Government would take into consideration the position of those officers who had returned to this country from the Crimea wounded, and who were now in London for the purpose of attending the medical board, or for military medical attendance; and, in the absence of an hospital for officers, hire furnished houses for their accommodation, and grant them those medical comforts which their cases required.

Mr. FREDERICK PEEL said, that the medical board, he believed, met twice a week, and if it were found necessary, they would hold more frequent meetings. The hon. and gallant Member seemed not to be aware, that under the existing regulations gratuities were allowed to officers to cover the expenses incurred during the time they were suffering from the effects of wounds.

Colonel NORTH said, this was not at all the answer he wished to have. The matter was of so much consequence to the officers of the army, and especially to those of the junior grades, that he would take an early opportunity of bringing the subject under the consideration of the House.

THE INDIAN ARMY—QUESTION.

Sir ERSKINE PERRY said, he wished to ask the right hon. President of the Board of Control whether, in Her Majesty's Commissions granting military rank to officers in the service of the East India Company, the words " in the East Indies only" were in future to be omitted; or, whether it was merely intended, under the order which appeared in *The Gazette* of Tuesday the 1st day of May, to grant social rank and precedence, and not general military rank.

Mr. VERNON SMITH said, the hon. Gentleman had not quoted quite correctly, the words now used in the Royal Commissions given to officers in the service of the East India Company. The words were, not " in the East Indies only," but " in the East Indies," the word " only" having been omitted by the Duke of Wellington in 1842 for a special object, and in 1854, from the general brevet, by Lord Hardinge. Since the issue of the memorandum, Lord Hardinge had sent written instructions to Sir William Gomm, directing that the words " and honorary rank in all parts of the world" should be inserted in all future Commissions. The intention of the memorandum published in *The Gazette* was, that wherever officers of the East India Company's service came in contact with those of Her Majesty's service, their respective rank should be settled, not by their belonging to the East India Company's service or to Her Majesty's service, but by the title and date of their Commissions; and he thought the effect would be to facilitate the employment of officers wherever their services were required, while it would by no means fetter the discretion of the Commander in Chief, under the guidance of the Government, with respect to the appointment to commands in all parts of the world of those officers who were considered most eligible, whether they belonged to Her Majesty's service or to the Company's service.

ADMINISTRATIVE REFORM—QUESTION.

Mr. LAYARD: Sir, it will doubtless be in the recollection of hon. Members, that I gave notice of my intention to propose certain Resolutions to this House, and I wish, for the convenience of the House and of the Government, to ask the First Lord of the Treasury if he will give me any day for bringing forward my Resolutions. If the noble Lord does not give me a day, I must propose them on going into Committee of Supply. I also wish to know when the Returns for which I moved some time since will be laid upon the table.

Viscount PALMERSTON: I really, Sir, cannot undertake to find the hon. Gentleman a day; he must find one for himself.

Mr. LAYARD: Then, I shall bring the Resolutions forward on an early day, on the Motion for going into Committee of Supply.

Mr. FREDERICK PEEL said, he begged to inform the hon. Gentleman that, as the Returns for which he had moved were very voluminous, their preparation would necessarily occupy a considerable time, but he would take care that they were produced without any unnecessary delay.

NEWSPAPER STAMP DUTIES BILL.

Order for Third Reading read.

Motion made, and Question proposed, " That the Bill be now read a third time."

Mr. HADFIELD said, he did not mean to oppose the Motion for the third reading, but there were several Amendments which he hoped it was not too late to introduce into the Bill. One of the clauses fixed fifteen days as the period during which a newspaper could pass through the post. Now, if a newspaper was to be stamped at all, what possible objection could there be to its being sent through the post for a longer period than fifteen days? He hoped, therefore, that that clause would be omitted. Again, he thought a drawback should be allowed on account of stamps on newspapers not put in circulation.

THE CHANCELLOR OF THE EXCHEQUER said, the reason for the limit of fifteen days was, that abuses had occurred in sending old newspapers through the post for the purposes of sale, but if the House should think the limit too narrow, he had no objection to extend it to thirty days. As soon as the Bill became law, it was the intention of the Government to issue a lower scale of rates for printed matter not included within the definition of periodical publications, and if any old copies of a newspaper or other periodical publication should be in the possession of an editor or proprietor, it would be competent to him, after the expiration of the fifteen days, mentioned in the Bill, to affix an ordinary postage stamp, and send them through the post. He hoped that arrangement would be satisfactory to the hon. Gentleman.

MR. HADFIELD: Perfectly satisfactory; but what about the drawback?

THE CHANCELLOR OF THE EXCHEQUER said, he believed that at present no allowance was made for spoiled stamps; but he should inquire into the subject.

MR. BRIGHT said, he was sorry to hear that the Chancellor of the Exchequer proposed to extend the time for the transmission of newspapers. [The CHANCELLOR of the EXCHEQUER: No.] He had understood the right hon. Gentleman to say he was willing to extend it from fifteen to thirty days.

THE CHANCELLOR OF THE EXCHEQUER said his remark on the subject was that if the House should evince a strong wish to extend the period from fifteen to thirty days, he would not oppose it, but that his own opinion was that fifteen days was a reasonable period.

MR. BRIGHT said, they all knew that when it was understood that the Chancellor of the Exchequer was willing to do something more than he thought reasonable there was generally a probability of a change. He (Mr. Bright) believed the system of re-transmission to be bad from beginning to end, and that the House and the Chancellor of the Exchequer ought to contemplate its abolition at no distant period. This question of re-transmission had been urged by the newspapers as one of great advantage to them and to the public, but he did not believe it was of any advantage whatever. It was much better for newspaper proprietors that every person who read a paper should buy one for himself than that he should receive it at third or fourth hand. He would suggest also that the monopoly practically given to certain paper-makers by the system of having only four places where the compulsory stamp could be affixed should be abolished. A paper manufacturer in the neighbourhood of one of those places had a great advantage over those whose works were situated at a distance. A gentleman in Bristol had informed him that it was necessary to send paper to be stamped to London, and to take it back again at a great expense, in consequence of this arrangement. The only places where the stamps could be affixed were London, Manchester, Edinburgh, and Dublin, and he thought the sooner such a system was abolished the better. He should be ready to support the Chancellor of the Exchequer in a proposal that the re-transmission of newspapers should be abolished, and that every man on putting a newspaper in the post office should pay the postage in the same manner that every man paid it when he put a letter into it. The sooner they came to that simple system the better, he believed, would it be for the newspapers of the country.

MR. CAYLEY said, he thought the hon. Member for Manchester should be the last man to talk of abolishing the system of retransmission. That hon. Member was in the habit of telling them that the agricultural districts were less enlightened than the towns; but how were they to be politically enlightened, except by the circulation among them of newspapers? By means of news-rooms one newspaper might be made to serve twenty or thirty people in a town; but it was very different in the country. A newspaper, after being read by one subscriber in the country, was sent perhaps three or four miles off to another, and so on for ten days or a fortnight before it had reached all the subscribers. These people had their friends and families in distant parts of the country, in many instances in poor circumstances, and it was only by retransmission that intelligence could be conveyed to them. He had voted against the second reading of the Bill because he thought it would operate with injustice to existing interests. He had not had the good fortune to hear the splendid speech of his hon. Friend the Member for Hertfordshire (Sir B. Lytton), but in conversation his hon. Friend told him that the Bill would communicate great blessings to the country, and his (Mr. Cayley's) reply was that he would not purchase them at the expense of justice, and he did not believe that this Bill was a just Bill by any means. He must say that he was astonished at what occurred in Committee on this Bill in reference to one point. The right hon. Gentleman the Chancellor of the Exchequer, having adverted to the manner in which articles in some of the newspapers were transferred with impunity to others, said he was willing, in deference to a feeling of justice, to introduce into the measure a remedy for that injustice. There was not a single speaker but admitted the existing injustice, but the Committee seemed so much impressed with the impracticability of remedying it that the Chancellor of the Exchequer at last withdrew his proposition. Afterwards another proposition was brought before the House, which, it appeared, would have been accepted as a protection for existing interests in substitution for a copyright protection—namely, an extension of the size or weight of newspapers transmissible through the post; and yet, though nobody denied the practicability of that proposition, just in the same way as nobody had denied the justice of the other, it was not carried. Under these circumstances it was his intention, in the event of the rejection of the Amendment of the hon. and learned Member for Enniskillen (Mr. Whiteside), which was to the effect that newspapers should be transmissible through the post up to the weight of six ounces, to take the sense of the House on the question "that the Bill do pass." However great might be the advantages of this measure, of which, nevertheless, he was somewhat doubtful, or however anxious he might be to spread truth and good information through the country in every direction, he would not consent to purchase those advantages at the expense of justice and of existing interests. Still, he repeated that he was doubtful whether the measure would have the effect of spreading truth and good information through the country.

Mr. W. EWART said, he had understood that the object of this Bill was to bring newspapers into their normal state, and not to continue the retransmission of them. He had always thought that newspapers should be allowed to spring up wherever they were wanted—and if that view was sound, why should they endeavour to prop up existing newspapers by means of retransmission? In the Committee on Stamp Duties some proprietors of American newspapers were examined, and they all stated that their newspapers were sustained not by a system of retransmission but by cheapness of price. In America country people bought a newspaper for a cent; in England they would assuredly have newspapers at a penny, if not a halfpenny. It was cheapness that they should encourage, and not retransmission.

Mr. DUFFY said, he could not understand the argument of the hon. Member for Manchester (Mr. Bright). It might be desirable to abolish the penny stamp, but so long as it continued, newspapers should have the same advantages which they had hitherto enjoyed. A great practical evil would arise from the abolition of the system of retransmission, and even from the limit of fifteen days defined in the Bill. At present there was only one mail in the month to Australia. If there were no power of retransmission, comparatively few papers could be sent to Australia and the other colonies; while, under the clause as it stands, there would be thirteen daily papers every month which could never be sent to Australia at all. Then, again, it would occasion much cost and loss of time at the Post Office to examine newspapers for the purpose of ascertaining whether they were posted after the allowed period. He therefore asked the Chancellor of the Exchequer to extend the limit for posting newspapers to a month after the publication, or to leave the provision on this point altogether out of the Bill.

The CHANCELLOR of the EXCHEQUER said, that the clause to which the hon. Member referred was not intended to apply to the postage of newspapers for the colonies; and, to make this clearer, he was ready to insert the words "places within the United Kingdom."

Mr. VANSITTART said, it was his intention to move that the Bill be read a third time that day six months. He considered that he was justified in making this Motion, notwithstanding the large majority in its favour on a former occasion, because since then the Chancellor of the Exchequer had brought forward his Budget, imposing a great amount of taxation on the people. Moreover, he could not find any one thoroughly pleased with the Bill. All agreed to dissent to it, except the hon. Members for Manchester, and, as far as he had an opportunity of ascertaining the feelings of people, the measure did not seem to be wished for at all. The chief reason which existed for the introduction of the present Bill was the difficulty which the law officers laboured under of defining what was a newspaper; but he did not see how that difficulty was to be got rid of, unless the system of taking securities was altogether abandoned. It was agreed on all hands that great injustice might arise from the measure, and that the character of our press ran some danger of being injured by it, because, if the profits of the newspapers were injured, the character of the newspapers must fall. Seeing, then, that great injustice might be effected by the Bill if it should pass, and that a great amount of revenue would be perilled by it, he felt he was justified in moving that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. LABOUCHERE said, he voted against the original introduction of the Bill simply on the ground that it was very unadvisable that, when the financial state of the country was not before the House, they should determine to part with any portion of the revenue; but upon the merits of the Bill itself he was not disposed to reject it, and therefore he should vote against the Amendment. He must say one word in allusion to the remark of the hon. Member for Manchester (Mr. Bright), that the Chancellor of the Exchequer should take the earliest opportunity of getting rid of the retransmission of newspapers altogether. He agreed with that hon. Gentleman, that they had a deep interest in the diffusion of political intelligence and useful information by means of newspapers, but they had an equal interest in taking care that newspapers should be of the highest possible class, and that they should be conducted by men of character and intelligence; and believing as he did that the power of retransmission was a premium on the highest class of newspapers, he should be sorry to see it abolished, and he hoped the Chancellor of the Exchequer would never consent to any such measure.

Mr. WHITESIDE: Sir, from what has fallen from the Chancellor of the Exchequer, I fear I must assume that the right hon. Gentleman will not consent to the Amendments which I have put on the paper, and I have no alternative, therefore, but to oppose the further progress of this Bill. It is never too late to do justice, and, as I am of opinion that I have been instrumental in doing an act of injustice, it is my duty, so far as I can, to remedy it. I do not blame the Chancellor of the Exchequer for bringing forward this Bill, for I am not sure that it is his original measure. The House will do well to consider the extraordinary state in which this Bill now appears before it; various clauses have appeared, disappeared, and reappeared during its progress, and it is, indeed, very difficult at this moment accurately to understand the precise position in which the Bill stands. I wish, for a moment, however, to direct the attention of the House to the effect of the clauses which the right hon. Gentleman has proposed and which have been rejected. Take, for instance, the clause which the right hon. Gentleman has proposed for the purpose of giving to the newspaper press a copyright in their productions. Now, why did the right hon. Gentleman propose that clause? I hope I am doing him no injustice in saying that I think he proposed it from a conscientious belief that this Bill would work a serious injustice on existing newspapers. I put it to the reasoning mind of the right hon. Gentleman whether he does not, by the fact of his having proposed such a clause, placed himself in the position of having admitted before Parliament and the country that he was about to inflict an injury on existing interests, and that he felt himself bound, therefore, to provide a remedy. The right hon. Gentleman attempted to apply a remedy, but upon discussion I was unfortunately compelled to move the rejection of his clause, because I felt the remedy he proposed to be perfectly impossible in practice. We have therefore now the admission of the Minister that he meant to do an injustice, and that it was his duty to remedy it, and we have also the fact that he did attempt a remedy, but failed in the attempt. A failure in an attempt to remedy an injustice to existing interests is a very serious thing for this House, which is the natural guardian of property, to admit, and I would respectfully ask those hon. Gentlemen opposite who support this Bill, on what principle they think themselves at liberty to injure property which is the result of a combination of skill, intellect, money, industry, and energy, producing a corresponding effect on the public mind. Now that is what this Bill does. The Chancellor of the Exchequer has failed in his attempt to remedy this injustice; but when was it ever before decided that a failure to furnish a remedy for injustice justified legislation of this kind? If this Bill passes without a clause protecting copyright, a certain class of newspapers, which will be called into existence by the change in the law, will appropriate the labour and industry of others to their own use and profit. The right hon. Gentleman the Member for Manchester (Mr. M. Gibson) opposed the clause relating to the superficial extent of newspapers, but on what argument? It only referred, he said, to one particular journal, and only to the particular portion of that journal which was called the supplement, and which the right hon. Gentleman further maintained was no portion of the newspaper. The sheet that contains advertisements no part of a newspaper! What a strange argument for the representative of a great commercial community to make use of! The 55 *Geo.* III.—a very sensible Act, by the way—which refers only to Ireland, expressly defines a newspaper to be a periodical which contains any number of advertisements exceeding two; therefore we have a Parliamentary declaration, that the very definition of a newspaper is, that it contains advertisements. The right hon. Gentleman must be well aware that there is no portion of the contents of a newspaper which is more beneficial to his constituents than that very portion which he would not permit to travel free by post. The papers which the right hon. Gentleman is so anxious to see spring up in all directions may contain much that may be injurious to public morals and manners; but there can be no doubt that the supplement contains a great deal that is useful to every interest in the State. No man is justified in giving a vote in reference to property either according to his feelings or his prejudice; his reason ought to be convinced, and I hope, therefore, that hon. Members will not decide on this question without considering it fairly and impartially. Now, what is it that renders these supplements necessary? It is not the excess of advertisements, but the excess of news; and the supplement therefore, I say, is undeniably part of the paper. Suppose 400 advertisements are brought to *The Times* newspaper for insertion in one day; if there are no Parliamentary debates, no speeches of the right hon. Gentleman, or the able men around him, to be reported; if there are no police reports, no important news from Sebastopol, no Vienna conferences to be communicated to the public, then there would be some corners to spare, and these advertisements would appear in the main body of that paper; but if there are Parliamentary debates, law reports, foreign intelligence, and such things to be inserted, they push these advertisements from the place where they would otherwise appear and it becomes necessary to supply that portion of the paper which is called the supplement, and which really ought to be part of the newspaper. But the argument of the right hon. Gentleman the Member for Manchester is this; because you give so much news to the public, which fills the main part of your paper, and because you give a supplement containing advertisements useful to all classes, therefore, you shall not send your paper by post, for its weight exceeds 4 oz. Now, a more unjust argument than that I cannot conceive. I am not aware, however, that the Post Office authorities have anywhere shown that they cannot carry 6 oz. as well as 4 oz. The great authority, Mr. Rowland Hill, has stated that the carriage of newspapers, so far as their size is concerned, makes very little addition to the trouble of the Post Office. The injury to the revenue is not proved, and you propose, therefore, to do a positive injustice to an existing interest, for the sake of avoiding a problematical injury to the revenue. But I cannot conceive on what possible ground this arbitrary line has been drawn between 4 oz. and 6 oz. It is a Post Office regulation, it is said; but what is the necessity for it? The right hon. Gentleman the Member for Manchester professes to be desirous of seeing a number of new papers arise which will carry news through all parts of the country; but if a paper is superior in intellect and energy, and if it gives more news than others, he makes an endeavour to stop its circulation. But that is not the only absurdity. Why did you abolish the duty on advertisements? Simply because it was for the benefit of men of industry and enterprise—of men engaged in commerce and in manufactures—of employers and employed—that they should all be able to make their wants known as cheaply as possible. That was your object in taking off the duty on advertisements, but after doing that you perversely reimpose it, to a certain extent, by putting an additional tax on that particular journal which contains the greatest number of advertisements. Now, what says that great teacher of political economy, Mr. M'Culloch, on this question? I commend his words to the attention of the right hon. Gentleman who has taken so leading a part in regard to this measure, and with whom Mr. M'Culloch ought to be an authority. In his recent treatise on "the Principles and Influence of Taxation," that eminent writer says—

> "The newspaper duties produce about 355,000*l.* a year, and, being as moderate as can well be desired, we see no reason why they should be either reduced or repealed. They can hardly, indeed, be properly called duties, but are rather to be regarded as a payment for the trouble and expense attending the conveyance and distribution of newspapers by post, for which no charge is made. But it is said that this charge should be exactly apportioned, or that it should be laid only on the newspapers which are actually put into the Post Office. And it has in this view been proposed to repeal the stamp duty on newspapers, and to impose in its stead a charge of 1*d.* on all newspapers sent by post; but we incline to think that a commutation of this sort would be not a little objectionable. Its obvious tendency would be to confine the circulation of newspapers to the districts within which they are published—a result which is not at all to be desired. At present *The Times* and other London journals, displaying the greatest talent, and embracing the most varied information, are distributed all over the country at about the same price as the local and inferior journals. But were the proposed plan adopted, the charge for postage being added to the price of the metropolitan journals would make them decidedly dearer than the local papers; and people in very many, or rather, perhaps, in the great majority of instances, would be disposed to prefer the cheaper, though inferior journal, published at their door, to the superior, but dearer journal of the capital. This would be a serious disadvantage, and by depreciating the quality of the journals circulating over the country, and fostering local prejudices, would far more than neutralise the advantages which it is said would result, under the proposed plan, from the establishment of cheap papers. These advantages are, indeed, of a very doubtful description. It is certainly true that many of the inferior papers now to be met with inculcate the most pernicious doctrines; but it is by no means clear that their influence would be in any degree lessened by exchanging a stamp for a postage duty. On the contrary, it would very probably be increased. The existing duty affects them to the same extent that it affects other descriptions of papers; and as they circulate at present, it appears reasonable to suppose that they would circulate still more extensively were they relieved from the tax. On the whole, therefore, we see no good ground for making the proposed change. It would be next to certain to lower the general character of the newspaper press and deteriorate the most important branch of the national literature."

Mr. M'Culloch then discusses the question of the limitation of the size of newspaper supplements, and observes—

> "The limitation of the size of supplements given away gratis might, however, be advantageously set aside. It indirectly lessens the advertisement duty, and is, in all respects, impolitic."

These, then, are the wise and sensible opinions of this great political economist—opinions which, I think, this House on the third reading of this Bill would have done well to adopt. Now, why should not a man who buys an unstamped copy of a newspaper, and sees in it something which would interest his friends, be enabled to send it to them after he has read it himself for a penny stamp? What is the reason for this? If there be one, we ought to have it distinctly stated. But no reason has been assigned for what the hon. Member for West Surrey (Mr. Drummond), with his usual frankness, termed a blow struck at a particular journal by this Bill. Now if this ground of objection to this anomalous, inconsistent, and absurd measure be good, I wish next to ask the Chancellor of the Exchequer what he means to do with the second ground—namely, that unstamped newspapers should be subject to the same law as those which are stamped. Does he, or does he not, intend that unstamped newspapers shall be liable to registration and to the security system equally with the newspapers which now exist? If he does not, let us have the reason for that likewise. Why should you exact compliance with the law of security and registration from the respectable journals, while you leave every penny writer who may start up to demoralise the community or assail private character free from all wholesome restraint or check whatsoever? For these reasons, Sir, I submit that for the Chancellor of the Exchequer to press this Bill as it stands would be unjust and impolitic. The right hon. Gentleman's own reference to the law of copyright proves that his measure will damage existing interests; and there can be no legislation so exceptional and unjust as this, which for the sake of a general and problematical good, does a private and particular injury. I shall, therefore, Sir, oppose the third reading of this Bill, which I consider to be ill-conceived, badly drawn, and ill-advised.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. and learned Gentleman who has last addressed us has, to say the least, adopted an unusual course in respect to the Bill now before the House. In the Committee on the Bill I proposed a clause enforcing the present copyright of newspapers by a cheaper and speedier remedy; and the hon. and learned Gentleman opposed that clause upon grounds which he then stated to the House. Now, however, he opposes the Bill, on the ground that this copyright clause was not carried. Now, Sir, that clause did not form part of the original Bill; it was not proposed by me as a necessary portion of the original measure, but upon the special grounds which I submitted to the House in moving its separate adoption. On that occasion I stated that it was alleged by certain parties that the Government, indifferent to the character and interests of the existing newspapers, had proposed a measure that would prove most detrimental to those interests, by calling into being a large class of cheap newspapers, which would prey on the property of the established journals, pilfer their intelligence, and, in fact, live on the dishonest spoils that they thus obtained. I did not state that I believed—nor do I now believe—that such a practice will prevail to any considerable extent in consequence of the Bill now before the House, should it become law. At the same time I admitted that apprehensions such as I have described were entertained by many persons, and I also stated that the present law of copyright possessed by newspapers was ineffectual; that, though it recognised their right, still the remedy it afforded them was nugatory, and could not easily be enforced. Therefore I proposed to the Committee a clause providing a more efficient remedy; the proposition was discussed, but it met with but little support from either side of the House, and I did not feel justified in pressing it to a division, being satisfied that if I did so the clause would be rejected. Therefore, looking to the circumstances under which that clause was proposed and subsequently withdrawn, I cannot see that its rejection furnishes any sufficient reason for the House now dissenting from the third reading of the Bill. If the fears of those hon. Gentlemen who believe that the passing of this measure will call into existence a large class of piratical newspapers should be realised, it will still be open to the House when those fears are seen to have been well founded to apply a proper remedy to the evil, or increase the strength of the present law of copyright. A single short Act would be all that would be required, either identical with the enactment which I proposed or very similar to it. I will not trouble the House now with many remarks, but I merely wish to say a few words upon the proposition of the hon. and learned Member (Mr. Whiteside) as it stands in the Votes — namely for an additional clause altering the law with respect to the supplements of newspapers. Now, what he proposes is that all periodical publications, appearing at intervals not exceeding seven days, and the weight of which shall not exceed 6 oz., shall be carried through the post at a penny stamp. Now, the effect of that proposition, as the Bill now stands, is this,—that with regard to all periodical publications which are issued at intervals of not more than seven days, they would, up to 6 oz., be entitled to transmission for a stamp of a penny. Beyond 6 oz., however, as I understand it, this clause would subject such newspapers to the rule as to superficial inches. So that newspapers which consisted of more than 6 oz. would be charged by the measure of superficial contents; while, on the other hand, those that were less than 6 oz. would be charged by the measure of weight. Now, this would be found in practice a very inconvenient regulation as far as the Post Office is concerned; and that I may not be thought to exaggerate the case, I will state to the House what was the weight of the last four numbers of *The Illustrated London News.* The number of that journal published on the 7th of April weighed 4¼ oz.; that of the 14th of April, 8¼ oz.; that of the 21st of April, 4½ oz.; and that of the 28th, 7¼ oz. Therefore, of the four last numbers of *The Illustrated London News*, two would exceed the limit of 6 oz. Now, by what measure would the hon. and learned Gentleman apportion the charges upon those numbers, as, according to his proposition, you must resort to the scale of superficial inches in combination with that of weight?

Then with reference to periodical publications appearing at intervals of more than seven and less than thirty days, he would leave the existing law unaltered, and they would be charged by their superficial inches and measured according to that standard. Thus the hon. and learned Gentleman's clause would create additional confusion and inconsistency in the administration of a law which is already sufficiently anomalous, and I cannot, therefore, think that the House will for a moment be prepared to assent to its adoption. The hon. and learned Gentleman has put several questions to me, asking the reasons that can be assigned for different provisions of this Bill, and he says that he desires to elicit distinct answers from me. He wishes to know whether the Post Office cannot carry 6 oz. as easily as it can carry 4 oz; and, if it can, whether there is any reason for charging an additional halfpenny for conveying a newspaper which weighs 6 oz, while only a penny is charged for conveying one that weighs but 4 oz. I might ask the hon. and learned Member upon what reason he can justify the payment of 1*d.* on a letter weighing half an ounce, and 2*d.* on a letter weighing an ounce? If we have a graduated scale for letters, is it an absurdity, or rather is it not equally fair, to establish a graduated scale for newspapers? There is a great difference between the two cases, for, whereas a newspaper is allowed to transmit 4 oz. for 1*d.*, a letter is charged 1*d.* for half an ounce. The average weight of all newspapers carried through the post is 3 1-10th ounces, and the average weight of the letters is less than a quarter of an ounce. This shows the great advantage which the newspapers derive under the present charges. The hon. and learned Gentleman also asks whether, under this Bill, as it now stands, unstamped papers will be subjected to the law of registration and securities? On moving for leave to bring in this Bill, I stated that I should withdraw the clauses on this subject, and proposed to leave the law as it at present stands; therefore, the present law will only apply to newspapers that are registered as such. I understand that the hon. and learned Gentleman wishes to include under this law all periodicals, whether newspapers or not; but I cannot see any benefit that would be derived from including halfpenny and penny publications, which do not contain news, and which are circulated by societies—for example, by many religious societies. Those publications are not at present subjected to registration, and I can see no sufficient ground for proposing a new enactment which will include them under the law of registration sureties.

INDISPOSITION OF MR. SPEAKER.

At this stage of the proceedings,

Viscount PALMERSTON rose and said: I am sure the House has already perceived how much Mr. Speaker is labouring under indisposition, and I would therefore submit whether, as the Motion which we have been discussing can practically remain till after the third reading, whether the House would not permit the Bill now to be read a third time, and be then postponed to a future day, by which means Mr. Speaker might leave the Chair. During the other business of the evening the House will be mostly in Committee, and if occasion should arise, we can avail ourselves of the means provided by the practice of the House for replacing Mr. Speaker during his absence. The House, I am sure, must feel how important it is that some such course as this should now be adopted.

Mr. DISRAELI: There can be but one feeling in the House with reference to what has just fallen from the noble Lord, but I think the best course would be that the debate should be adjourned.

Debate *adjourned* till *Friday.*

SUPPLY—MISCELLANEOUS ESTIMATES.

Order for Committee read.

House in Committee; Mr. FitzRoy in the Chair.

The following Votes were then *agreed to*—

(1.) 35,941*l.*, Law Charges, England.

(2.) 250,000*l.*, Prosecutions at Assizes, &c.

(3.) 1,100*l.*, Crown Office; Chancery.

(4.) 2,050*l.*, Crown Office, Queen's Bench.

(5.) 15,900*l.*, Sheriffs' Expenses, &c.

(6.) 6,000*l.*, Registrar of Admiralty.

(7.) 8,415*l.*, Insolvent Debtors Court.

(8.) 13,850*l.*, Treasurers of County Courts.

(9.) 23,254*l.*, Police Courts of Metropolis.

(10.) 101,218*l.*, Metropolitan Police.

(11.) 4,226*l.*, Queen's Prison.

(12.) 3,342*l.*, Lord Advocate and Solicitor General.

(13.) 7,755*l.*, Expenses of Criminal

Prosecutions under authority of Lord Advocate.

(14.) 7,198*l.*, Court of Justiciary.

(15.) 1,593*l.*, Queen's and Lord Treasurer's Remembrancer.

(16.) 57,000*l.*, Sheriffs and Procurators Fiscal, &c.

(17.) 11,530*l.*, Procurators Fiscal not paid by Fees.

(18.) 4,318*l.*, Sheriffs' Clerks.

(19.) 2,250*l.*, Solicitor of the Crown, &c.

(20.) 11,166*l.*, General Register House, Edinburgh.

(21.) 1,119*l.*, Commissary Clerk, Edinburgh.

(22.) 51,720*l.*, Criminal Prosecutions (Ireland).

(23.) 1,294*l.*, Court of Chancery (Ireland).

(24.) 1,338*l.*, Court of Queen's Bench.

(25.) 1,311*l.*, Court of Common Pleas.

(26.) 1,320*l.*, Court of Exchequer.

(27.) 200*l.*, Clerk of Taxing Officers.

(28.) 5,232*l.*, Registrars to Judges.

(29.) 1,906*l.*, Office for Registration of Judgments.

(30.) 300*l.*, High Court of Delegates.

(31.) 3,146*l.*, Insolvent Debtors Court.

(32.) 267*l.*, Clerk to the Court of Errors.

(33.) 1,600*l.*, Police Justices of Dublin.

(34.) 31,000*l.*, Metropolitan Police of Dublin.

(35.) 638,511*l.*, Constabulary Force.

(36.) 1,942*l.*, Four Courts, Marshalsea.

(37.) 17,526*l.*, Court of Session (Scotland).

(38.) 18,770*l.*, Inspection and General Superintendence of Prisons.

MR. FRENCH said, there were two inspectors of prisons appointed by the Irish Government, at salaries of 535*l.* each, but this was not all they received, for the Irish counties paid an additional sum of 600*l.* to each gentleman. The counties also paid local inspectors, and he wished to know whether the inspectors of English prisons, who received salaries of 700*l.*, received any additional sum from the counties?

SIR GEORGE GREY: The inspectors of English prisons receive no additional payment, but they do not perform the duties chargeable upon the Irish inspectors in relation to the counties.

MR. FRENCH said, he very much doubted whether the services of these gentlemen were wanted in their double capacity.

MR. KEOGH said, that a Bill was about to be brought in, containing an alteration which he thought would meet the views of the hon. Member.

Vote *agreed to.*

(39.) 375,479*l.*, Prisons and Convict Establishments.

MR. HENLEY said, he wished to know whether the diminution in this estimate had arisen either from an increase in the number of prisoners sent abroad, or from the large number discharged with tickets of leave?

SIR GEORGE GREY said, that the estimate of prisoners last year, for which the Vote was taken, had not been reached and the present vote consequently exhibited a diminution. The system of granting tickets of leave and letters of licence was being carefully watched. He had ordered returns to be made out, of every prisoner convicted even for vagrancy, who was known to be the holder of a letter of licence, in order that it might be revoked, upon the ground that the object for which it had been granted had not been accomplished. In cases were parties were only committed for trial it would not be fair to withdraw the licence, and it would be merely suspended until the result of the trial was known. The number of ticket-holders recommitted was positively, but not comparatively large; but returns were being collected which would give the Committee full information on the subject.

MR. HENLEY said, he was glad to think, from the diminution of the number of prisoners, that crime was decreasing. Was the number of convicts sent out greater or less than usual?

SIR GEORGE GREY: Much the same. Western Australia is the only colony to which convicts are sent under sentence of transportation. Convicts are sent to Bermuda and Gibraltar to assist in the public works, as they are sent to Portland, Chatham, and Portsmouth. A fixed number are sent to Western Australia—about 600 or 700 a year, care being taken not to send more than the state of the labour-market requires.

Vote *agreed to.*

(40.) 166,174*l.*, Maintenance of Prisoners.

SIR STAFFORD NORTHCOTE said, he observed that a sum of 5,000*l.* was set down for the maintenance of juvenile offenders in the Philanthropic Society Establishment at Redhill, and 2,000*l.* for all other similar institutions. He imagined that the Philanthropic Institution at Redhill was not one of the institutions licensed under the Act of last year. He wished also to know what Government proposed to do with respect to reformatory institutions under the Act of last year. In many counties a move was being made to establish such institutions, and the promoters wished to know if they could hope that Government would take part in the expense. It was provided by the Act that the parents of the children committed could be charged with a certain amount of the cost; but the law did not provide very satisfactory means for recovering the amount, or enforcing that provision of the Act. This uncertainty made those persons who were interested in the success of these institutions anxious to know if Government proposed to introduce a Bill during the present Session to remedy this defect.

Sir GEORGE GREY said, the children sent to Redhill were not sent under the Act of last Session. With regard to institutions under that Act, the Treasury would pay the whole cost of the maintenance of the inmates, as distinct from the expenses of the establishment, and *5s.* a week per head was considered a fair sum. The principle of making parents, at whose instigation or from whose neglect children had fallen into criminal habits, defray the expense of their maintenance in reformatories, was just and expedient; but it was very difficult to enforce the obligation without increasing the number of prison inmates, by committing persons for the nonpayment of those charges, and as long as the Treasury paid the *5s.* a week, there was little motive for any one to enforce payment from the parents. Where they were well known, it was a matter for the discretion of the magistrates whether they would compel the payment or not, but the greatest number of these criminal children came from the streets of large cities, and did not in many cases even know who their parents really were. He hoped to propose an amendment of the law, with the view to facilitate the recovery of the expenses from the parents, but he did not expect that to any great extent the provision could be enforced.

Sir JOHN PAKINGTON said, he was struck with the disproportion of the amount granted for the establishment at Redhill and for the others. He could not help expressing his disapprobation that the Redhill establishment, which was the oldest and the best in the country, should not be open for the reception of juvenile offenders under the Act of last year. Government had now become so much connected with that institution that he could not think this was satisfactory, especially as a difficulty was felt in the magistrates having often no place to commit the boys to. He rose also to ask on what principle the boys were sent to Redhill, and to whom their selection was entrusted? He wished further to ask whether the rule of the Philanthropic Institution to send all boys abroad at the termination of their sentence was concurred in by the Secretary of State? He had had the honour, a short time ago, of forwarding to the right hon. Gentleman opposite (Sir G. Grey) a very strong opinion from the county with which he was connected (Worcestershire) pressing upon him that the public funds ought to furnish some aid, not only for the maintenance, but for the institution of such establishments. It was within his knowledge that several counties, sensible of the importance of the subject, were deterred by a just feeling that the establishments ought not to be left to the benevolence of private individuals. As it was a matter of public interest, he considered that they had a right, after the strong expression of public feeling upon the question last year, to expect that Government would take into consideration how this aid might be afforded.

Sir GEORGE GREY said, he must explain that the estimate of 2,000*l.* rested upon a calculation of the number of boys that would be committed to these reformatories at *5s.* per week each, but if the number were exceeded, the estimate also would be exceeded, as it was not intended to limit the amount. With regard to the 5,000*l.* for the establishment at Red Hill, that included a provision for placing the boys in some way of gaining their livelihood. He was not aware of any rigid rule requiring that those boys should be sent abroad, though he could easily understand that they would have a much better opportunity of advancing themselves abroad than in this country. He hoped that a number of reformatories would be established under the Act of Parliament; but, as some of the reformatories now in existence had not been for many months in operation, he thought it would be too much to expect the country to take the whole charge of such establishments, and to withdraw them altogether from local management. He thought the proper course would be to see what was the result of the experiment, before any interference was attempted with existing arrangements.

MR. MACARTNEY said, he wished to call the attention of the Committee to the injustice that was done to Ireland in throwing the expenses of criminals and witnesses in criminal prosecutions upon the counties. The late Sir Robert Peel, when he proposed the repeal of the corn laws, admitted that Ireland was entitled to relief in that respect, while the late Chancellor of the Exchequer gave a pledge that the matter should be looked into. Now, here was Ireland going to have an increased income tax, besides an increased tax upon spirits, thrown upon her, and yet no relief was proposed in the shape of a transfer of some of these charges to the Consolidated Fund.

THE CHANCELLOR OF THE EXCHEQUER said, that when the arrangement to which the hon. Gentleman referred was made by Sir Robert Peel, one-half the expenses of prosecutions at assizes and sessions, and certain charges connected with the poor laws in England, and the entire cost of the constabulary in Ireland, were transferred to the Consolidated Fund. This adjustment was not made upon the principle of taking the same local charges in England and Ireland, but of taking different charges in the two countries. If the Committee referred to the Votes, they would find in them a charge of 638,511*l.* for the constabulary in Ireland; but there was no corresponding charge for the police of England. He doubted whether his predecessor in office had given any pledge on this subject, beyond engaging to take the matter into his consideration; but he (the Chancellor of the Exchequer) certainly could not hold out any hope that the Government would propose any alteration in the adjustment of local burdens proposed by Sir Robert Peel.

MR. MACARTNEY said, he must maintain that Sir Robert Peel distinctly laid it down, that inasmuch as Ireland was essentially a corn-growing country, she was entitled to be relieved of many of her county charges when the corn laws were repealed.

MR. HENLEY said, that, in reverting to the subject of reformatory schools, he thought that where children were placed in these establishments had attained an age at which they might reasonably be expected to maintain themselves out of prison, their parents, who were earning small wages, should not be required to support children of whose services they were deprived.

SIR GEORGE GREY said, that it was not his intention to propose any change in the law affecting the liability of parents, but merely with respect to the machinery by which that law was enforced.

SIR JOHN DUCKWORTH said, he considered that, although 5*s.* a week might be a sufficient sum for the maintenance of a child in a large establishment, it would scarcely be sufficient in the case of smaller establishments; and he hoped that, as the efficiency of the principle of reformatory establishments was tested by private benevolence, the Government would be as liberal as possible in aiding such efforts.

MR. ADDERLEY said, he thought parents ought not to be called upon to support children in these reformatories up to so advanced an age as sixteen. The right hon. Gentleman the Home Secretary had stated that he was afraid the provision for making parents pay for the support of their children in these reformatories would be inoperative in many instances. This might be so, but even if it were operative in only one case out of twenty, the principle was a sound one and ought to be enforced. It was a monstrous and dangerous principle to lay down, that parents having refractory children should be entitled to quarter them on the public funds for their maintenance. As to the emigration of children from the reformatory at Red Hill, he thought that was a decided mistake. If all that was wanted was to send them to another country, why not send them at once, instead of first maintaining them in this institution? The fact was, however, that this country could not now afford to lose her citizens, her position in this respect being quite different to that in which she stood a few years ago.

SIR GEORGE GREY said, he thought the hon. Gentleman could not mean that the children immediately after committal should be sent out to the colonies, because that would evidently be a premium to crime. As to the emigration of children from Red Hill, that was left to the discretion of the manager of that institution.

MR. J. G. PHILLIMORE said, one great defect in our law was, the age at which a child might be made the object of our criminal jurisprudence. Nothing could be more shocking than to see children of seven years old brought before the magistrates, and we might in this follow with advantage the example of the canon law, which fixed the age of nine for girls and ten for boys, until which time children could not be the object of criminal jurisprudence.

MR. BARROW said, he would point out to the hon. and learned Member the youthful till-robbers, who, at the age of seven or eight, were extremely clever in their vocation, and ought certainly to be taken out of the hands of their parents.

MR. J. G. PHILLIMORE said, he was not objecting to a child of that age being taken out of the hands of their parents, but to its being made the object of criminal jurisprudence.

SIR GEORGE GREY said, the offence must be proved, and to prove the offence legal proceedings must be instituted against the child.

MR. FLOYER said, that in referring to the vote of 3,620*l.* for Bethlehem Hospital, he considered that the question of criminal lunatics was in such an unsatisfactory state that unless some change in the law were proposed by next year, he should then feel inclined to move that this Vote be entirely omitted. The Vote was proposed for the maintenance of 107 criminal lunatics in Bethlehem Hospital, whereas in England there were about 600 criminal lunatics under confinement. There seemed to be no principle of selection with regard to those sent to this hospital, while a very large number were kept confined in county lunatic asylums. Now, if the system was a right one, all criminal lunatics should be kept in establishments supported by the public, and not in asylums belonging to the counties. The description of buildings required for criminal lunatics was not at all adapted for other lunatics, and the confinement of the two classes in the same asylum was highly detrimental to the treatment of the latter. The Metropolitan Commissioners in Lunacy had years ago represented to the Government the evils attendant on the confinement of criminal lunatics in county asylums, but the system had been allowed to go on increasing till it had become a very great source of annoyance, as it interfered very much with the good treatment of ordinary lunatics in those asylums. He would not now oppose the Vote, but if the attention of the Government were not directed to the subject by another year he should certainly feel it his duty to propose its rejection.

MR. BARROW said, he fully concurred in what had been stated by the hon. Member for Dorsetshire (Mr. Floyer) as to the impropriety of placing the two classes of lunatics in the same asylum.

SIR GEORGE GREY said, a considerable portion of the expense of maintaining criminal lunatics in private asylums was paid by the public. He concurred in much, however, that had been said by the hon. Gentleman opposite, and hoped to be able next year to come to some arrangement by which better accommodation might be provided for criminal lunatics at the charge of the Government.

MR. ALEXANDER HASTIE said, he wished to observe, with reference to 5*s.* being paid for the maintenance of children in reformatory schools, that he knew of one establishment where this sum was found quite sufficient for the purpose. He observed that a large sum was taken for a juvenile reformatory in Ireland, and complained that no such support was given to similar institutions in England and Scotland.

SIR GEORGE GREY said, the institution in Ireland was essentially a criminal one, similar to Parkhurst.

Vote *agreed to,* as was also

(41.) 59,405*l.*, Transportation of Convicts.

(42.) 297,621*l.*, Convict Establishments.

CAPTAIN SCOBELL said, he wished to know what number of convicts we had now abroad? He wished the Vote were larger, as he thought the ticket-of-leave system would in a few years break down; but at the same time there seemed to be this year a considerable increase in salaries.

SIR GEORGE GREY said, in consequence of the discoveries of gold in Australia it had been found necessary to raise the salaries of officers in order to retain them in the public service. The reduction in the number of convicts sent to Australia was very considerable. The only place to which they were now conveyed was—as he had stated at an earlier period of the evening — West Australia, and the number did not exceed 500 or 600 annually.

Vote *agreed to.*

MR. WILSON said, that the next Vote was that for Education in England, and as a sum had been taken on account, he would postpone it, in order that the discussion on the subject which was expected might take place.

MR. MACARTNEY said, he hoped that the estimate No. 4 would not be pressed, as several of the items would lead to discussion, and in consequence of the alteration in the business for the night, a number of Gentlemen who intended to take part in that discussion were absent. He would suggest that all the educational Votes should be postponed.

Mr. WILSON said, that the Vote for English education had been postponed at the request of several hon. Members, but he hoped the Committee would go on with the other Votes.

Mr. DISRAELI said, he thought that, considering the number of Votes which had been agreed to without any serious opposition, the Government might well agree to postpone these Educational Votes. He observed that there were seventeen Orders on the paper, and he thought that if the noble Lord at the head of the Government had looked through those Orders, and considered which of them could fairly be brought forward, he might have been able on that evening to have got through a great deal of business. He thought that the noble Lord could safely consent to postpone the Educational Votes, and also the Committee on the Metropolis Local Management Bill. The remaining sixteen Orders were, he thought, enough to satisfy the appetite of any Government, whether a weak or a strong one.

Viscount PALMERSTON said, he would agree to the postponement of the Educational Votes; as to the Metropolis Management Bill, he did not know what course his right hon. Friend the Member for Marylebone intended to pursue.

Sir BENJAMIN HALL said, that when the proper time arrived he should be prepared to move that the House go into Committee on that Bill. He believed that up to the 46th clause there would be no objection to the Bill, and when that clause was arrived at he would consider the propriety of adjourning the discussion to a future day.

Mr. DISRAELI said, he was always very unwilling to refer to conversations in the lobby or behind the Speaker's Chair, but he had understood that the right hon. Gentleman had undertaken not to proceed with the Bill that evening. The right hon. Gentleman said, that there was nothing in the Bill to provoke discussion before the 46th clause, but he had understood that before arriving at that clause there was an important amendment to be proposed, which involved the consideration of the propriety of altering Hobhouse's Act.

Viscount EBRINGTON said, he trusted that his right hon. Colleague would not proceed with the Bill that evening; and, indeed, he had understood that it was not his intention to do so.

Sir BENJAMIN HALL said, he hoped that the House would consent to go into Committee on the Bill when the proper time arrived. He had that afternoon, when he saw that there was a chance of being able to proceed with the Bill, sent a message to the noble Lord who had just sat down, by the hon. Member for Westminster, informing him that such was the case, and he hoped that there would not be any objection to go into Committee on the Bill that evening.

Viscount EBRINGTON said, that he had believed the right hon. Gentleman to have entered into a distinct understanding not to proceed with the measure that evening.

[Ultimately it was agreed that the Bill should not be proceeded with that evening, and the Educational Votes were postponed.]

The following Votes were then *agreed to*—

(43.) 4,050*l.*, Bermudas.

(44.) 7,397*l.*, Ecclesiastical Establishment, British North American Colonies.

(45.) 7,010*l.*, Indian Department, Canada.

(46.) 24,728*l.*, Governors, West India Colonies.

(47.) 24,750*l.*, Stipendiary Justices, West India Colonies.

(48.) 10,630*l.*, Civil Establishment, Western Coast of Africa.

(49.) 11,057*l.*, Saint Helena.

(50.) 976*l.*, Heligoland.

(51.) 2,807*l.*, Falkland Islands.

(52.) 3,800*l.*, Hong-Kong.

Captain SCOBELL said, that he believed the Governor had no salary as such, but had 5,000*l.* a year as chief consul or superintendent. Two years ago, it was objected that the salary of the Governor (6,000*l.*) was too large, but now the Governor and Lieutenant-Governor had 7,000*l.* between them, which was an increase on the former charge.

Sir GEGRGE GREY said, that Sir John Bowring's expenses were great, and his duties requiring him to be taken away very often from Hong-Kong, it was necessary to have a lieutenant-governor on the spot.

Vote *agreed to.*

(53.) 16,720*l.*, Land and Emigration Board.

Mr. SPOONER said, he was decidedly of opinion that it was now time that a stop should be put to promoting emigration. He had always thought it bad policy to send out from this country the industrious and enterprising, while the drones were left at home. The Government, he considered, ought rather to check than encourage emigration.

Sir GEORGE GREY said, that the Vote was not intended to promote emigration, but to protect emigrants against the frauds and impositions to which they might be subject at the different ports of embarkation. With respect to Australian, or what was called Government emigration, no portion of the funds of this country were applied to that object. The money for that purpose was sent over by the colonial authorities, and its administration was entrusted to the Emigration Commissioners, but no inducement to emigrate was held out by the Government, beyond the circumstance of the colonial funds being placed in the hands of the Emigration Board for distribution.

Mr. JOHN MACGREGOR said, that the greatest discontent prevailed in consequence of emigrants arriving at the different ports from a great distance, being sent in vessels not properly suited for the purpose.

Mr. SPOONER said, he thought the statement of the Home Secretary unsatisfactory. The right hon. Gentleman said, that the Vote was merely intended to furnish protection to those who emigrated on their own account, and to provide for the proper distribution of the funds sent from the colonies; but he (Mr. Spooner) considered the sum of 8,700*l.* for the salaries of Chairman, two Commissioners, Secretary, and establishment, &c., very large for that purpose.

Sir GEORGE GREY said, that the emigration officers at the ports were appointed for the express purpose of seeing that the ships were seaworthy, and of deciding disputes which might arise. The board had a large sum of money to dispose of; it had the general superintendence of those agents at the ports; it had to answer innumerable letters, and to discharge generally very onerous and important duties. It was not improbable, however, that a reduction would shortly take place in the number of the Commissioners.

In answer to Mr. Apsley Pellatt,

Sir GEORGE GREY said, that if the colonists who provided the funds in question wished that the agents at the ports should be appointed by themselves instead of by the Emigration Board, he apprehended that the Government would not object.

Captain SCOBELL said, he wished to draw attention to the circumstance that there was no Government emigration agent at any port between Plymouth and Liverpool, and would suggest that an emigration agent should be established at Bristol.

Sir GEORGE GREY said, the subject had been brought under his notice by a memorial from Bristol. He had referred that memorial to the Emigration Commissioners; and he did not think, from the Report which they had made, that it would be desirable to incur the expense which the establishment of such a Board would involve, because he believed that the necessities of the public were already sufficiently provided for.

Vote *agreed to;* as were the two following Votes—

(54.) 10,500*l.*, Balance to Canada, Destitute Emigrants.

(55.) 10,000*l.*, Captured Negroes.

(56.) 11,250*l.*, Mixed Commissions.

Captain SCOBELL said, he wished to obtain some information with regard to the present state of the African slave trade.

Viscount PALMERSTON said, he believed that, with respect to Brazil, the progress that had been made was satisfactory. So far as his information went, and it was confirmed by the statements made repeatedly to him during the last twelve months by the Brazilian Minister at the British Court, the importation of slaves into Brazil had entirely ceased. The result had been, that the capital formerly employed in that abominable traffic had been diverted into other channels—that the trade of the country was becoming more and more developed—that roads were in course of construction, railways were planned, and that improvements of all kinds were going on. He was afraid that to a certain extent the slave trade was still carried on in Cuba, not simply from Africa, but from Brazil, for the Brazilians complained that some of their slaves had been carried off to Cuba. The number of slaves imported into Cuba was incomparably smaller than the number formerly introduced into Brazil, the Brazilian importation having ranged from 30,000 or 40,000 to 60,000 or 70,000. The utmost number supposed to be landed in Cuba was some 2,000 or 3,000, but it was difficult to ascertain the precise number. The Spanish

Government had assured Her Majesty's Government that, as far as orders from Madrid could be effective, every effort had been made to stop the importation of slaves into Cuba, and the Governor-General had endeavoured to enforce the law. Of course, means were found to evade the vigilance of the Government, and several cargoes had been landed. On the coast of Africa, on the other hand, the great cessation in the slave trade had given an immense development to legitimate commerce, and every one acquainted with the operations of commerce, as connected with Africa, must know that the quantity of African produce brought to this country, especially palm oil, was a proof that a wonderful improvement had taken place in the commerce of that hitherto unfortunate country. He trusted in the course of a few years to see an entire change in the condition of that coast, which for a long period had been distinguished by nothing but crime and suffering.

Mr. ALEXANDER HASTIE said, that at Havannah we had a consul with 1,600*l.* a year; and at the Cape of Good Hope we had not only a consul with 1,200*l.* a year, but an arbitrator with 800*l.* a year, and a registrar with 500*l.* a year. Now, if all that force was wanted at the Cape of Good Hope, why was not a similar force kept at Havannah, which was the great seat of the slave trade?

Viscount PALMERSTON said, that in order to deal with vessels of different nations, we were obliged to have mixed Commission Courts established. There was at the Cape a British Judge, and a Judge of the country with which we had a treaty. Those Judges appointed an arbitrator between them for which the Judges drew lots. Sometimes, therefore, the British Judge appointed an arbitrator, and sometimes the Judge of the other country, whichever it might be. The registrar was an officer who kept the records of the Court.

Mr. JOHN MACGREGOR said, he believed these places were entire sinecures. He did not know of his own knowledge that this was the case, but representations had been made to him on the subject, not only strong, but clear. Instead of having three such officers at the Cape they should be distributed in places where their services would be more effective. He believed that Havannah, Porto Rico, and some other outports of Cuba were the places at which the country ought to have its strongest staff. He knew the Committee must pass these Estimates, but he hoped that before any such Estimates were again submitted they would be well considered, and not be brought forward according to a mere routine which indolence had sanctioned.

Viscount PALMERSTON said, the last lurking place of slavery was Mozambique, to the east of the Cape of Good Hope, and when a vessel was seized there she was taken to the nearest point. If a ship were taken between Mozambique and the Cape, and were taken to Havannah, the sufferings of the negroes would be intense. It would be seen, therefore, that it was absolutely necessary to maintain those Courts at the Cape of Good Hope.

Mr. OTWAY said, he thought it would be satisfactory if the noble Lord would give the Committee some information as to the number of slaves upon whom these Gentlemen were called to arbitrate.

Vote *agreed to.*

(57). 157,669*l.*, Consuls Abroad.

Mr. W. EWART said, it was his intention to have brought forward a Motion in reference to the examination of candidates for diplomatic service. He hoped there would be no objection to his bringing it on, on going into Committee of Supply upon some other occasion.

Mr. JOHN MACGREGOR said, he did not complain of the Vote, for he must admit that the persons appointed as consuls by the present Government had efficiently performed their duty, much more efficiently than consuls generally had done. What he complained of was the unequal salaries given to various consuls. Some had heavy duties to perform with small salaries, while others who had light duties had high salaries. If any class ought to be remunerated it was those consuls who represented this country in great commercial cities.

Sir STAFFORD NORTHCOTE said, that the consul at St. Petersburg, who was in the receipt of 750*l.* a year, had been reduced to 190*l.*; while the consul at Archangel, who received 300*l.*, had been reduced to 80*l.* He wished to know why those reductions had been made.

Mr. WILSON said, the payments were regulated on the principle that the consuls were on leave of absence.

Mr. AYSHFORD WISE said, that the Committee which sat on the subject of official salaries in 1850 did not inquire into the salaries of our consuls, but in their report they recommended that that branch of the question should form the subject of a separate inquiry before another Select Committee. He therefore considered that it was now high time that the whole question of our consular establishments should undergo examination and revision. The present Vote was certainly large, but would not be too much if the country derived proper advantage from its expenditure. The cost of the consular department had risen within the last five years from 148,000*l.* to 157,000*l.* This year there was 4,600*l.* more, because that sum had been transferred to the Consolidated Fund; and there was a sum of 32,605*l.* for the Chinese consuls. The votes for the consular department were scattered over different Estimates, instead of being all brought together—a circumstance which rendered it extremely difficult to analyse this expenditure. Although the House had to vote away millions for the heavy war charges to which the country was now subjected, that was no reason why they should not look carefully into every item of their ordinary expenditure. Indeed, that circumstance should form an additional incentive to the adoption of every practicable economy. Now, at Naples we had a Minister and a Secretary of Legation, who received 4,500*l.* a year; and at the same place we had also a consul and a vice-consul with 500*l.* per annum between them. Some persons thought it undesirable that diplomatic and consular functions should be united, but already the separation between the two had been broken through in certain other instances, and it might probably be advisable to establish such an officer as that of Consular Attaché. Certainly, however, the continuance of consular merchants at foreign ports was highly objectionable, and created great jealousy among those English merchants who considered that those of their class who also acted as consuls had undue advantages over them, as regarded intelligence and communications from other countries, in consequence of their double capacity. Formerly our consuls were prohibited from trading, but in 1832 this restriction was, he considered with very questionable policy, repealed. It would be much better that they should be paid higher salaries and required to be unconnected with mercantile affairs. In the Levant we had three consuls general—one with 1,500*l.*, another 900*l.*, and a third 800*l.* a-year; and we had also in the same country forty-one consuls and vice-consuls, whose salaries were 21,150*l.*, independently of fees. In France, on the other hand, our consular salaries amounted only to 5,500*l.*, and in the United States they were but 5,000*l.* There was, thus, a great disproportion between the consular expenditure for Turkey and that of these two other countries, and this disproportion was the more remarkable when it was considered that our exports to Turkey were only 2,000,000*l.* yearly, whereas those to France amounted to 2,500,000*l.*, and those to the United States to even 23,000,000*l.* He had some time since moved for a return of the amount of fees received by our varions consuls, but this information had not yet been furnished to the House, on the alleged ground that it would take a very considerable time to prepare it. Now, he had seen a document which convinced him that the particulars he had asked for might have been made out within less than two hours, for there was a return prepared every year in the Foreign Office of all our consular agents, with the amount of fees received by each, and he could state the contents of that document for the year 1853. At Hamburg the consul received a salary of 1,500*l.* and fees 512*l.*; at Genoa the consul's salary was 400*l.*, fees 397*l.*; at Alexandria the consul's salary was 500*l.*, and fees 500*l.*; at California the consul's salary was 200*l.*, and fees 1,200*l.* a year. Now, he thought it would be much wiser that the consuls should be paid handsome salaries, and that the fees received by them should go into a fund in a similar manner to that adopted with respect to fees paid in the courts of law. The present system of small salaries and large fees, and of large salaries and small fees, did not tend either to the advantage of the commercial classes abroad, or to the honour of this country. The last point to which he would call the attention of the Committee was one of the utmost importance; it was with respect to the conduct of some of our small consuls in the Levant. He did not wish to throw a shadow on their personal character, but if the statement which had been communicated to him were correct, he was sorry that any Englishman should be open to the charges that statement conveyed. It was stated to him that Christians—Ionians and others—purchased the right to post up the English arms, and that they did so to avoid the capitation tax; that many of them were poor and worthless men; and that, although they were Englishmen by adoption, they tarnished the English name. For this privilege and protection they paid, he believed, a sort of tribute to the consuls, consisting of Christmas presents. This was, in his opinion, a very objectionable system. He would beg to state the contents of a letter which he had received from a most intelligent Mussulman who was at present in England, and who was ready to make the same communication to Her Majesty's Government, if required. The letter showed what were the feelings of the natives towards the English consuls in the Levant. The writer stated that the English Ambassadors at Constantinople had for a long time past been most unremitting in their exertions for the benefit of the Christain population in Turkey, and that it was to their earnest and well-directed efforts that the Turks were indebted for many steps that had been taken by the Sultan and his Ministers for the removal of abuses in the provinces, and by which Turkey had been largely benefited. The writer went on to say that, while the English Government had inspired the Turkish Government with such an excellent spirit, it had often astonished him that they did not put it in practice themselves; and he then asked why they did not appoint a Secret Commission to investigate the conduct of the British consuls and of their servants? Such a proceeding, he said, would be the means of bringing to light many abuses that were suffered by those consuls to exist without check, and by which the old and vicious Turkish system was perpetuated. Many of the consuls continued practices which even the Turks were ashamed of.

VISCOUNT PALMERSTON said, he must beg to remind the hon. Gentleman that when a question regarded the character of one large class of public servants it was more becoming, before the accusation was made in specific terms, to ascertain whether it rested upon any foundation whatever. The hon. Member had read a letter containing sweeping charges of a very deep character against the British consuls in the Levant. The charge was supported by no one fact whatever. It might come just as well from a person who had no ground at all for making it, as from a person who had some real ground of complaint. All he could say was, that if any person, whether Turk or Christian, Englishman or foreigner, had any complaint to make against any consular agent in the Levant or anywhere else, he knew perfectly well how to address himself either to the Secretary of State in England or to the representative of the Sovereign in the country in which the alleged ground of complaint had arisen; and he also knew that that complaint would be investigated and, if found just, redressed. There was a difficulty in the matter. That he (Viscount Palmerston) knew well, because, having been in the Foreign Office, he was aware that such complaints did reach the Secretary of State. He must, therefore, hesitate to attach any very great credit to the letter which had been read by the hon. Gentleman, although he admitted as being perfectly just that which was stated in the former part of the letter as to the useful exertions made by the diplomatic servants of the Crown resident in Turkey for obtaining justice for all British subjects in that country, and for promoting improvements in Turkish administration. With regard to the consuls established in the Levant, it was well known that their duties were very distinct from the duties of British consuls in any other ports. They were not simply commercial, but were judicial in their character; because, by the treaties which this country had entered into with the Porte, all questions with which British subjects were concerned were to be brought under the cognisance of the consular department; the consequence was, that the consuls in the Levant had duties of a higher description to discharge than those in any other part of the world. With regard to the number of consuls, they must not measure the want of a consul by the amount of exports or imports of any particular country. It was manifest that there might be more imports into one particular port in a country than there might be in twenty or thirty ports in another country; nevertheless, they must have a consul in each port with which British subjects dealt; therefore, it was perfectly futile to take the amount of exports or imports as the rule by which to determine the number of consuls to be maintained. Then the hon. Gentleman forgot the necessity of protection. It was not simply either the number of ports or the amount of exports and imports of a country with which they traded that they had to consider; but they also had to consider what were the institutions and the habits of that country. In a country like France or the United States, where everything was established upon the same kind of system which prevailed in this country, where the transactions were extremely simple, and where official interference was very little required, all that the consul had to do was to go through those consular operations which were essential according to the laws of the country. But in the East the consul, besides his strictly consular duties, had certain judicial and even diplomatic, duties to discharge. He was the channel of communication in all matters of complaints within his cognisance with the centre of the Government. In proportion as our trade extended so must also the number of our consuls be multiplied. Our trade had extended, and therefore an increase from time to time in our consular establishments had been made. This necessarily increased the amount of the estimate for the consular department. This subject was now new to the House of Commons. Not only had it been discussed every year on the Estimates, but only a short time since a Select Committee had been appointed to investigate the consular establishment. The hon. Member (Mr. A. Wise) differed from the hon. Gentleman the Member for Glasgow (Mr. John Macgregor) with regard to the salaries of the consuls, and thought that in many cases they were too large. He (Viscount Palmerston) rather agreed with his hon. Friend the Member for Glasgow in thinking, upon the whole, that the salaries were too low, considering the expenses to which consuls were subjected. He believed that in many instances the consuls, in consequence of the lowness of their salaries, were deprived of the means of showing that hospitality to the strangers and captains of vessels who came to the ports where they were appointed which was expected from them. At the same time the pressure put upon the Government by the House of Commons on different occasions when the consular establishment was discussed did lead them to reduce the salaries of the consuls to what they thought would be the lowest possible amount. The hon. Member for Stafford had also suggested that the fees received by consuls should be paid into the Exchequer, and that those officers should be remunerated by a simple salary ; but the fees of the consuls did not correspond with the fees of law officers at home which were paid into the Exchequer. Those latter fees had been considered as personal remuneration, whereas the fees of the consuls enabled them to pay the expense of offices and the salaries of clerks ; and to perform the various duties which were considered due from persons in their position. A portion of those fees was received for the performance of notarial acts, and where the aggregate amount of fees was very large it arose solely from the circumstance that the acts done were numerous. But then in proportion as those acts were numerous so must the establishment of the consuls and the number of the clerks be larger ; and the scale of remuneration was so arranged that where the fees were very large and numerous the salaries were considerably reduced, after the allowance of the necessary expenses, in order that a fair and equitable rate of payment as between the various consuls might be maintained. The hon. Member had also suggested, what had been often before suggested in that House, namely, that the consular duties should be performed by persons attached to diplomatic missions. He (Lord Palmerston) did not think that would be a good plan, for their duty was of a totally different kind, and their condition was, by international law, perfectly distinct from that of a diplomatic agent. No advantage that he could see would arise from giving a consul a diplomatic character, or from calling a diplomatic agent a consul instead of an attaché. It would make little difference in point of salary, and create great confusion in point of character and position. There was a great deal of truth in what the hon. Gentleman had said with respect to the consuls being merchants. At one time the current of opinion in that House ran all one way, and at another it set just as strongly in a contrary direction. It had been said that all consuls should be merchants, that the business of the office could be performed much cheaper, and, at the same time, more effectually, by respectable merchants established in the various towns, and that opinion was entertained by his late Friend the Member for Montrose (Mr. Hume). To a certain degree some advantage might arise from adopting that plan, but it was open to the objection that in many cases it might create a feeling of jealousy among the other merchants of the place, who might entertain exaggerated notions of the importance of a consular position, and of the advantage it would give to the particular person appointed in commercial transactions. Again, in places where the consul had political functions to perform, it might be imputed to him, if he abstained from pressing the claims which particular individuals might have against the Government, that he was sacrificing their interest in order to make himself agreeable to the Government and to derive advantages therefrom. Generally speaking, therefore, it was better to have consuls who were not connected with trade, and, in all cases in which the considerations to which he had just referred were applicable, consuls were prohibited from trading. The law permitted the Secretary of State to allow trading by consuls where no public inconvenience could arise, but in the majority of cases it was forbidden. On the other hand, when the Government forbade trading, they were bound to give the consul a higher salary, though it might be attended with some little additional expense to the public. Having answered most of the points to which the hon. Member for Stafford had adverted, he would take this opportunity of saying that he was very glad that his hon. Friend the Member for Glasgow (Mr. John Macgregor) had borne testimony to the efficiency of the consular officers as a body. They performed their duties very much to their own credit and to the public advantage; and the House might be quite sure that the nation could not hope for any great extension of trade in countries where commerce had not hitherto penetrated, unless they sent forth these pioneers to protect the interests of those adventurers who explored the regions which British enterprise had not yet entered. No one knew better the importance of the services rendered to the country by the consuls than the British merchant.

Mr. BRADY said, the noble Lord had not adverted to the question of the propriety of continuing the receiving fees.

Viscount PALMERSTON said, that if they were abolished it would be necessary to make allowances for clerks and offices; and therefore, on the whole, it was thought desirable that these fees, which were very small, should be continued, especially as they were in exact proportion to the duty performed.

Mr. THORNELY said, he complained of the hardships inflicted on merchants by requiring so many certificates on landing goods. A number of articles, innocent in themselves, had now become contraband of war, and, if there were fifty different bales of goods which came within the prohibited degrees in a ship, fifty certificates would be required before they could be landed in a friendly or neutral country, and much inconvenience had consequently arisen since the commencement of the war. He would, therefore, suggest that a general certificate should be given on landing a cargo.

Mr. WILSON said, he was aware that complaints had been made on this subject, but the restrictions complained of were rendered necessary for the purpose of preventing the shipment of warlike stores to neutral countries for transmission to Russia. Securities for this purpose were of course expensive; and certificates of the landing of the stores at the countries they were professedly shipped for were essential. As to the suggestion of the hon. Member, with respect to general certificates for entire cargoes, it could not be practically carried out, as it would be impossible to divide the responsibility of the shippers, or cast the whole on the shipowner; the only course was to make each shipper responsible for his own share. Great consideration had been given to the subject, and the utmost had been done to prevent needless inconvenience.

Mr. OTWAY said, he very much objected to the continuance of the fees on obtaining passports. Although, of course, a traveller was subject to the regulations of Sardinia, or any State through which he passed, yet it was very hard that the English consuls should pounce upon Englishmen for fees, and these, he thought, might very well be done away with. The noble Lord at the head of the Government had very eloquently described the functions of consuls, which he had said were not only diplomatic, but also commercial and judicial. He (Mr.Otway) had met with a great many consuls who were always exceedingly civil and attentive, but had never met with one who was appointed because he was eminently qualified for his office. Such appointments were generally given for private considerations. He wished to ask how long reduced salaries were to be paid to our Russian consuls, for he thought that, in the event of the war continuing for some years, it would be absurd to continue such payments.

Mr. WILSON said, that the payments would not continue beyond the second year, when arrangements would be made for discontinuing them. Care was also taken to appoint these consuls to other stations.

Viscount PALMERSTON said, that the observation he had made on the consuls having diplomatic functions to perform was applicable only to the consuls in the Levant, and he could assure the hon. Gentleman (Mr. Otway) that when he was at the Foreign Office he had taken care to appoint gentlemen fully qualified to perform the functions. In addition to their general capacity the consuls in the Levant were selected for their knowledge of the language and habits of the localities, and in some cases gentlemen who had lived there. He wished to advert to one point which the hon. Member for Stafford (Mr. Wise) had touched on. The hon. Member had read a letter, in which it was stated that Ionians and others bribed our consuls and vice-consuls in the Levant to place them under British protection. But all British subjects were entitled to protection from our consuls, and the Ionian States being under the protection of Great Britain, evry Ionian merchant was of course entitled to British protection, therefore it was totally unnecessary for any Ionian to bribe a British consular agent to give him the protection to which he was fully entitled by law.

LORD SEYMOUR said, he certainly did not think our consuls were overpaid, but he saw that the charge for some of the salaries of three or four consuls general, which appeared last year in these Estimates, had been transferred to the Consolidated Fund. He wished to know why these charges had been withdrawn from the annual scrutiny of Parliament?

VISCOUNT PALMERSTON said, that by Act of Parliament, certain charges were created on the Consolidated Fund to cover the whole of the diplomatic salaries and pensions. When diplomatic relations were opened with some of the South American republics it was not thought expedient to give them the character of simple diplomatic agents with salaries paid out of the Consolidated Fund. The functions assigned to these agents were of a mixed character, diplomatic and consular; and they were allowed 1*l.* a day for their diplomatic charges as chargé d'affaires. By the falling in of pensions it was found that there was a surplus on the charge upon the Consolidated Fund, a surplus not required for the diplomatic establishments, and the salaries of those diplomatic agents were therefore transferred to the Consolidated Fund. No additional charge was entailed on the public by this change; on the contrary, it effected a saving.

Vote *agreed to;* as were also the three following Votes—

(58.) 25,000*l.*, Embassies and Missions Abroad, Extraordinary Expenses.

(59.) 138,609*l.*, Superannuation, or Retired Allowances.

(60.) 2,270*l.*, Toulonese and Corsican Emigrants.

(61.) 2,000*l.*, National Vaccine Establishment.

MR. BRADY said, this Vote was too small to be of the slightest use. It was fearful to contemplate the ravages which small-pox had made of late years; he considered that the Government ought to organise a complete system of vaccination.

THE CHANCELLOR OF THE EXCHEQUER said, the Vote was for the support of a central establishment in London, which had existed almost since the days of Dr. Jenner, and which had been originated with the view of supplying proper means for vaccination throughout the country. The question of a systematic measure for enforcing vaccination was a matter which did not lie within the compass of this Vote. Some years ago, however, an Act had been passed which did establish such a system in connection with the Poor-Law Board; and he did not see what the Government could do more.

MR. BRADY said, the Act had proved to be an admitted failure. At the present time the operator had not the means of knowing with certainty whether what he used was the true vaccine lymph; and many cases had come within his knowledge, in which children had imbibed loathsome, and even mortal diseases, from having been inoculated from unhealthy persons.

MR. COWPER said, that the Act in question had come down from the Lords, and that this House was, therefore, hardly answerable for its defects. However, a Bill was in contemplation to remedy those defects.

SIR JOHN PAKINGTON said, he wished to know whether this Vote had anything besides its antiquity to recommend it, and whether the 300*l.* was divided equally between the President of the College of Physicians, the Senior Censor, and the President of the College of Surgeons? He was disposed to think the country derived the minimum of benefit from this 2,000*l.* The Act of 1853 was found to be inefficient, and last year an attempt was made to improve it, but without success; and that Act, with all its faults, still remained the only protection against the increasing scourge of small-pox. The subject of vaccination, concerning as it did the welfare of the people, ought not to be lightly passed over, and he desired to hear further explanation.

Mr. KENDALL said, he believed that the evil was owing to the practice which existed in some Unions of ordering poor persons to attend for vaccination on particular days in the week. The parties did not come, and so the thing was neglected.

Mr. WILSON said, he had no doubt the Act of 1853 was beneficial, and last year several hon. Members pointed out its great utility. At the same time he did not deny that improvements might be made in it. The 300*l.* to which the right hon. Baronet (Sir J. Pakington) alluded, consisted of a fee of 100*l.* each to the three eminent medical men who had been named. There was an Annual Report from the institution which afforded every information, but he had never before heard its utility called in question.

Mr. BRADY said, he did not find fault with the institution. All he said was, that it was not sufficient, and that the country was deceived in supposing they had an effective vaccine institution.

Mr. HENLEY said, small-pox last year had raged like a pestilence; and therefore they had grave reason for doubting whether the operation of vaccination was efficiently performed under the present system. He did not believe they wanted more Acts of Parliament. What they wanted was, adequate remuneration to medical men. If medical men were paid properly for doing their duty, vaccination would not be performed in so hasty a manner, and the poor people would be more ready to avail themselves of it.

Vote *agreed to.*

(62.) 325*l.*, Refuge for the Destitute.

Mr. COWAN said, he wished to draw attention to the unfair manner in which Edinburgh had been treated with respect to this Vote. While a pecuniary grant was made to the institution in London, a similar one in the northern capital had actually been compelled to purchase, or promise to purchase, for 5,000*l.*, a building belonging to the State, in which its inmates (400 in number) had been lodged for years. He doubted the propriety of these eleemosynary Votes altogether.

Mr. WILSON said, he must explain that the 325*l.* was paid to the institution on account of twenty-five women, who had been admitted into the Institution, on being discharged from prison. If the Edinburgh institution had similar cases it would undoubtedly have a claim for similar aid. The building referred to by the hon. Gentleman was the property of the Board of Ordnance. It became necessary to sell it, and of course the Board was bound to get the highest price for it. The parochial authorities had competed for the purchase with the charitable institution.

Sir STAFFORD NORTHCOTE said, he wished to know if the Government would extend the principle of contributions to institutions that received female prisoners on their discharge from gaol to all institutions of that nature?

Mr. WILSON said, no general rule had been adopted; the present Vote depended on the peculiar circumstances of the case.

Vote *agreed to.*

(63.) 4,200*l.*, for Polish refugees and distressed Spaniards.

Sir WILLIAM JOLLIFFE said, he wished to know what was the decrease in the Vote for this year, and by what department the fund was distributed?

Mr. WILSON said that the Vote, which was formerly very large, had been transferred from the civil contingencies in 1843. Some five or six years ago the House resolved that there should be no further charge made in respect of it: it would therefore cease when the present recipients died off. There was no diminution this year, as none had died within the year. The fund was distributed by trustees.

Vote *agreed to.*

(64.) 4,371*l.*, Miscellaneous Charges formerly on Civil List.

Sir JOHN PAKINGTON said, there was an omission in the Estimates of a Vote which ought to be included, as formerly, in the Colonial Estimates. He had last year called attention to the peculiar and painful position in which the Bishop of New Zealand was placed, which was acknowledged by the Government, who granted him an income for the year. The right hon. Baronet (Sir G. Grey) also wrote a despatch to the colonial Government of New Zealand, expressing a hope that the Parliament of New Zealand would pass a Vote for the support of the bishop from the colonial funds. He understood that this hope had been altogether frustrated, and that the Legislature had met and been dissolved without having passed any such Vote. In March last the term for which the income had been granted, expired, and the bishop was now without any income whatever to compensate him for his services as Bishop of New Zealand, He now begged to appeal to the noble Lord (Lord J. Russell), as he had done to his right hon. predecessor, and he would remind the noble Lord that he was the Minister who, twelve or fourteen years ago, appointed the Bishop of New Zealand, and entered into the arrangements made on his appointment. He trusted that the noble Lord would keep faith with the bishop, and, either by a Colonial Vote, or, if that could not be obtained, by a Vote of that House, would take care that no breach of faith was committed towards that exemplary prelate.

Lord JOHN RUSSELL said, he would inquire into the circumstances of the case, and would inform the right hon. Gentleman and the House of the opinion that the Government might entertain upon it.

Vote *agreed to ;* House resumed.

INDISPOSITION OF THE SPEAKER.

The Chairman having left the Chair, the Clerk at the Table acquainted the House, that he had received a letter from Mr. Speaker, which he read to the House, as follows :—

> " House of Commons,
> Monday Evening, May 7.
>
> " Sir,—I regret exceedingly, after the kind indulgence of the House in permitting me to leave the Chair this evening at an earlier hour than I could possibly have anticipated, that I am obliged most reluctantly to inform them of my unavoidable absence from the House during the remainder of the night, owing to my indisposition. I repeat that it is with sincere concern that I request you to make this announcement to the House.—I am, Sir, very faithfully yours,
>
> " C. S. Lefevre.
>
> " Sir Denis Le Marchant, Bart,
> Chief Clerk of the House of Commons."

Whereupon **Viscount Palmerston**, addressing himself to the Clerk, moved, " That the Resolution of the House of the 4th of August, 1853, relative to the Office of Speaker, might be read; and the Question being put by the Clerk, and agreed to, the said Resolution was read by him, as follows :—

Resolved,

> " That whenever The House shall be informed of the unavoidable Absence of Mr. Speaker, the Chairman of the Committee of Ways and Means do take the Chair for that day only.
>
> " And, in the event of Mr. Speaker's Absence continuing for more than one day, do, if the House shall think fit, and shall so order it, take the Chair in like manner, on any subsequent day during such Absence."

Whereupon **Mr. FitzRoy**, the Chairman of the Committee of Ways and Means, took the Chair.

WAYS AND MEANS.

On the Order of the Day for going into Committee of Ways and Means,

The CHANCELLOR of the EXCHEQUER said, that in moving the postponement of the Committee till Wednesday, he would take the liberty of making a short statement to the House in reference to a Bill which stood in his name with respect to the duties on spirits. The House would probably be aware that, as that Bill now stood, it was proposed to extend the drawback on malt spirits to England and Ireland as well as to Scotland. The present state of the law with respect to the drawback on malt spirits had given rise to considerable dissatisfaction, and had been the subject of examination by several Committees of that House. He would not trouble the House with the result of these investigations, and he was conscious that, though the Bill he intended to introduce would be an improvement upon the existing law, it would not finally and satisfactorily settle the question. He had considered a plan for permitting the distillation of spirits from malt in bond, the effect of which would be that, instead of the duty being paid in the first instance, no duty would be charged on malt, and spirits would be distilled without any previous imposition of duty upon the premises of the distiller. In order to adjust the plan properly it would be necessary to make a small addition to the existing duty, there being by the present arrangement an allowance of 2*d.* for the duty on malt used in all species of distillation. If the House should be pleased to give their consent to the Bill on the table, he should be disposed in the course of the present Session to introduce a Bill embodying the change to which he had adverted, so as to enable the alteration of the law to take effect some time during the year. He believed this explanation would be satisfactory to gentlemen connected with the trade, who were at present watching the Bill now before the House, and would relieve their apprehensions with regard to any measures that might be proposed by Government.

Mr. MACARTNEY said, that on the part of the Irish Members and Irish distillers, he considered the statement of the right hon. Gentleman was most satisfactory.

Mr. ALEXANDER HASTIE said, he had heard the proposition of the Chancellor of the Exchequer with very great satisfaction, and was certain that it would meet with the approval of the Scotch distillers.

He believed it would prove beneficial to the revenue, and stop illicit distillation. He hoped the promised Bill would be introduced in time to pass both Houses during the present Session.

Mr. HANKEY said, it was his intention of asking to-morrow if the right hon. Gentleman proposed to make a similar concession in favour of sugar.

Motion *agreed to.*

SEWERS (HOUSE DRAINAGE) BILL.

Viscount EBRINGTON moved for leave to bring in a Bill to empower the Commissioners of Sewers to expend on house drainage a certain sum out of the moneys borrowed by them on the security of the rates, and also to give to the said Commissioners certain other powers for the same purpose. He had, some time since, moved for Returns which showed that the house drainage of the metropolis was in a most imperfect and unsatisfactory condition. There were in London some 300,000 houses, about 4·5ths of which had most defective basement arrangements, and in many cases, where new and expensive sewers had been constructed in the streets, the cesspools of comparatively few houses communicated with those sewers. This was particularly the case in Seven Dials, in Berwick Street, and in Great Pulteney Street—a district the inhabitants of which had been almost decimated during the last visitation of the cholera. He considered that the battle against the cholera must be fought, not so much upon the banks of the Thames as in the houses, and they had only about six weeks, during which works could be carried on before that fearful epidemic might again break out and devastate this City. To illustrate the benefits which were derivable from house drainage, he would refer to the case of Lambeth Square, situated on the south side of the Thames. In that square the cholera committed fearful ravages in 1848. In the autumn of 1852, proper conveniences were provided, and a good supply of water was secured, at an expense altogether of 5*l.* or 6*l.* per house. From that time to the present not a single life had been lost through cholera, though the whole of the neighbourhood had suffered severely, and the houses which previously let at 26*l.* a year had since been eagerly taken at 28*l.* Experience showed that even where there was not time to carry out a proper system of drainage, much good might be done in the same direction. He held in his hand statements with regard to the effects which had been produced in the City of London by the cleansing of those places which were the chief causes of disease in the metropolis, and by the use of deodorising and purifying appliances. The practical result of the course pursued was that the mortality of the City was, under the energetic superintendence of Mr. Seymour, the officer of health under the corporation, reduced from one-twentieth to one-fiftieth part of the mortality of the whole metropolis. Under these circumstances, what he desired was to bring in a Bill, first, to enable the Commissioners of Sewers to apply a sum not exceeding 25,000*l.*, which would, it was thought, be sufficient to put in a tolerably safe state some 5,000 houses, where there was every reason to fear many deaths, if not from cholera, from some other epidemic, would otherwise occur during the approaching hot season; and, secondly, to remove some of the legal and technical obstructions which at present prevented the application of the provisions inserted in the Metropolitan Sewers Act to meet this numerous and distressing class of cases. He was convinced that the sum which he proposed should be expended would be speedily recovered. If the palliative measure which he now proposed were adopted, the effect would, he believed, be to save thousands of lives; and if nothing of the sort were done—if they allowed themselves there, as they had done in the case of Balaklava, to be enslaved by routine—and if, in consequence, no precautionary measure were adopted, he should have the melancholy satisfaction of having devolved on the Government the responsibility of preventible deaths.

Sir JOHN SHELLEY said, he had no wish to oppose the introduction of the Bill, but he must remind his noble Friend that the money in the hands of the Commissioners of Sewers was raised for the specific purpose of carrying out arterial drainage. Moreover, until he saw the Bill, he of course could not tell how his noble Friend proposed to invest the Commissioners with the power of entering private dwellings, until some one had complained of a nuisance.

Viscount EBRINGTON said, he fully intended that the money should be recoverable. The measure was to be viewed entirely as one having reference to an emergency.

Leave *given.*

Bill ordered to be brought in by Viscount EBRINGTON and Mr. MONTAGU CHAMBERS.

Bill read 1°.

The House adjourned at half after Eleven o'clock.

HOUSE OF LORDS,

Tuesday, May 8, 1855.

MINUTES.] PUBLIC BILLS.—1ª Intestacy (Scotland); Parliamentary Representation (Scotland) Act Amendment.

Their Lordships met; and having gone through the business on the Paper,

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 8, 1855.

The House met, and Forty Members not being present at Four o'clock,

Mr. SPEAKER adjourned the House till *To-morrow.*

HOUSE OF COMMONS,

Wednesday, May 9, 1855.

MINUTES.] PUBLIC BILLS.—2° Marriage Law Amendment.
Reported—Ecclesiastical Property (Ireland).

On taking the chair at twelve o'clock to-day,

MR. SPEAKER said: Before proceeding to any other business, I beg to express my most grateful acknowledgments to the House for their kind indulgence to me yesterday evening and the evening before; and I very much regret if, in consequence of there being no House last night, which was entirely on my account, any hon. Member should have been put to inconvenience.

MARRIAGES (SCOTLAND) BILL.

Order for Second Reading read.

MR. HEADLAM, having presented petitions praying for an amendment of the present law respecting border marriages, moved the second reading of this Bill; and said, that, in asking the House to agree to the measure, his object was, not to make any trifling, unimportant, or mere theoretic change in the marriage law of Scotland, but he desired, in the most practical manner possible, to redress an evil the magnitude of which could scarcely be described without an appearance of exaggeration, and which was at present lowering the character, injuring the habits, and destroying the morality of the people of the northern counties of England. He thought he should able to prove satisfactorily to the House that the measure which he now proposed would not interfere in any way with the established principles of the Scotch law—that it would not alter the constitution of the marriage law as established in Scotland—and would not render penal or prohibit any act which was not rendered penal or prohibited by the existing law: all he sought was to give effect to the principles of that law, because those principles had in some respects become obsolete, and having become obsolete, it was necessary to renew them in accordance with the forms of modern legislation, in order that the evils he had hinted at might be redressed. According to the present Scotch law, a marriage might be effected in Scotland simply by a declaration of consent in the presence of witnesses. There was not the slightest investigation as to the condition of the parties giving that consent; and the consequence was, that minors, children, boys and girls in their teens, in the north of England, were constantly going over the Border to contract these marriages. There was no inquiry as to whether the parties had been married before or not, and in numberless instances persons were remarried again and again. A strong feeling was entertained in Scotland against marriage with a deceased wife's sister; but, under the present law, a man might marry with perfect impunity, not merely his deceased wife's sister, but his own sister, or the sister of his wife while his wife was living. Many marriages were contracted while the persons contracting them were in a state of intoxication, and had only known each other a few hours before the ceremony took place. No public record was kept, and a man was enabled to desert his wife and children and to leave them chargeable to the parish without the parish having any means of redress against him. He had received numerous letters complaining of the present law; in one of which, from a poor man in one of the Border towns, it was stated that servants on the hiring day, becoming intoxicated, finished the day's carouse by a marriage, which generally only lasted for that term. When the next hiring day came round either the man wanted another woman, or the woman another man. In one town, where the writer of this letter resided, one man had five wives, with whom he had contracted marriages of this description, all of whom were living. Other men in the same town had four, some three, and others two wives. The fact was, that, as soon as any difference occurred, one or other of the parties contracted another marriage. He had also received communications from clergymen and others in the Border counties, all complaining of the evils of the present system, showing how it operated in the several districts, and urging him to proceed with this Bill. As a general rule, it might be said that the irregular marriages to which he referred were contracted principally by the people on the English side of the Border, who crossed over to Scotland for the purpose, and he believed that the fact of the people of Scotland not following the practice to any great extent was to be attributed to the efforts made by the parish ministers to prevent such marriages. According to a statement published by the governor of the General Assembly, the marriages of this description in eighteen parishes, where both parties were resident Scotch, were twenty-five in 1850, twenty-six in 1851, and twenty-nine in 1852; of parties one of whom was Scotch, there were eleven in 1850, six in 1851, and fifteen in 1852; and of parties both of whom were English, 1,091 in 1850, 1,093 in 1851, and 1,110 in 1852. It appeared from the report of a committee of the General Assembly of the Church of Scotland that, in 1850, 6,207 couples contracted marriage in England before the registrars, while during the same year 1,091 English couples were married on the Scotch Borders; and the committee recommended that, in order to repress the evil, all judges and magistrates should be requested to carry out the Clandestine Marriage Act of 1601. He wished the House to understand that the present Bill would not violate in the slightest degree the principles of the law of Scotland with respect to marriage. According to the Scotch law there were four different forms in which marriage might be contracted. One was by a regular public marriage performed by the Church, which was the mode by which ninety-nine in every hundred were celebrated; the second was by consent before witnesses, which was the mode he wished to prevent; the third was by declaration in the court of session; and the fourth was by cohabitation as man and wife. His measure referred only to marriage by exchange of consent, or the mere declaration of consent in the presence of witnesses. All he proposed to do was to impose penalties upon persons contracting these marriages, and upon public-house keepers and others who made a trade of celebrating such marriages. A Scotch Act of Parliament of 1698 provided that the celebrators of marriages of this description should be punishable by pecuniary fine, by imprisonment, or by banishment; and therefore he was not violating the principle of the Scotch law in proposing to visit similar offences with moderate penalties. The Bill provided that any persons — blacksmiths, innkeepers, toll-gatekeepers, or others—celebrating these clandestine marriages upon the Border should for the first offence be punished by a fine of 10*l.*, and, in the event of non-payment, by imprisonment for three months; and for a second offence, which would show that the person charged made a practice of celebrating such marriages, by a fine of 50*l.*, or six months' imprisonment. The Bill would also impose a moderate penalty upon parties who contracted marriages of this kind. He hoped the House would assent to the principle of the Bill, which he believed would have the effect of preventing these clandestine marriages.

Motion made and Question proposed, "That the Bill be now read a second time."

THE LORD ADVOCATE agreed with many of the remarks of his hon. and learned Friend, and would admit that the Bill would not make any alteration in the principle of the law of Scotland, but would only increase the penalties which were imposed by the existing law upon parties contracting these irregular marriages. Indeed it was so far from being the case that these irregular marriages were not punishable by the existing law, that one of the most usual modes of preserving a record of such marriages was for parties who had contracted them to go before a justice of the peace to declare their offence, and, having been subjected to the small fine inflicted under the law, to obtain a certificate of the conviction. The object of the hon. and learned Member was, to render a penalty which was now merely nominal a real punishment, and therefore it could not be said the Bill violated the law of Scotland. According to the law of Scotland, marriage was constituted by consent of the parties, and the feeling of the people was, that it was contrary to the interests of morality to throw obstacles in the way of marriage. There could be no doubt that on the borders of Scotland the law was in many instances abused, especially in the case of natives of England who were not aware of the effect of the marriage law of Scotland. He (the Lord Advocate) entertained no objection to the principle of the Bill; but he certainly doubted whether it would have the effect of preventing these irregular marriages. The Bill had been objected to, and he thought with some justice, on the ground that it was directed against the poor, and would not affect the rich; but the real evil which his hon. and learned Friend desired to suppress was not so much deliberate clandestine marriage as that kind of union which took place upon the Border, and which could hardly be called marriage at all in a proper and legitimate sense, but which was, in point of fact, merely a mode of producing and prolonging immorality. He regarded the clause in this Bill which imposed penalties upon persons who made a trade of celebrating these irregular marriages as one which would be productive of very beneficial results; for he was ashamed to say that instances had occurred where men holding Her Majesty's commissions of the peace had been engaged in this traffic. Although he could not pledge himself to support the Bill in its future stages, he hoped that, as it was a meritorious endeavour to remedy an unquestionable evil, the House would consent to read it a second time.

Mr. ELLIOT considered, that the Bill proposed to deal in a very petty manner with a question of vast importance to the people of Scotland. There was no doubt that the marriage law of Scotland required amendment, and he regretted that the general measure for the amendment of that law which was introduced by Lord Rutherford when he was Lord Advocate, had not been adopted. If this Bill would merely affect the Border marriages, which took place at Gretna-green, Coldstream-bridge, Lamberton-toll, and Berwick, he (Mr. Elliot) would not object to it; but the terms of the first clause were so general that the measure would interfere with the current practice of marriage throughout Scotland. He considered that a matter of so much importance ought to be dealt with by a large and comprehensive measure, and he hoped the Lord Advocate would at an early period be prepared to propose such a measure. The present Bill imposed a penalty upon the parties to irregular marriages, but it did not render such marriages void. Then, what real remedy would it apply to the existing evil? He (Mr. Elliot) believed that these irregular marriages would never be checked unless they were made void. There were at this moment in Scotland many persons who did not know whether they were really married or not. In many cases marriage was contracted by a man giving what were called "lines" to a woman declaring her to be his wife, and if the woman lost these "lines" she had no legal evidence of the marriage. He begged to move, as an amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words, "upon this day six months."

Lord LOVAINE thought the hon. Member for Roxburgh (Mr. Elliot) had not shown any sufficient grounds for the rejection of this measure, the object of which was merely to define and to enforce practically the existing law of Scotland. No one who saw the state of things on the Border could deny that the Bill was necessary. All the English Members wanted was protection for England, and it would be too hard to compel them to wait for a revision of the whole marriage law of Scotland. It had been said that the Bill was levelled against the poor; but the same thing had been done with success in England in the suppression of the Fleet marriages, which were analogous to irregular marriages in Scotland, in the reign of George II. A doubt had been expressed as to whether the Bill would effect the object at which it aimed. On that point he must remind the hon. Gentleman that the punishment imposed by this Bill upon the parties to irregular marriages was not confined to a pecuniary penalty, but that in default of paying the penalty such parties would be liable to imprisonment; and he believed that regulation would have a material effect in checking clandestine marriages, for the great majority of the persons who now contracted these marriages were not in a position to pay a penalty of 10*l.*, and, therefore, he had no doubt, that the alternative punishment of imprisonment would act as a powerful check in preventing such marriages. He (Lord Lovaine) considered that there was the greatest necessity for amending the law of marriage in

Scotland, which, in its present state, was a scandal to a Christian country. It had been said very truly that this Bill would affect the poor—but in what way? Its object was to endeavour to promote their morality, to prevent them from contracting marriages which led to misery and debauchery, and to cause them to respect the law of God and man. He hoped, therefore, that the House would not assent to the amendment, but would allow the Bill to go into Committee.

Mr. NAPIER was of opinion that this Bill would not have any effect in repressing the evil against which it was directed. He considered that the proper course would be to declare that if persons not domiciled in Scotland went to that country in order to contract marriages there, according to the Scotch law such marriages should be void. In Scotland, although a religious ceremony was not deemed essential to the constitution of marriage, yet the custom among the respectable classes was to have the religious ceremony, and this consequently created a difficulty in the way of legislation on the subject. But by far the greater number of irregular marriages were those of persons from England and Ireland, who went to Scotland for the purpose of availing themselves of the privileges of the Scotch law. The Bill did not prohibit or prevent those marriages, because it required no licence; neither did it meet the case of minors declaring themselves of age—a case of which had recently occurred where one of the parties was only fourteen years of age, and which had introduced inconceivable misery into a family. He thought one practice in Scotland with respect to marriage demanded speedy amendment. He alluded to the custom of betrothing young persons by declaration of marriage, even at the early ages of twelve or fourteen, and thus irrevocably binding them to a conjugal union. He believed that this Bill, which merely imposed penalties upon parties to irregular marriages, without declaring those marriages void, would not prevent any but persons who were too poor to pay the penalty from violating the law; and they would, therefore, by adopting the measure, practically subject the poor to the operation of a law which would not affect the rich. He would on these grounds give his support to the Amendment.

Viscount DUNCAN said, he felt bound to oppose the Bill of his hon. and learned Friend, which, while its professed object was to prevent the irregular marriages which took place on the Borders of Scotland, would have the effect of throwing the whole marriage law of Scotland into confusion. The measure was quite as likely to produce as great an excitement in Scotland as that of the late Lord Advocate (Mr. Rutherford). The penalties contained in the Bill, 10*l.* or 50*l.*, as the case might be, would be cheerfully and at once paid by rich people; whereas, with respect to the poor (the question of illegitimate children being taken into consideration) those penalties might prevent marriages that would be highly expedient. Any Bill calculated to remove the evils that were admitted to exist should receive his cordial support; and it was only because the Bill now before the House would not only remove those evils, but would increase and aggravate them, that he must refuse to consent to the second reading of it.

Mr. DUNLOP denied that the Bill would introduce confusion into the law of Scotland; it would not effect any alteration in the existing law, but would render it more efficient. According to the present Scotch law, if a clergyman married parties without the previous proclamation of banns, he was liable to a most serious punishment; whereas if a blacksmith or a toll-keeper, or any other person in the same station of life, married persons without a religious ceremony, he experienced little inconvenience in consequence. This was a distinction which ought not to exist, and the Bill would in some degree tend to remove it. To throw out the Bill altogether when the second clause was universally admitted to be a good one, would be highly inexpedient. It would be much better to let it go to a Committee. He admitted that the general state of the law required consideration, but that was no reason why this partial remedy should be refused.

Mr. WALPOLE did not think it possible to make such alterations in Committee as would in reality improve this Bill. What was the evil which the Bill proposed to remedy? Its object was to prevent persons domiciled in England going to Scotland, and there contracting marriages in a way which they could not do in England; and the mode by which it was proposed to prevent this was to impose on such persons a penalty of 10*l.*; and on any person who solemnized such marriage a penalty also of 10*l.*, or, in case of a second offence, a penalty of 50*l.* Now the effect would be, that a very large proportion of the class of offenders to whom the Bill would apply would pay the penalty, not only for themselves but for the persons officiating, and would thus be able to carry out these marriages notwithstanding the state of the law. Thus, the mischief which it was desired to prevent would not be remedied, while a greater anomaly than now existed between the law of the two countries would be created. The learned Lord said the present law of Scotland subjected the solemnisers of these marriages to a fine of so many marks, and that it was now only proposed to extend the penalty so as to prevent them being solemnized in future. But it was obvious that the Bill would not have this effect. It might prevent the poor from contracting such marriages, but it would not stand in the way of the rich. Then, instead of putting down immorality, it was practically saying that, for the sum of 10*l.* or 20*l.* a man might contract one of these irregular marriages. This being the essence of the Bill, he did not see how it could be improved in Committee. At the same time he concurred with those who were anxious that the Government should undertake the settlement of this question on broad and comprehensive grounds, and endeavour, as nearly as possible, to put the marriage law of the two countries on the same footing. The anomalies now existing were very great. By the law of Scotland you might now contract a marriage in that country that would have the effect of transmitting personal property in one direction and landed property in another, in consequence of the difference which existed in the laws of the two countries. The law of divorce was also so materially different that a man and woman might be made no longer husband and wife on the one side of the Tweed, while they would remain husband and wife on the other. These were evils which the Government would do well to endeavour to remedy; and he hoped they would consider the subject with a view to the introduction of a better and more comprehensive measure than the present.

Mr. HEADLAM said, that had the Lord Advocate held out any hope that a larger measure of amendment of the Scotch marriage law would be introduced by the Government he should not have pressed the present Bill upon the House; but he did not see the slightest sign of such a result, though it might be easily effected by the introduction of a clause in the Scotch Registration Bill. Two or three years ago a larger measure was submitted to the House, which was opposed in the strongest terms by the Scotch Members and stifled; and there was not the slightest reason for supposing that any such large measure would now receive the support of those Members or of the Government. Was it not most improper to stifle a large measure because it was too large, and strangle a small one because it was too small, when it was admitted on all hands that the marriage law of Scotland was in a bad state, and that any improvement was desirable? The rejection of the Bill he held in his hand would encourage the grossest immorality and cause the greatest unhappiness among the people of the Border counties. Hon. Members had in their eye what were commonly known as Gretna Green marriages. Among people of the middle and upper classes those marriages, however, were perfectly notorious, and the parties were generally married again in a regular way. What the Bill sought to redress was an evil of another kind altogether. At the fairs and markets of Carlisle and other towns in the North, neighbouring people met for the first time in their lives, drank together, and then went over the Border by hundreds at a time, where they got married by a blacksmith, and were thus plunged into lifelong misery and unhappiness. This was the evil the Bill sought to prevent, and the penalties it contained would be sufficient for the purpose. It did not at all prevent any parties who might be so inclined from being married in a regular way at their own churches. The evil of which he complained had been very much increased by the facilities for getting over the Border presented by the railways. He could not undertake to say that the Bill would entirely put a stop to that evil, but it would certainly decrease it to a very great extent; and he had not heard one argument to prove that it would produce the least evil to the people of Scotland, with whose laws it did not in any way interfere; and he should certainly press the second reading of the Bill.

Sir GEORGE GREY said, he was afraid, considering the result of past attempts to remove the anomalies existing in the marriage laws of the two countries, that Her Majesty's Government would not have much encouragement in any efforts they might make in that direction. No doubt there were parts of the law of Scotland with reference to marriage which were productive of much inconvenience both in

England and Scotland; and to those parts of the law his hon. and learned Friend the Lord Advocate would be ready to apply a remedy, when the Government should see that there was a disposition on the part of the Scottish Members and the House generally to support such a measure. His late lamented Friend (Lord Rutherford), when Lord Advocate, introduced a Bill to amend the marriage law of Scotland, but there was such a general outcry against the measure that it was abandoned by the Government, and he did not think they were very likely at any early period to introduce a similar measure. With reference to the Bill before the House, great weight, no doubt, attached to the objections taken by the right hon. Gentleman the Member for Midhurst; but he did not think that his hon. and learned Friend who brought in the measure had in view the class of marriages to which the right hon. Gentleman referred. He rather suspected that the hon. Member for Newcastle, in proposing an increase of the fine, aimed at the real cause of many of those marriages—namely, the very cheap means of conveyance afforded by the railway, and the very low fees for which the marriages in question were celebrated. It was well known that in some of the northern parishes the clergyman was so much underbid by the blacksmith, that sometimes a whole year passed with scarce a single marriage taking place in church, to the great annoyance of the incumbent. For the prevention of clandestine marriages of the higher class the penalties proposed in the Bill would be utterly insufficient, and therefore it was a formidable objection to the Bill, that it was directed against the marriages of the poor, while it would leave unchecked those of the higher classes. Still, the evil was one very much felt among the lower classes in the north of England, where young people could cross the Border with the greatest ease by means of the railway train and enter into hasty marriages, which they repented of when they came to years of discretion. The system also naturally led to prosecutions for bigamy, and was in other respects productive of evil. At the same time, though the Bill might operate as a check on these local marriages, there was much weight in the objection that the check would be felt by only one class of society. Under all the circumstances, he put it to his hon. and learned Friend whether it was worth while to press the Bill to a division?

Mr. HOWARD begged to corroborate the statements of the hon. and learned Member for Newcastle respecting the facility with which marriages were made up in the northern counties. They were scarcely considered valid, and hardly a single fair took place without several cases of bigamy resulting from it. He hoped the House would apply an effective remedy to so great an evil.

Mr. INGHAM said, that, in addition to the facility of being married, there was also to be considered the facility of deception afforded by the present state of the law. The boundary line between England and Scotland was, in many districts, an imaginary one, and he knew cases in which honest women were deceived into the belief that they were being married in Scotland according to the Scotch law, whereas they were on the English side of the Border; and the marriage was consequently invalid. He thought that the enactments would be greatly improved if the penalties were extended to every one who was accessory to an irregular marriage. He thought that the Bill might be made an extremely valuable one by means of a few alterations in Committee.

Mr. J. G. PHILLIMORE must oppose the Bill; for he objected to partial, incomplete, and local legislation. Instead of applying a great remedy to a great evil, the House was asked to pass a measure of trifling legislation to an evil of very minor importance.

Mr. J. FORSTER trusted the House would consent to a second reading of the Bill, and allow it to be referred to a Select Committee.

Question put, "That the word 'now' stand part of the Question.

The House *divided*:—Ayes 40; Noes 143: Majority 103.

Words *added;* Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for Six Months.

MARRIAGE LAW AMENDMENT BILL—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question [25th April], "That the Bill be now read a second time," and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

SIR WILLIAM HEATHCOTE said, whatever might be the difficulties and doubts that surrounded this important subject, this much might at all events be said, that when those who were in favour of the Bill endeavoured to show that the presumptions of the case were in their favour, and insisted on laying the burden of proof on the opponents of the Bill, they made a claim which was unfair and which they had no right to ask the House to entertain. The opponents of the Bill were standing on the ground which had been occupied by the whole of Christendom from the earliest times to a comparatively modern period, and they were entitled to hold that ground till some strong reasons were shown why they should abandon it. And when they were told that the presumption was against them because the law as it now stood was a restriction on natural liberty, his reply was, that that argument would apply to every conceivable case, for we could frame no definition of a law which would not imply restraint against something or other which might be deemed a natural right—and, therefore, the presumption would always be against every law. On the first introduction of restrictions it is for those who introduce them to justify their proposed enactments by sufficient arguments, but, after centuries of prescription, the grounds of the original legislation are to be taken as good until the contrary is proved by those who assail them. He begged to give the most decided negative to the idea, that at any time there had been the slightest hesitation in the law of England on the subject. No doubt Lord Lyndhurst's Act got rid of facilities that existed for the evasion of the law, but at no time had there been any difference between the Ecclesiastical Courts and the common law courts on the point of law itself. These marriages had always been held to be against the law, as much before Lord Lyndhurst's Act, as since. Those who opposed the present Bill, therefore, had a right not to be put on their defence, but to demand that, in a matter wherein the evils of debate are themselves immense, no disturbance should be made, unless the assailants of the actual law were prepared to set up their own case by an overwhelming weight of argument. But, in fact, the arguments used have been chiefly such as have turned aside from the substance of the question to deal only with its outside, have passed by the grave considerations of Divine prohibitions; of practical morality, and of social happiness, to enlarge upon topics which, though capable of being handled *ad captandum*, have nothing peculiar to this case belonging to them, and if pressed to their legitimate consequences, will soon destroy it by a *reductio ad absurdum.* The House was told, for example, that this law had been broken, and, therefore, it ought to be abrogated. This was an argument that did not profess to deal with the merits of the question, it proceeded on the suppressed premiss that every law that was broken ought to be repealed. If the meaning was, that the law had become practically obsolete—that it was opposed to the minds and understanding of mankind—that, in point of fact, widowers everywhere were anxious to be married to the sisters of their deceased wives—if this was meant, then the argument was capable of this short answer, that the allegations were at variance with the facts. But if it was contended that the law should be abolished because there were some infractions of that law, was not that a principle which would be applicable to all other cases? There were cases of bigamy and adultery; but was it to be implied from that that the great primeval law of marriage had failed and ought to be abrogated; if not absolutely, at least by the insidious means of almost unlimited facility of divorce?

No, men of this country are not yet prepared for this consequence, because their instincts and their moral sense are sounder than their logic in this matter, and they dare not follow to their legitimate conclusions the arguments which they use themselves. But those conclusions will be reached in time.

If we meant to enter upon the course which the Germans had taken, we should not be able to stop short at the point of disregarding some degrees of affinity, arbitrarily selected, but should advance, as Germany had, to the disregard of consanguinity, and, at last, to the relaxation of the marriage bond itself.

Then it was said to be a case of religious grievance, but, as to that he might ask whether any single sect or individual had ever made it a case of conscience or religious duty to contract these marriages?

They might hold that religion did not require their prohibition, just as the Mormonites held that religion did not require the prohibition of polygamy; but they could not conceive themselves required by religion to contract them. So far from this was the fact, that in all Roman Catholic, and in some Protestant countries, where these marriages took place, they were nevertheless prohibited, except under dispensation in each case, and thus a perpetual protest against them was kept up; showing that it was impossible that any religious call to such marriages should be recognised in those countries, or any religious grievance if they were absolutely put an end to. It was no question of religious freedom, but simply the ordinary every-day question which occurs in every land, as to the extent to which individual action might reasonably be required to yield to the general sense.

That general sense in this country, and the prohibition which it had sustained were founded partly on social considerations, and partly on the Divine command. It had been asserted in the last debate on the subject that the highest part of the argument against the Bill—namely, that these marriages were prohibited by Divine command, had been abandoned, and that the opponents of the measure now urged against it arguments solely founded on social considerations and a merely sentimental nature. Now, he wished not to be misunderstood on this point, and he would rather omit all reference to the social question, or at any rate only briefly allude to it, than allow it to overlay the consideration that as a Christian Legislature they had no choice on this subject. Still he would suggest, in passing, a few reflections on the social part of the case, which, in his judgment, deserved some attention. He would ask whether, on this subject, the opinion of the women of England was to be altogether set aside and disregarded; whether, when they were told to take example from continental nations, it was certain that in this, their own country, they were so much behind other nations in the matter of domestic purity and the sanctity of marriage? whether, if they broke into the table of prohibitions which they now observed, and which was founded on clear, intelligible, and consistent principles, they had made up their mind where they would take their stand and what they would make their resting place? whether they would maintain the prohibitions which rest on consanguinity, and abandon those depending on affinity, none of which, in the opinion of an American advocate of the change proposed in this Bill, Mr. Justice Story, could be consistently maintained after such a change; and thus legalise marriage with a wife's daughter, or a son's wife, or even a father's wife—that very union which St. Paul denounced as involving incest unknown even among the heathen—or whether they would break down the fence of consanguinity also, and follow the example of continental Europe to that marriage between an uncle and his own niece, which, tolerated as it was there, by Protestants and Roman Catholics was, nevertheless, of such a character that in the degenerate days of Imperial Rome, the Emperor Claudius hardly dared to contract it, and a reference to the indignant description by Tacitus of that transaction would show that his proposal was supported by precisely similar arguments to those now used in support of the present Bill.

These considerations he did not think were sentimental, nor unreal, nor such as could easily be disposed of in any way which should not be fatal to this example of short-sighted legislation.

But there still remained the most important topic.

Every speaker had admitted that if the Divine command be shown to be against the marriages proposed to be sanctioned by the present Bill, the question would be settled.

In the 18th chapter of Leviticus, and in some subsequent passages, was to be found a series of prohibitions of certain marriages, introduced and accompanied by such denunciations of the inhabitants of the countries where those marriages prevailed, and specifically on account thereof, as showed incontestably that those prohibitions were not part of their purely Jewish law, ceremonial, or municipal, of which there could have been no breach before they were promulgated, nor by nations to whom they had not been addressed; but were a republication of God's universal moral law.

It was also clear that they related to marriage strictly so called. The hon. Gentleman (Mr. Heywood) who introduced the Bill had laboured to prove that the prohibitions of forbidden degrees applied only to illicit concubinage. If that were so, it would follow that marriage would make the prohibited unions lawful—if in one case, then in all, and if in all, then among them, in the case of a mother or a sister—instances, the mere statement of which disposed of the argument.

The prohibitions were fifteen, of which seven were cases of consanguinity, and eight of affinity. They were all alike introduced by a prohibition against the approach to any who were near of kin, a phrase often repeated in the cases of consanguinity; while to show how, and on what principle the cases of affinity were brought under the description of nearness of kin, a phrase was repeatedly applied to them which implied that there was so much of identification between husband and wife as was indeed conveyed when they were pronounced at the creation to be "one flesh."

It had been contended that this application of the words "one flesh" would prove too much, and throw doubt on half the marriages in the world, by implying that the relatives on each side were related to those on the other. But the inference was not legitimate—"one flesh" was not equivalent to one person; nor, although a man was brother to his wife's sister, could he be said to be in any sense one flesh with her, so as to carry on the chain.

All that could be intended was that the husband and wife, respectively, were so planted in the family of the other as that the relations of each, by consanguinity, were relations in the same degree of the other by affinity, that is to say, of him or her personally, and on this principle the doctrine of affinity would be clear and intelligible.

It was also clear that if the enumerated prohibitions were accepted, the cases precisely parallel, with only the sexes reversed, could not be rejected. When, in consanguinity, a son was forbidden to marry his mother, it must follow that a daughter could not be married to her father; and when, in affinity, a widow might not be married to her husband's brother, neither could a widower marry his wife's sister; and it would be found that every prohibited degree in our table was included in one of those classes, that is to say, either of prohibitions by name in Leviticus, or of prohibitions by necessary inferences from the cases exactly parallel.

So clear was it to every man's apprehension that the parallel cases were in principle identical, that the Attorney General, when it suited his purpose to depreciate the authority of Cranmer, and the other English Reformers, as to the prohibition to marry a wife's sister, contended that they adopted this prohibition in order to gratify King Henry the Eighth in his desire for a divorce. But in his case the affinity was not with a wife's sister, but with a brother's widow; and the remark of the Attorney General was absolutely without point unless those degrees were identical. But the Attorney General was right in assuming that they were identical, and must stand together, and we could, therefore, claim his authority for saying that they would also fall together. It was idle to talk of the two cases named in this Bill as if they were exceptional. If it became law the total destruction of our whole table of prohibitions was only a question of time.

Again, this doctrine of a necessary inference from the complete parallelism between the enumerated prohibitions, and others deduced from them, was admitted by the objection brought against us from the special provision in Deuteronomy xxv., for a brother marrying his brother's widow in certain cases. He accepted the admission of the identity of the degrees, but denied that liberty of marriage in either of those cases was sanctioned by the passage in question. The direction to contract that marriage, under certain circumstances, was exactly contemporaneous with a positive prohibition in general terms to contract any such. Therefore, the deviation was exceptional, and its precise conditions must be strictly observed. It was not in the nature of a concession or liberty, but of a positive command to perform a certain duty, addressed not to a brother only, but to the nearest kinsman, whoever he might be. It took effect not in every case of widowhood, but in those cases only which excluded the staple argument for this Bill—namely, cases in which there were no children. In no case was the marriage with the wife's sister commanded; and, lastly, the general prohibition was in a general law, of which the context showed that it was addressed to all mankind; while the special exception was in another book, having reference to the Jews alone—their rules of inheritance, and their expectations of the Messiah—in connection with which last feature in the case traces of this particular provision might be found in the Patriarchal Family before the time of Moses. And when we were told that this special enactment proved that the act commanded could have in itself nothing morally wrong, it would be well for those who use the argument to consider how far, on that principle, they could maintain the unlawfulness, in itself, of homicide, which was often commanded under special circumstances, or how, in this particular subject matter, they could maintain any natural immorality in marriage with a man's own sister, seeing that in the beginning of the world the Creator so ordered things that no other marriages were possible.

There was, indeed, one difficult and much-vexed verse, which, inasmuch as it had forbidden the marriage with a wife's sister while the wife was living, was said by the supporters of this Bill to imply that such marriage was lawful after her death. But there was no process by which men could use this verse to justify marriage with a wife's sister which would not make it equally available for the justification of polygamy.

If we told a man who desired to marry his deceased wife's sister that this verse was actually in his favour because the express prohibition to contract such a marriage during the life of the first, implied, by silence, the permission after her death; how could we answer another who desired to have at the same time two wives, not being sisters, and maintained that the express prohibition against so combining two sisters, implied, by silence, the permission so to combine two women not standing in that relation to each other?

He would not trouble the House at any greater length; but would only, in conclusion, entreat them to pause before they accepted this Bill. He had himself no doubt, but even if it were a case of doubt, the House would do well to reflect that where the principles of morals were involved, and awful penalties denounced, a false step was a matter of heavy responsibility; of the weight of which he, for one, would endeavour to relieve himself by voting against the second reading of this Bill.

Mr. PHINN said, it appeared to him that the hon. Member for Oxford University had, in his fair and temperate speech, sought to dispose of the question before the House by shifting the onus of proof from one side to the other. The hon. Baronet in fact argued that the existing law was fixed and settled, and that we ought to accept it, unless some good grounds for disturbing it could be shown, rather than call on those who advocated the existing law to defend their position by asserting that no change was necessary. Now, he (Mr. Phinn) thought, that in the former discussion the Attorney General had clearly established that the existing law was not quite so fixed and settled a matter, and that the passing of the present law was the result of a compromise in one sense, and of a surprise in another. There was no doubt that the Act on which the existing law rested was brought in to accomplish a practical purpose—namely, the purpose of legalising certain marriages then existing; and the promoters of the Act, finding it impossible to attain that object, simply admitted into it, as the sole means of carrying the measure, a general injunction against all similar marriages in future; and the Bill passed through the House without its provisions being fairly discussed, it having been brought in at a period of the Session when little attention was paid to legislation. Therefore, he dissented from the hon. Member's opinion, that the supporters of the present Bill were in the position of those who advocated a change of settled legislation, and, in submitting the case to the House, were, therefore, bound to prove a positive affirmative rather than show that, from the various circumstances surrounding this particular case, great doubt and division of opinion existed on the subject, and that, in accordance with the preponderance of feeling, the law should be altered. It was a good and sound principle of legislation that no restriction should be imposed on natural liberty without a powerful reason: and, as there was no such reason, according to his judgment, in the present case the restriction ought not to be maintained. If a Divine injunction against these marriages could not be proved, and if the propriety of forbidding them was doubtful, then they had no right to impose a restriction against them except in conformity with the prevailing sentiment of the country. Now, those who petitioned in favour of the Bill, at least a large portion of them, distinctly declared that the existing law inflicted a great grievance on themselves and their children. On the other hand, those who petitioned against the repeal of the existing Act were not the persons who would feel any grievance if the repeal were accomplished. It might be a matter of feeling with them that such marriages should not be allowed to take place, but they were no sufferers under one or other state of the law; and consequently, since no one could aver that these marriages would prove injurious to the community at large, or were at variance with the Word of God, those parties who felt the existing law to be a grievance were entitled to some consideration at the hands of that

House. Then, again, with regard to the Word of God, there was not that agreement on the subject that any person could point to the Bible and say this sort of marriage was absolutely prohibited. If that were so, there would be at once a conclusion of all argument. If the prohibition were applicable to the Jewish nation for temporary purposes, it would not then be binding on a Christian Legislature, and did not the hon. Member for Oxford University suppose that if this prohibition were founded on moral law there would not have been implanted in the breasts of the majority of mankind the same horror at entering into these marriages as existed in reference to marriages of close consanguinity? He thought the passage in Leviticus to which the hon. Member for Oxford University had referred, would, by implication, give a very strong sanction to the conviction that marriage with a deceased wife's sister was not opposed to the Divine law. They must bear in mind that at the time that law was promulgated princes and other persons were living in a state of polygamy; and then, the passage in Leviticus, accepting that practice as an established one, but not sanctioning it, merely declared to those who practised polygamy, that that particular kind of polygamy, — namely, with a wife's sister, during the life-time of the wife—was denounced. That was, however, no injunction against a marriage with a wife's sister after the decease of the wife. The hon. and learned Member for Enniskillen (Mr. Whiteside) had, on a former occasion, argued that the Jews interpreted the passage in Leviticus as absolutely prohibiting marriage with a deceased wife's sister, and in confirmation of his view read a passage from an author, with whom he presumed very few in that house were acquainted — namely, Philo-Judæus; and, on the principle of *omne ignotum pro magnifico*, the House might probably have been induced to give more weight to the authority than it really deserved, and it was therefore desirable to show that the hon. and learned Gentleman had had a garbled passage from that writer placed in his hands. The hon. and learned Gentleman said that by the testimony of the Jewish expositors before the Christian era he would show what was the state of the law under the old dispensation; and the hon. and learned Gentleman proceeded to quote certain words from Philo-Judæus, showing, as he said, that the Jews understood their scripture, as "not permitting the same man to marry two sisters, neither at the same time nor at different periods." Now, he (Mr. Phinn) would quote a translation from the Greek passage in question, of the accuracy of which the House would be assured, when he stated it was made by Mr. C. D. Yonge. The hon. and learned Member here read the following translation of the sentence referred to—

> "Again, he does not permit the same man to marry two sisters, neither at the same time, nor at different periods, even if he have put away the one whom he previously married; for while she is living—whether she be cohabiting with him, or whether she be put away, or if she be living as a widow, or if she be married to another man—still he did not consider it holy for her sister to enter upon the portion of her who had been unfortunate. By this injunction teaching sisters not to violate the requirements of justice towards their relations, nor to make a stepping-stone of the disasters of one so united to themselves by blood, nor to acquiesce in, or to pride themselves in receiving attentions from those who have shown themselves enemies to their relations or to reciprocate any kind offices received from them."

Thus it appeared that that interpretation of the law related to marriage with a wife's sister during the lifetime of the wife. He would now pass from the consideration of the scriptural injunction with the observation, that no man could find in the Bible certain ground on which to rest a prohibition against these marriages; but the matter was left open to be dealt with by the dictates of individual consciences. He left that part of the subject all the more readily, as he felt that the discussion of theological matters in that House seldom led to any profit or any increased reverence for Holy Writ. The hon. Member for Oxfordshire said that the prohibition against these marriages had existed in all ages down to the year 1500; but it should be remembered that during that time the Church usurped jurisdiction in all matters of marriage and divorce. The law of the Church became the law of the land, and whatever interpretation the Church put on Scripture or moral law, or thought necessary for political or social objects, became the law of the land. At present, however, they lived under a different state of things and under a different rule. Since this question was first agitated an important alteration had been made in the law of the country. Up to a recent period it had been a question agitated by lawyers, whether marriage was not a religious contract, requiring the sanction of the Church. That question had been settled by the Legislature, and marriage was now a civil contract. Christians followed the dictates of their own creed, and sought to confirm their marriages by ecclesiastical authority; but in law it was now recognised as only a civil contract, the law recognising no sect or Church whatever in the completion of the contract; and, seeing that no injunction could be found in Scripture against these marriages, and that no moral sentiment was to any great extent felt to be shocked by contracting them, he asked whether the House was prepared to maintain the existing law in opposition to the general feeling of the great body of the people? It had been said that the attempt to repeal the present law was made only for the sake of a few rich men, and for the members of the upper classes of society, who, having disregarded the existing law, wished their violation of it to be sanctioned by that House. He could find no ground for such a statement; but it was a fortunate thing, when a large portion of the community were suffering from any grievance, if they found that that grievance affected them, in common with some members of the upper classes, who had greater political influence and better means of advocating their claims. From all the inquiries he could make, he believed that the existing law affected much more injuriously the lower classes than the upper; and they might conclude from the petitions presented to the House that it was felt as a real and substantial grievance. An hon. Gentleman opposite had expressed a hope that the Government would oppose the measure, and so finally put an end to the agitation on this subject. Now he did not think the present position of the question encouraging to those who took that view of the subject. Seeing that there have been majorities in that House in favour of such a Bill as the present, and seeing that the measure was in accordance with the feelings of a large mass of the Dissenting bodies, and that with respect to it the Established Church was nearly equally divided, it was not likely that those who were earnest and unremitting in their endeavours to get the Bill passed would desist from their efforts, though they might now prove unsuccessful. He hoped this Bill would be sent up to the other House by such a majority as would demonstrate that the sense of the country was unequivocally in its favour.

MR. ROUNDELL PALMER said, the supporters of this measure based their demand for a change of the law on two grounds—first, that there was no prohibition of these marriages in the book of Leviticus; and next that, if there were, it ought not to be maintained. [*Cries of* "No, no!"] He certainly had understood the hon. and learned Gentleman who had preceded him to express an opinion that the Levitical law placed no obligation upon us.

MR. PHINN: I beg the hon. and learned Gentleman's pardon. What I said was, that if there had been any positive prohibition it would have been binding.

MR. ROUNDELL PALMER had certainly heard the hon. and learned Gentleman say that he did not consider this as a part of the law which was binding on Christians. [MR. PHINN: Not necessarily.] Exactly so; not necessarily binding. With regard, then, to the first of these two grounds, he thought those who opposed this innovation had considerable reason to complain of the manner in which their arguments had been misrepresented or misunderstood by their opponents. They were charged on that occasion, as they had often been charged before, with having retired from their religious grounds of opposition—a charge for which there was not the slightest foundation. On the contrary, what the supporters of the present state of the law said was, that if they entered into the argument on the religious question at all it was under protest, and not feeling it incumbent upon them to do so; and, further, not presuming to rest that question upon their own powers of argument, nor supposing that their individual views as to the proper mode of stating and discussing it ought to govern those of others. They advanced their religious arguments with the modesty with which all individual opinions ought to be advanced, but they did not the more give up their conviction that the conclusion, which those arguments were advanced to prove, was true, more especially as it rested on the doctrine of all Christendom, and on the solemn decision of the Church from the earliest ages. The hon. and learned Member for Bath, in his endeavour to cast the *onus probandi* on his opponents, had somewhat misstated the real question before the House. The hon. and learned Member said he did not feel that, in supporting this Bill, it was at all cast upon him to show that Lord Lyndhurst's Act ought to be retained. But it was not Lord Lyndhurst's Act that the House was now dealing with. What was asked from the Legislature was, that it should repeal a law which had been the law of Christendom from time immemorial, and which had received the sanction of every authority, ecclesiastical and civil, from the beginning of Christian history up to the present time. Lord Lyndhurst's Act did not prohibit these marriages—all that Lord Lyndhurst's Act did, was to make that law self-executing which formerly could only be executed through the sentence of a court, and it ought not to be represented as though the question were merely the repeal of Lord Lyndhurst's Act. It was a grave social question; and from its gravity and importance ought not to be represented as if they were dealing with a law of yesterday. He begged the House to follow up the foundation of this law to its proper source—to investigate its origin and principle—and not to treat it according to the superficial notion that had been put forward in these debates—as if Lord Lyndhurst's Act, or even the verbal criticism of one particular verse in Scripture were its foundation. The true origin of the law was to be found in the solemn determination of all Christendom, based on a general, comprehensive, and liberal interpretation of Scripture. The verbal and textual criticisms had been introduced into the discussion, and were relied on not by the upholders, but by the opponents of the present law. But he would bring the authors of the present ecclesiastical law of this country to speak for themselves, and the House should hear from them on what principle this law was founded, and what meaning they attached to those parts of Scripture which bore upon the question. As it happened, this particular case which the House was now discussing was the very one case which, for the sake of recording to all times that it had not been overlooked by them, but that they had given to it their most deliberate consideration, Archbishop Parker and the Convocation of 1571 (which framed the Thirty-nine Articles and gave its sanction to the table of prohibited degrees) had placed in the front of their canon, in order to show that it was not by accident, but by a direct decision, that they adopted that part of the table. The English translation of the canon was in these words:—

> "All marriages which have anywhere been contracted within the degrees of consanguinity or affinity prohibited in the 18th chapter of Leviticus shall be dissolved by the authority of the bishop; but especially if any one, after the death of his first wife, shall have married her sister; for this degree, by the common consent and judgment of all learned men, is held to be prohibited in Leviticus."

And, that there might be no mistake, he would read the Latin words of the latter part of the canon:—

> "Maximè verò, si quis, priore uxore demortuâ, ejus sororem uxorem duxerit: hic enim gradus, communi omnium doctorum virorum consensu et judicio, putatur in Levitico prohiberi."

The canon then went on to forbid in general terms marriages within any of the degrees set forth in the table published by Archbishop Parker. The House, therefore, would see that it was now called on to reverse a judgment as solemn and deliberate, so far as ecclesiastical authority was concerned, as could well be pronounced upon such a subject as this. The comment of Bishop Gibson on this table of prohibited degrees was the more valuable, inasmuch as it dealt with the question of the Jewish authorities which had been so much relied on in the discussions on this question. It was as follows:—

> "This is a prohibition not only of the marriages mentioned within Leviticus xviii., but also of marriages within the degrees there mentioned; which, though not forbidden in terms, are forbidden by parity of degree, and the plain reason of the precept. And this difference as to the interpretation of the Levitical prohibition, in point of extent, was remarkable among the Jewish doctors, some of whom—namely, the Talmudists—confined it to the letter of the law; others—namely, the Koraites—extended it to all marriages of the same degree with those that are prohibited by name. Which latter opinion, as most agreeable to Scripture and reason, was followed by the primitive Christians, as appears from the apostolical canons, which forbid the marrying of two sisters, and of a brother's or sister's daughter."

The traditions of the Talmudists, he might remark, were not particularly recommended either to our belief or affection by the highest authority to which Christians looked up. The principle on which this canon proceeded was very well set forth in the *Reformatio Legum*, thus—

> "In these chapters, however, of Leviticus this is carefully to be observed, that they do not by any means contain an explicit mention by name of all the persons with whom union is unlawful. For the Holy Spirit has there brought forward distinctly and expressly those persons from which the like intervals and relative differences of the other degrees may with ease be discovered and inferred. As, for example, a son being forbidden to marry his mother, it is a just consequence that a daughter also cannot be her father's wife. And if

a man may not marry his father's brother's wife, it follows equally that a marriage with a mother's brother's wife cannot be allowed."

The following two rules were then added—

> "1. That we are always to understand the same places which are assigned to men to be equally attributable to women; the degrees of proportion and propinquity being the same. 2. That the man and his wife are to be regarded as having between them one and the same flesh; so that whatever may be the degree of consanguinity in which one person stands related to another, he will be related to his wife in the same degree of affinity, which rule is also of the same force and upon the same principle in the converse case."

These two rules were plainly founded on the principle of the chapter in Leviticus; which, as it was directed generally against all marriages with near of kin, must, when it mentioned an extreme limit, be held to include all degrees within that limit. This principle had been sanctioned and adopted by the whole Christian world from the earliest ages; whatever else might be thought of it, it was at least a general principle, an intelligible principle, consistent with itself and with common sense; and it was not competent for the supporters of this measure now to call upon Parliament to legislate in defiance of it on any such loose and unsatisfactory ground as the supposition that they—the supporters of the Bill—so clearly understood the meaning of that 18th verse in the 18th chapter of Leviticus as to be able to say that it not only did not mean a prohibition, but actually conveyed a sanction of these marriages. The hon. Baronet the Member for the Oxford University had completely answered the attempt which had been made to weaken the authority of Archbishop Cranmer, by pointing out that the marriage with a brother's widow, which Henry VIII. was anxious to dissolve, was actually prohibited in Leviticus. But the House must not forget that Archbishop Cranmer's sincerity in this matter had been tried, for he afterwards refused to sanction a man's marriage with his wife's niece, even though it was pressed upon him by Lord Cromwell in the height of his power. The fact was thus narrated in *Gibson's Codex*—

> "This was the very point in which, presently after the making of the Act—25 *Henry* VIII.—Cromwell desired a dispensation for one Massey, who was contracted to his sister's daughter of his late wife; but the Archbishop (Cranmer) denied it as contrary to the law of God; and gave for reason, 'That as several persons are prohibited which are not expressed or understood by like prohibition in equal degree, so, in this case, it being expressed that the nephew shall not marry his uncle's wife, it is implied that the niece shall not be married to her aunt's husband.'"

Mr. R. Palmer

The hon. and learned Member for Bath (Mr. Phinn) had made great use of the documents which the industrious agitators on this question had circulated that morning among the Members of the House. In one of these the correctness of a quotation made from Philo-Judæus by the hon. and learned Member for Enniskillen in the former debate had been impugned; and though he had no intention to discuss a question of Greek in that House, he must say that the translation given of the passage in that document was certainly not one in the correctness of which he was disposed to acquiesce. These documents, however, gave a very striking illustration of the manner in which authorities were got up by those who managed the agitation on this question. In the former debate it was stated that Bishop Jewell had given a very strong opinion against these marriages. This was the language which he held on the subject, in a private letter, dated 1561—

> "Albeit I be not forbidden by plain words to marry my wife's sister, yet am I forbidden to do so by other words which by exposition are plain enough. For when God commands me I shall not marry my brother's wife, it follows directly by the same that He also forbids me to marry my wife's sister. For between one man and two sisters, and one woman and two brothers is like analogy or proportion."

It was now sought, however, to show that Bishop Jewell had altered his opinion on this subject, and a very sudden alteration it must have been, certainly; for, in 1563, he was represented as having written thus to Archbishop Parker—

> "Chafin, that hath married two sisters, upon his appeal from your Grace and me, hangeth still before the delegates; and, as much as I can perceive, is not likely to take any great hurt at their hands. I would they would decree it were lawful to marry two sisters; so should the world be out of doubt; as now, it is passed away in a mockery."

Why, if this were to be construed into an expression of approval of these marriages, some three or four years hence, when what had taken place in these debates was forgotten, the hon. Member for East Surrey (Mr. H. Drummond), who on a former occasion had jestingly recommended the hon. Member for North Warwickshire (Mr. Spooner), to "marry his grandmother like a man," would be quoted as an authority in favour of unions within that particular degree. It was plain that Bishop Jewell was speaking in language of disgust and indignation at the temporising conduct of the secular authorities in reference to this matter. In the former debate the hon. and learned Gentleman the Attorney General was represented as having said—though he did not think it could be so—"that these marriages were simply matters of dispensation in the Roman Catholic Church, and that the Roman Catholic Church never took upon itself to grant dispensations for marriages considered to be incestuous and prohibited by the law of God." Now, if by that passage was meant that the Church of Rome did not, at the same time that she granted dispensations for prohibited marriages, admit that she was doing something contrary to the law of God, he could understand it; but if the hon. and learned Gentleman meant to say that the Roman Catholic Church did not take upon herself to grant dispensations for marriages within the Levitical degrees, certainly a more unfounded assertion was never made. It was a matter of history that it had been no unfrequent thing for the Church of Rome to grant a dispensation for the marriage of an uncle with his niece, which was a marriage unequivocally prohibited by Leviticus, and a marriage which we were bound to treat as incestuous. There were scarcely any limits to the pretensions of the Church of Rome in this respect, and these pretensions were arrogated for her and defended by many Roman Catholic writers. On the Continent of Europe, no doubt, there was considerable laxity in this practice of dispensation, both within and without the Roman Catholic Church, not confined, however, to this particular category of marriages; but this laxity was coexistent with the recognition of the fact that they were unlawful marriages, that they were within the prohibitory law, though it was assumed that it was competent to dispense with that law in the particular cases. Now, with respect to the argument of the hon. and learned Member for Bath (Mr. Phinn), that the prohibitions in marriage in this chapter of Leviticus were not generally binding, he would answer, that the prohibitions of Leviticus were of universal application, and not confined merely to the Jews, was evident from the fact that the things prohibited were described as being those for which the Canaanites were so abominable that they were cast out of the land—"For all these abominations have the men of the land done, which were before you, and the land is defiled; that the land spue not you out also, when ye defile it, as it spued out the nations that were before you." Evidently, therefore, these were no mere Mosaic laws; they were laws of general morality, binding even upon heathen nations before the coming in of the Jews, for the neglect of which they had been punished. There remained now the consideration whether any moral distinction could be satisfactorily drawn in favour of the particular marriages mentioned in this Bill. He looked with great alarm upon any attempt to question, and, perhaps, reverse the decisions of ages and the decrees of Christianity, and to investigate and verify anew the principles on which our moral institutions were based. The House of Commons was certainly not a fit assembly for any such discussion and investigation. If demonstration, if argument that admitted of no answer in a popular assembly, was to be required for the justification and the maintenance of the principles on which our moral institutions were founded, there was hardly one of them which, if sufficient agitation were raised in the country, might not be assailed, and with regard to which it might not be said, as it was in this case, "the argument is all on the side of the supporters of a change." The argument in this case was—"We question the institution; we throw upon you the burden of proving your principles; we reject the opinion of ages; a number of people are suffering from your prohibition; they want licence; you meet them by law; we want some incontrovertible reason for your law;" and there were very few institutions resting on morality which might not be attacked by the same arguments were once this principle admitted. There was scarcely one prohibition, at all events, which could then be secure. Take this very subject of marriage. Most persons were under the impression that marriages within the forbidden degrees of consanguinity were repugnant to nature, and that there was no fear of men contracting them, even if there had been no prohibition of them. Experience, however, and the history of the human race afforded no warrant for any such argument. He had already referred to the occasional permission of marriages between uncle and niece under the Papal system. In the beginning of the human race a man and his sister might lawfully marry—nay, at the very earliest period no other marriage was possible. There was a time, then, when such marriages were not unlawful or unnatural; but, as the world advanced, social morality, which was founded on principles known to divine wisdom and divinely expounded for the benefit of man, underwent such modifications as were demanded by the interests of a different, but equally providential, state of society. The absolute prohibitions afterwards imposed did not come all at once, for the patriarch Jacob, the founder of the Israelite nation, actually contracted that marriage which was admitted to be forbidden in terms in the 18th verse of Leviticus—a marriage with two sisters at the same time; but whether that was done under a special dispensation of Providence, or whether the human race had not then arrived at that point of development which required, for the sake of morality and society in general, that further restrictions should be imposed on marriage, the advocates of the Bill could not explain or account for that fact any more than the advocates of the existing law. The morality of the world advanced as the world advanced; and it rested in its improved state, upon a progressive moral sense, formed mainly upon the principles and the spirit of the precepts of revealed religion. There were very few marriages, if any, out of the direct ascending and descending lines, against which a universal moral feeling could be proved to exist, independently of all aid from Revelation. It was the same with regard to polygamy. As the world advanced the state of public opinion advanced on that subject also. We held now that the prohibition against polygamy rested on higher grounds than the state of public opinion — [Mr. SPOONER: Hear, hear!] —but he should like to hear the hon. Member for North Warwickshire prove from Scripture the absolute immorality of polygamy. If they accepted the arguments of the supporters of the Bill they would prove that, as soon as any similar demand for change in that direction could be got up, the prohibitions against polygamy ought also to be removed. If an association could be formed to agitate up and down the country for petitions against the law which prevented bigamy, to produce 2,000 or 3,000 persons who had married a second time, without waiting for the deaths of their former wives, and who desired to be released from a law for which they professed to find no warrant either in their own consciences or in the divine commandment, it certainly would be a difficult thing to show from the letter of Scripture that polygamy was prohibited. It would not exactly do to quote to them the text in which it was laid down, that a bishop should be "the husband of one wife," for, of course, the immediate inference would be, that anybody who was not a bishop might be the husband of more than one wife. Was not polygamy sanctioned, or permitted at all events, throughout the whole of the Old Testament? and he should like to see how it would be attempted to be proved from the New Testament that it was there positively prohibited. He believed that whenever the foundations of morality with respect to the law of marriage were attacked there would always be great danger with respect to polygamy. At the period of the Reformation the minds of as great men as Luther and Melancthon were unsettled on this question of polygamy; and Luther, when pressed for an opinion by an eminent political personage who desired to have liberty to marry a second wife, wrote to him thus:—"If your Highness be minded to take to yourself another wife, let the thing be done in secret, that there be no scandal." In times when men's principles were unsettled, when they were required to go over again and to verify them all, their minds were necessarily apt to get bewildered. The Rev. Mr. Binney, one of the witnesses produced by the supporters of this Bill, was an eminent instance of this. In one of the answers given by the rev. gentleman before the Commission, the following passage occurred—"It is impossible to determine in most cases, if not in all, what original dictates of nature are, or may be, as distinct from those superinduced sentiments and feelings which are engendered by habit or created by feeling;" an observation which, though made with reference to the prohibited degrees of marriage, was of a very much more extended application. Coming nearer to our own times than Luther, as great a man as he among our own countrymen, Milton, had written in defence of polygamy; he thought all our received morality on that subject was a mistake, and he argued in favour of polygamy on scriptural grounds with all the fervour of a man conscientiously convinced of the truth of his opinions. A most plausible practicable argument might be made out for permitting bigamy if the returns of the number of prosecutions for that offence were compared with the number of marriages which had been contracted with a deceased wife's sister. Polygamy was not forbidden merely, but severely punished by the law of the land, yet, on going over the criminal returns for the period over which the inquiries of the Commission extended, he found that the number of cases of bigamy which had occurred during that period was about half of that which the Commissioners stated to be the number of these marriages with a deceased wife's sister—the prosecutions would not represent anything like the number of actual cases, and in all probability, therefore, there were just as many cases of polygamy occurring in this country as there were of these particular marriages. The House would easily imagine the consequence of such an argument. It must not be forgotten, too, that there had grown up in our time a very numerous body of people who called themselves the Church of the Latter-day Saints, but who were generally known as Mormons, among whom polygamy was openly practised and professed. A short time ago a very remarkable letter, dated from the Salt Lake City, had appeared in *The Times*, quoted from *The Chicago Tribune*, which gave so interesting an account of the manner of life among these people, vindicating polygamy on scriptural and natural grounds, and setting forth the practical results from it as being just as satisfactory as those which they were told would spring from this Bill, that he would, with the permission of the House, read an extract from it—

> "Polygamy! Polygamy! Polygamy! That is the word which you call it; and one would think, from the holy horror with which your editors, preachers, and politicians utter it, that it is a crime of magnitude surpassing all others. My dear friend, I do not doubt many of you think so; but it is all the result of education, nothing else. I assure you I speak from experience; as do thousands of others hereabout, who once thought as you do. But you must know that the Church of Latter-day Saints discards all sectarian dogmas, and comes to the plain simple truths of the Bible; the whole Bible, not a part of it. It looks to the lives of the patriarchs and prophets, the men of 'pure religion and undefiled,' for principles, as well as to those who came after them. It sees no higher or more heavenly state of society than that which existed under the authority and direction of Jehovah anterior to the Christian era. Not that it opposes any doctrine of Christ, or of those authorised to speak for him, for it would leave every one free. No, it gives the highest sanction it can give to every principle elaborated in the New Testament, while it makes the Old and the New entirely harmonise. The doctrine is founded on the Bible, the eternal rock of truth. . . . . . But about the practical operation of polygamy, as you call it. That is what you most probably want to know; and I shall enlighten you from my observations and experience. When I came to Deseret there were not many who were in the enjoyment of more than one wife; and many, or most, of the new comers were opposed to it. But, as they saw how beautifully and harmoniously those families lived where there were two or more wives, their prejudices gradually gave way; and among no class was this change more apparent than the women. At the present time, if a vote were taken on the subject, I venture to say that nine out of every ten women who have lived here two years would sustain our present social system in this particular."

He set this against similar arguments which had been used in favour of this Bill. There was this difference between them certainly; on this question there was an agitation, on that of polygamy there was none, though how soon there might be, if the foundations of our moral law were unsettled, he knew not. The supporters of this Bill insisted strongly on the argument that a considerable body of the community were denied their proper liberty of acting according to their convictions under the law as it at present stood. That, no doubt, was a consideration deserving of attention; but he denied entirely that the House of Commons was at all bound to shape its legislation in accordance with every opinion, which might happen to be held by a large number of persons. No doubt individual liberty should be allowed so long as we were not called on to relax in its favour those principles of morality which the good order of society required us to maintain; but to legislate upon the principle he had referred to would have for its result, that there would be no legislation on any principle of morality at all. In this case, however, there was no infraction whatever of the liberty of any class. It was, indeed, said that the Dissenters generally took a different view of the scriptural argument from that taken by the Established Church; but surely the Dissenters did not make it a point of conscience to marry their wives' sisters, and nobody pretended that they had a greater desire to contract these marriages than any other class. The truth was, that it happened here and there to be the case of individuals—though not in greater number than might be expected—and they were asked to alter their present law because several thousand persons, in a series of years, had violated it. But if they sanctioned any such ground as that for the change, they must be prepared, in consistency, to put an end to all prohibitory laws whatever; for there was scarcely a law which had not been violated by many more persons than this one. Again, it was a great fallacy to argue that, if the Legislature acceded to this demand, it would inflict no injury upon any one. That large class of the community who did not desire to marry their deceased wives' sisters still wished to have the benefit of that relationship of sisterhood which existed under the present law; and for every man who wanted to make his wife's sister his own wife, there were at least a thousand women who looked forward with comfort to the hope that as long as they lived their sisters should be received in their husbands' houses on the same footing as if they were the husbands' own sisters. They were asked, also, to pass a Bill which was self-condemned on the very face of it, because it would declare that which was incestuous in Scotland to be lawful and right in England. No language could be too strong for expressing the indignation which all right-minded persons ought to feel at a measure that would legalise these marriages in this country, but would leave them prohibited as incestuous in Scotland—the sole ground for making this exception being that it would afford a better chance for the carrying of the Bill. To legislate upon such a subject at all, was dangerous and mischievous enough; but to legislate upon such a subject with the levity, the undisguised indifference to all consistency of principle, which characterised this Bill, would be a course unworthy, not only of Christian, but of rational men.

Mr. LOWE apprehended that, whatever inconsistency there might be in declaring the same thing to be incest in Scotland which was made lawful in England, that inconsistency was not greater than the one involved in the Act of which the hon. and learned Gentleman (Mr. R. Palmer) had himself been the virtual defender and apologist, and which affirmed that all marriages of the very same description as those they were now considering, which were contracted before a certain year, were to be regarded as to all intents and purposes lawful and valid, while all those that were contracted subsequently to that date should be held to be unlawful and invalid. No doubt the hon. and learned Gentleman, in his very able address, had adduced arguments of a cogent character against polygamy; but, with all due deference to his undoubted zeal and sincerity, his desire to discredit the reasoning of the advocates of this change had certainly led him somewhat wide of the question, and induced him rather unnecessarily to broach topics that were dangerous in themselves, and which it would be far better to leave undiscussed. On subjects of that kind care should be taken that men's passions were not stirred where it could be avoided; and the more especially was the observance of this caution incumbent on them when they remembered that their legislation must, in the minds of many, rely for its sanction and support, not alone on ecclesiastical authorities and canons, but upon that instinctive sense of right and wrong which Bishop Butler recognised in the natural conscience of all men. Yet this essential element the hon. and learned Gentleman seemed wholly to omit from his enumeration of the grounds of our marriage law—an element, indeed, without which all the other grounds of that law must become futile and treacherous. If, however, they treated this question as one upon which men were to be reasoned with as having a conscience to guide them and the faculty of distinguishing between right and wrong, they might well afford to dispense, in that House at least, with those theological disquisitions which occupied—and occupied so fruitlessly—a large portion of their debates on this subject. Now, stripped of all the technicalities with which it had been unnecessarily incumbered, the question before them resolved itself into this—"Shall or shall not a man be prohibited from marrying his deceased wife's sister?" The controversy as to whether the *onus probandi* in regard to this prohibition rested with those who would maintain it, or with those who advocated its repeal, was a controversy more of mere words than of substance; it might, therefore, be summarily dismissed, because, although the hon. and learned Gentleman denied that the burden of proof lay on his side, still, in his very next sentence, he proceeded to furnish that proof; therefore, if the proofs he adduced were good, he had made out his case, and there was an end of the question; but if, on the contrary, they were not good, his case entirely broke down, and he could not then escape from that burden of proof which, before his failure in argument, he denied to be incumbent on him. The House, then, was perfectly free to deal with this matter as if the question now came before them for the first time, and they were asked to abridge men's natural liberty. The difference of opinion which prevailed on this question went much deeper than the hon. and learned Gentleman supposed. It amounted to this—"Upon what kind of argument, conviction, or persuasion ought the House to enact this prohibitive law?" If the hon. and learned Gentleman had been arguing with a layman about to contract one of these marriages, and who, like himself, was a member of the Church of England and deferred to her authority and her canons, it might be sufficient to quote to him the opinion of Bishop Gibson, laying down the rule for interpreting disputed texts of Scripture, in order to make him pause and seriously reflect before he formed such a connection. But that was not the question before the House. It did not merely depend on what was his hon. and learned Friend's individual conviction, nor even on what was the individual conviction of the majority of that House; but it really came to this—should that House, because they had a strong opinion on this subject, which was not shared by many other persons in this country, erect their own personal conviction, by virtue of an Act of Parliament, into the rule of those other people's lives, and, because they disapproved of a particular course of action, absolutely prohibit them from following that rule of action which, in their own opinion, seemed to them both lawful and desirable? Now, to deal with this matter upon any other ground than that of the original dictates of morality—which no honourable or good man would deny—and to force their own individual interpretation of controverted texts upon others who did not take the same view of them, was nothing more nor less—however little it might be intended as such—than inflicting persecution on those who differed from them in opinion. In former times that House had been called upon, because certain persons regarded such and such a thing as contrary to the canons of the Church or to the injunctions of the Book of Leviticus, to impose pains and penalties on those who transgressed in matters of opinion in order to bring them back to the knowledge of the truth. Those days were, happily, gone by; but when a law denied a man, upon no religious ground that he himself acknowledged, upon no principle of morality and not upon grounds coextensive with the scope of the legislation of the House, but simply upon the ground of an authoritative interpretation of Scripture peculiar to certain phases of religious belief, the right of doing what he believed to be permissible and expedient for him, it infringed his natural liberty, and subjected him to a persecution wholly alien to the spirit of our age and of modern legislation. The question, therefore, was not whether or not these marriages were prohibited by the Book of Leviticus, or whether or not this prohibition was coextensive with the Christian religion, so that no Christian could consistently object to it—but really whether a large class of our fellow countrymen who, wisely or unwisely, considered these marriages to be unobjectionable, should be forbidden by law from contracting them, merely in deference to the religious opinions of others? The question had been argued as if this were not a permissive but a compulsory Bill; and the objections taken to it almost assumed that it sought to force people to form these connections, whether they wished to do so or not. It was said that the women of England were opposed to these marriages—then, surely, in that case, the remedy lay in the sex's own hands. They need not consent to marry a deceased sister's husband if such a union was repugnant to them; and why, therefore, should they ask that House to fetter the liberty of other women who might not have the same scruples? The hon. Baronet (Sir W. Heathcote) said that this was a matter which was involved in doubt. Well, then, why pass a prohibitive law upon a doubtful subject? If the House took on themselves to restrain these marriages, they should at least be sure that the principle they proceeded upon was so certain, wise, and generally admitted, that it ought to be made universally binding; otherwise, they would be laying the weakest and most sandy foundation possible for such a law. The House of Commons was not an ecclesiastical conclave or Sorbonne, and could not, like schoolmen and commentators, undertake the settlement of theological disputes. Hon. Gentlemen did not come there to form opinions on religious matters, but to legislate for their country; and, unless it could be shown that any prohibitive law was based upon the moral obligations of men, and demanded by the sense of right in the human conscience, it ought not to be adopted or enforced. Nothing of this kind, however, had been proved in the present instance. True, the hon. and learned Gentleman said that if they left such matters to be determined by individual feeling and man's intuitive sense of right and wrong, there would be no adequate check upon incest. This, however, was an idle fear. Both the reason and the principle of the thing drew a wide line of demarkation between relationships of affinity and of consanguinity; and, without going into all the nice points of casuistry that had been raised in reference to this question, it was clear that nature herself pointed out, and the history of mankind exemplified, that marriages between persons within near degrees of consanguinity were not intended for man, and that wherever they prevailed they were followed by the degeneracy of the species. Therefore the House should not be deterred from discussing this question by mere groundless apprehensions that the subversion of the very basis of morality was now threatened. The whole of the passage quoted from Bishop Gibson proceeded on the assumption that relationships of affinity and consanguinity stood upon precisely the same footing in regard to marriage—a proposition which was in manifest conflict with the moral sense, and which tended to the swamping of all morality, by mixing and confusing together cases which, on the ground of nature and conscience, were so essentially dissimilar. It was contended that we were bound by the Mosaic law in this matter, because this prohibition formed part of the moral precepts. But who was to determine whether it was a moral precept or not, seeing that the Articles of the Church declared that we were not bound by the ceremonial part of the Levitical law? Whether it was moral or not could not be gathered from the Bible itself, nor be sought after by the aid of the rules prescribed by learned theologians and subtle casuists for the right interpretation of the Sacred Scriptures. When a man appealed to the principles of morality, he appealed to human nature and to human conscience in relation to any subject. Therefore, to ascertain what was moral or what was positive and absolute in the Mosaic law, we must appeal to the human conscience; and when brought to this test it would be found that the prohibition they were now considering was not identified with, or confirmed by, any clear dictate of man's moral instincts. The matter consequently could not be carried a single step further by an appeal to disputed texts of the Bible. Now, if this prohibition could not be maintained on the ground of morality, seeing that it manifestly arose from the Roman doctrine of affinity, which was extended in the corrupt ages of the Christian Church from the desire to obtain money by granting dispensations, was there any support for it from reasons of expediency? One argument that had been urged on this branch of the subject was, that there was a desire on the part of many persons to enjoy the relation of sisterhood which now subsisted under this prohibitive law. That expression, if it had any real meaning, amounted to this—that a woman might, in the existing state of the law, reside in the house of her married sister under circumstances in which she could not do so if the present law were repealed—that, in fact, the law threw a protection around her virtue and her character which enabled her, without rendering herself liable either to the reality or the suspicion of offence, to be a member of her sister's husband's household. This, however, he entirely denied. It was monstrous to place persons in such a position of temptation, and to draw a line between modesty and immodesty so narrow as that; and, even if they maintained this law, it would be impossible for a young man and a young woman to reside together in the same house, where there were no other persons, without giving rise to scandal and suspicion; and, indeed, no woman with any regard for her own character would do such a thing. A painful case that came within his own knowledge confirmed this opinion. With that desire for sisterhood which had been referred to in that discussion, a sister did reside in her sister's husband's house, not after the death, but during the illness of the wife, and, unfortunately, the result was, not that she was invested with the sacred character of sisterhood, but a lamentable scandal ensued, and irretrievable ruin fell upon persons who, until that period, had been reputed to be irreproachable and amiable in their conduct. Now, if temptations existed it was not the part of wise legislators to increase them. In this matter it was their business to treat human nature as they found it, and not seek to regulate by positive law what must depend on the power of a man to resist temptation, and upon the different shades of character, some of which were influenced by one set of circumstances and others by another. It was said by the opponents of this Bill that people violated this prohibition, as they violated other laws. Yes, but there was a wide difference between the violation of this and that of other laws. When a man violated other laws he did it with the full consciousness of his guilt, and his conscience anticipated the condign sentence of a court of justice on his crime; whereas, in this case, where they had chosen, on the strength of ecclesiastical canons, glosses, and learned interpretations, to force on the consciences of men a law with which their own instincts did not agree, men violated it with the acquittal of their own consciences, which also upheld them in braving the stigma and censures of society; and, in fact, the constant discussion and agitation of a law which they saw to be so often set at nought, and which had so many Members of the Legislature in favour of it and so many against it, led men to think it an unjust and unfair restriction, and drove them into resistance to it and into a course of action the results of which were frequently most lamentable. Seeing, therefore, that the people of this country were far from unanimous on this question, and that it would be unjust upon religious grounds to force a rule of action on men who did not themselves recognise it as binding upon them—seeing that there was nothing to support the present law, either in the conscience or moral instincts of men or upon the principles of expediency—and seeing, also, that the Legislature within the last thirty years had given validity and sanction to these very marriages which it was now sought to legalise—under these circumstances he felt that there was nothing left for them to do but to repeal the existing prohibition, and to remove from the necks of their fellow-subjects a yoke which they had found to be intolerable, and to leave every man in the enjoyment of that liberty which, under the Word of God and the dictates of his own conscience, he believed himself to possess, without seeking to fetter that liberty by imposing upon him their own peculiar convictions.

MR. GLADSTONE: Sir, my hon. Friend concluded his speech with the enunciation of a principle in which I for one am disposed cordially to agree—namely, that we ought to be on our guard against making our own peculiar convictions a compulsory basis of action for others. But the whole, or at least a large part, of the question at issue in this debate is this:—Whether those who support this Bill are justified in stamping the principles embodied in our marriage law which is now sought to be shaken, with the name of "peculiar convictions." I ask, are those principles mere individual opinions—mere constructions of the Divine law which have been left to be debated as open questions, with no clear and determining evidence to guide us to the path in which we should walk, and which this House is competent to set aside? My hon. and learned Friend the Member for Plymouth (Mr. R. Palmer) in his admirable—I might almost say incomparable—speech laboured to show, and did show, with a success which my hon. Friend who has just sat down did not attempt to deny, that the principles advanced, and the arguments used in support of this Bill, if they are good for anything, are good for infinitely more than the purpose for which they are urged. My hon. and learned Friend proved, most conclusively, I think, that every word that can be said against the application of the Divine law to the prohibition now proposed to be removed, and against the construction which by the almost universal consent of Christendom has been put upon that Divine law, might with equal justice be urged in support of polygamy; and I would appeal to the hon. Member for North Warwickshire (Mr. Spooner), and ask him to point out in what particular the arguments against polygamy were one bit more conclusive than those which could be urged against the marriages which the measure before them had for its object to legalise? The only answer which the hon. Gentleman the Member for Kidderminster had given to the argument on that point of his hon. and learned Friend the Member for Plymouth was this—that my hon. and learned Friend in dealing with the subject of polygamy as he had done, had ventured upon dangerous ground, and opened up topics which had much better be avoided. But why does he not see that this is the very objection taken to the whole of this movement and to the Bill now before us—namely, that by assenting to this measure we should open a floodgate which no earthly power can shut, and introduce principles of which we cannot limit the application. My hon. and learned Friend asked the hon. Member for North Warwickshire (Mr. Spooner) what Scripture argument against polygamy can be adduced that is more conclusive than those that have been used in this case; and the hon. Gentleman cannot answer that question. No more distinct testimony on any one question relating to the law of marriage can be cited from Divine revelation than that which applies to the subject under discussion. I am sure that my right hon. Friend and colleague (Sir W. Heathcote) was entirely misunderstood when he was represented as having spoken of this as a doubtful question, whether or not these marriages are prohibited by the law of God. What the House will, I hope, recollect is this, that in discussing this question, relating to laws lying at the very foundation of society, manners, and morals, and which have received the universal assent of Christendom, we are not reduced to such slender means of ascertaining the truth as the mere exercise of our own private understandings, divested even of the assistance which they would have derived from a knowledge of the original language of Scripture. I confess that it causes me little less than astonishment to find hon. Gentlemen say that they have opened the Bible and read the 18th chapter of Leviticus, or, as my hon. and learned Friend the Attorney General has said, not that he has read the entire chapter, but carefully read and considered the 18th verse of the 18th section of Leviticus, and on the basis of that extended study not reaching beyond the translation placed in his hands, and therefore in which he is entirely at the mercy of the translators, and consequently at the mercy of authorities—he asserts that he has arrived at a state of comfortable conviction that that verse in question does not prohibit, but rather seems by implication to permit marriage with a deceased wife's sister. I hope it is not necessary to mention to the House that it is not in the 18th verse of the 18th chapter of Leviticus that any argument can be founded; I warn those who use that verse, believing that it gives sanction to these marriages, that in quoting that passage they will find themselves bound and nailed to sanction polygamy. It is not possible for any man to draw a conclusion in favour of marriage with a wife's sister after her decease without being open to reply that it precisely and to the same extent justifies polygamy, with the exception of the case of marrying the wife's sister. But the case of the 18th verse of the 18th chapter of Leviticus is clear. It does not rest on mere inference or analogy. It is a universal prohibition, contained in an early verse of the chapter, which forbids marriage with those who are near of kin, and the only question we are entitled to raise is, what is the meaning of the words "near of kin?" Where are you to seek for their meaning? In the chapter itself; and I defy any man to give them a construction which does not make the case of marriage with a wife's sister come within the scope of the prohibition "near of kin." But my hon. Friend who has just sat down (Mr. Lowe) protests against the use of this language to bind the consciences of men as part of a permanent revelation, and says that he considers the question before the House to be one with respect to which each individual is entitled to be guided solely by the dictates of his own conscience. Now let it be recollected that it is not open to hon. Gentlemen to deal with these prohibitions as part of a narrow ceremonial law, intended for the exclusive constraint of the Jews; because the chapter itself bears distinct evidence against that supposition, and shows that because the Canaanites had broken these precepts, God drove them out of the land. The Jews, too, were warned that if they broke them they would be visited with similar judgments. Am I, then, to be told that this was a law merely for the Jews; or that, upon the moral ground, it is not binding on Christians? Can it be possible for a moment to deny that a moral law, which the heathens were punished for violating, was meant by the Almighty to be universally applicable, and by no means to be restrained in its operation within the narrow circle of the Jewish law? My hon. Friend says, however, that conscience is a sufficient guide. Does he mean by "conscience" the general and collective conscience of mankind, or the private conscience of each individual? If the latter be the sense in which the hon. Gentleman uses the word, does he not see that his argument, if it be of any value, might be urged with equal force for the overthrow of our whole ecclesiastical legislation, as of the limited portion of that legislation with which the Bill proposes to deal? Why are we to legislate at all in matters ecclesiastical? Why should we have any rules on such subjects if every man carries in his own breast a monitor so perfect as to be a safe guide for him to follow, and safe also for his neighbours that he should follow. On the other hand, if he used the words in the former sense—if he means the collective conscience of mankind, I answer that that is a part of my case, and contend that the law as it stands is the embodiment of the collective conscience of mankind, and represents what may be fairly called, not only the general, but almost the universal voice and judgment of Christendom. In the whole of the eastern nations of Christendom which, in consequence of the absence of all great political changes, adhered more closely to primitive usages than the western countries, the prohibition contained in the 18th chapter of Leviticus was in force with a generality and a vigour which admitted of no violation or evasion of the command. And what, may I ask, was the case with the countries under the authority of the Holy See? Was the marriage of the husband with the deceased wife's sister permitted in those countries? No. For 1,500 years after the Christian era, you will not find a case in which these marriages were dispensed, and I believe in the infamous period of Alexander VI. the first case of a dispensation in this degree of affinity occurred. And what has happened within the last 100 years? I have seen with astonishment in the papers circulated among us to-day that in no other country in the world, excepting in three cantons and one half-canton in Switzerland, are these marriages prohibited. It is impossible for any statement to be further from the truth. It overlooks the fact that in the whole of that portion of Christendom which represents more nearly by far than the West the primitive practice of the Church, having been less influenced by political motives for change, these prohibitions were in force without exception, and with such rigour that there is no escape from them; that in Western Christendom, in that portion which is in obedience to the Roman see, they are permitted as exceptions to the general law, so that even their very permission witnesses to the general prohibition. Why have the Roman Catholic Members of this House been uniformly opposed to any measure of the character of that under discussion? Because motives of policy have never induced the Pope to afford any facility in Ireland for such marriages as are now sought to be legalised; and if a course less strict in that respect has been adopted by the Holy See in England, it has been in order to obviate the evils which would arise from mixed marriages, the natural consequence of the smallness of the Roman Catholic population in this country. Besides, though thus permitted, it is in conjunction with other exceptions, which we ourselves admit to be cases of consanguinity and incest. Therefore the law of the Roman Catholic Church is against these marriages, and if you tell me that the Pope has authority to dispense with them, I say what is that authority good for that you should assume it to be a principle of action? Then, with respect to Divine law, I must show the House that there is something better for us to proceed upon than our own individual convictions as to the construction of any particular text in a chapter translated from the Hebrew, however strong those convictions may be. Nothing can be more conclusive to my mind than that the interpretation of the Bible in this matter cannot be fairly questioned. When we are told it is a matter of doubt, it appears to me to be so only in the sense that everything is a matter of doubt to those who may have an interest in disputing it, or who may desire to do so. Any man has a right to say, "It is a matter of doubt because I doubt; and as I doubt it, I am entitled to call it a doubtful matter;" but the great principles of Christianity embodied in the common law are principles which may be called in question by the licentiousness of individual minds. Here I speak, of course, of intellectual licence. I do not desire to cast any reproach which may not be just on those who differ from me on this subject, or on those who have contracted these marriages. Private opinion may question the authority of the universal voice of Christians on this subject, but it will question it exactly on the same grounds that it may question the whole results that Christianity has brought to mankind, and everything that Christianity has elevated out of the region of private opinion, and made part of the common property and intelligence of mankind, as well as everything that is embodied in our institutions and embodied in our laws. All this you may have called in question, and may be summoned to surrender in deference to the supposed rights of individual opinion. My hon. Friend evidently regards it as a matter of religious liberty that these marriages, which he admits it may be improper, or at least inexpedient to contract, should be legalised, and he says you are not entitled to erect your own convictions into a law for other people. Now, I ask, is this really a question of religious liberty? And if it be so alleged, is it not time we should come to some understanding as to what religious liberty means? I venture to give an instance of what I conceive to be religious liberty. I will take, for example, the case of a highly estimable and esteemed body of men, who do not deem it necessary to conform to the sacrament of baptism. Nothing can be more distinct than our conviction as to this; but we do not compel those who differ from us to be baptised, but we say to them that, before they are admitted as members of the Church of England, they must be baptised, or they cannot participate in its benefits and privileges. In the present instance, it is not merely that there is a distinct body of men asking that the law may be made applicable to their case, but this is a proposition, so far as the Bill is concerned, for the establishment of an anarchy in the Church of England and the country at large. When it is said, that there shall be in the Church of England a law with respect to these marriages, then I am told that this is a question of religious liberty. By applying this fully, what would be its result? Why, that every principle and ordinance of the Church of England may be modified and absolutely done away with under the pretence of religious liberty. To illustrate what I mean, I may cite a passage from a letter of Lady Wortley Montague, in which, speaking of the lax state of religion in her time, both among the clergy and the laity, she says—"It is generally considered that they have taken the word 'not' out of the Commandments, and inserted it in the Creed." I will suppose that my hon. Friend had a proposition not to take the word "not" out of the Commandments, but that it should be inserted in some part of the Creed, or that the Creed should or should not be read as might be thought fit—am I to be told that this is a question of religious liberty? and should I, on this principle, be authorised to say to the clergy, that whether they did or did not read the Creed, that they should go equally unquestioned? Why do we require that the Creed shall be read? Because we believe it to express the truths of Christianity, and we maintain this law because we believe it to be a part of the Divine immutable law. If the hon. Member assumes that he has a right to introduce into the Church of England an anarchy, or a principle of indifference for that which is strictly commanded as the basis of Divine law, I say the principle on which he proceeds is good for abolishing every restrictive law applicable to the creed or discipline of the Church of England. The demand here made is not for persons wishing to be relieved, but for the alteration of Church and State, and in deference to the scruples of a small minority we are asked to change a position which has been clearly maintained by the voice of Christendom through all time. The Attorney General, in the early part of the debate on this Bill, delivered one of the most effective speeches that have been made on it. He spoke of the social character of English women, and feeling that he laboured under the disadvantage of having to contend against the admitted fact, that the women of England were opposed to the contemplated alteration in the law, he did his utmost to do away with the impression which that fact was calculated to make. My hon. and learned Friend expressed in language the most glowing his belief, that although the women of England might be opposed to the measure, looking upon it as wives, yet that, when they regarded it as mothers, desirous that their orphan children should, in the event of their deaths, be committed to the charge of tender and careful hands, they could not fail to alter the opinions which, with reference to the Bill, they now entertained. I will confess that I was led by the pathos and fervour of my hon. and learned Friend's eloquence to concur for a moment in that view of the question. When, however, I recovered from the delusion in which he leaves us when we listen to him, and came to ask myself in cold blood what was the meaning and value of a lecture from the Attorney General to English wives and mothers—they who have hitherto so well discharged the duties that devolve upon them—on the view which they ought to take of their position, I must confess, that that which originally appeared beautiful and touching, entirely changed its character, and even wore the semblance of the ludicrous. For the House of Commons, though led by the Attorney General, to instruct the women of England on their duties as mothers and wives, which they have not sufficiently considered, or to teach them their maternal obligations, which they have so incompetently filled, appears to me to be about as conformable to prudence and good sense as if the women of England were to send messages to us when we were engaged in discussing bills of exchange or a tax on bankers' checks, to tell us that we had not sufficiently estimated the circumstances of the case on which we were about to legislate, and to point out to us the mode in which our duties ought to be performed. For my own part, I must say, that to the feelings of the wives and mothers of England upon the subject under our consideration, I thought it expedient that no small importance should be attached. So much, however, has been said on this part of the question that I will not now trouble the House with any further discussion on it. There is, however, one demand which I feel authorised to make on the hon. Member for North Lancashire, the hon. Member for Kidderminster, and on all who are prepared to vote with them. They come and ask us for this Bill; they speak of the expediency of altering this law, of the advantages that will attend the contraction of these marriages, and they contest the construction of the Divine laws on principles which would make everything doubtful; but there is one thing which not a man among them has attempted to do, and that is, to state a clear, definite, and intelligent principle on which they proceed—a principle which they can state in language which we can understand, and from which we may be able to know, not why they ask for this Bill—for we know they do so because some persons are galled by the present state of the law—but what we desire to know is, when that which is now asked for is granted, how are we to stand with regard to that which remains? I know that when there are demands on justice, which are not inextricably mixed up with others, I have no right to say how far, when this begins, will it go?—but, supposing that it were proposed to be provided, that no Earl should sit in the House of Peers, we should be justified in asking what you intended to do with Viscounts, Dukes, and Marquesses; and, supposing that in 1829 you had sought to emancipate the Roman Catholics of Leinster and Ulster, we should have been justified in asking what you intended to do with the Roman Catholics of Munster and Connaught? And I think that I am now justified in asking why does the hon. Member propose this Bill and no other, and what is to be the Bill of next year? At present we have a law which goes up to a certain point, and stops; the prohibitions of which are intelligible; affinity is considered the same as consanguinity for the purpose of these prohibitions, which are carried up to the third degree; we have an answer to those who complain of these prohibitions, by showing that the rule proceeds on general grounds and is uniform in its application. But what does the hon. Member now propose? He makes an arbitrary selection of two out of thirty cases, and leaves them — having satisfied, for the moment, the appetite for change—until he finds it convenient to return to the charge. Is there anything in these two cases which will leave the remaining twenty-eight safe? We are entitled to know something on this subject, for this is not merely a question of raising the income tax to 6, 7, or 8 per cent, or even probably some higher point than that; but this Bill affects our social arrangements —and there is nothing that has cost mankind a greater struggle—and the best social result of Christianity is the perfect equality of man and woman as to the facility of contracting marriage. This Bill meddles for the first time with that equality. The hon. Member proposes to authorise the marriage of a man with his deceased wife's sister, and therefore with his wife's niece; he legislates for the man, but he does not propose, on the other hand, that the aunt may marry her husband's nephew. Is this a small change? When was woman first elevated to an equality with her stronger companion? Never, till the Gospel came into the world. It was the slow but certain, and, I thank God, hitherto unshaken result of Christianity, not considered as a system of dogmas, but as one of social influence, to establish a perfect equality between man and woman as far as the marriage tie is concerned. The hon. Member now proposes to change this fundamental law and principle, and I have a right to ask him how far he intends to proceed, and whether he intends to have one marriage code for men and another for women? He proposes to legalise marriage with a wife's sister, which is in the second degree, and with the niece, which is in the third degree —he is going to legalise marriages in the second degree, but still leaves in full operation the prohibitions in the third degree; but on what principle, I ask, are you to prohibit those who stand in the third degree of affinity from marrying after having legalised a marriage in the second degree? The hon. Member for Kidderminster had an answer for this which I think involves him in still greater difficulties; for he did not scruple to say that he draws a distinction between affinity and consanguinity, and that, if it were needed, he was ready to throw over affinity altogether. Sometimes hon. Gentlemen tell us that they consider affinity one thing and consanguinity another, but this points to a vague succession of indeterminate changes dependent on nothing but agitation, and I will not say passion, but licence of opinion, which threatens to subvert the system of restraints in marriages—which I have stated to be the result of the proclamation of the Gospel among men. This Bill does not stand on popularity, and nothing could be more wretched if, while we were pulling down this fabric, which it has taken so many ages to construct, and mutilating its proportions, we should be told that, because statistics have been looked into from which it appears that there were not so many marriages of this kind as there were of another, therefore we will legalise the marriages of which there have been 100, but prohibit those of which there have been only eighty; and I do not think that such a course would be satisfactory to the country. But the hon. Member does not proceed even on this principle, for, while he legalises marriage with a wife's sister—of which I grant there appears from statistics to have been more than of the other kinds—he also legalises marriage with a wife's niece. I have seen the result of an inquiry which I believe to be trustworthy, and which has been made in a most approved manner over a number of parishes, embracing all classes in various circumstances, and including 1,000,000 persons. From this inquiry it appears that there were 326 marriages of an irregular kind; of these there were marriages with a deceased wife's sister 144. But next came the bigamists and polygamists; of these there were seventy-five. Next came marriages with a brother's wife, of which there were forty-six; and most singularly there came, next to these, marriages with a niece in blood, twenty-four, but with a wife's niece there were only seventeen marriages. I want to know, then, on what principle the hon. Gentleman has selected the case of a wife's niece? He has not done so with reference to the principle of affinity, he has not done so on the ground of public opinion, for there were only seventeen of these cases in this inquiry, while the instances were more numerous of those kinds of marriages which the hon. Member does not propose to legalize. I am persuaded that my hon. Friend, from all I have perceived of him in this House, is too honourable and ingenuous a man to come with a covert scheme, which he is not prepared to avow. I have stated that we have a definite system on the subject which requires it, if any subject does—and I ask him, what is his view with reference to this, and where are we to stop—and I am certain he will not shrink from answering me, but will declare the principle on which he intends to proceed, and the basis on which he thinks the law ought to rest. The hon. Member for Kidderminster speaks of the collective conscience of mankind—I interpret him in the best sense, though I think that he meant the conscience of each individual—and he maintains that this would be a proper and sufficient guide from age to age for the course of legislation on this question. God forbid that I should say a word lightly of conscience, which remains an index of the will of God even among those who have not felt as we have the fuller and blessed light of revelation. But are we who have realised the results of Christianity to go back from Christianity to conscience? This, which is sometimes called the light of conscience, sometimes the law of nature, and which there are no two ages or countries in which it has ever been alike, has been of gradual growth and training from the infancy of mankind until it has reached the highest level on which Christianity has been placed; and, if we are asked to go back from that level, I ask, where are we to stop? And I say that, while I have a superior, I should not be content to adopt an inferior standard. The law of the land, not in an arbitrary manner, but on principles based on Divine revelation, has adopted our present prohibitions in marriage; and I oppose the present measure because I see that it is part of a system which, I do not say is intended to be so, but which in its working is certain to be most pernicious to those results which the Christian religion has wrought out for mankind; and I must say, whatever reluctance I may feel in denying any claims brought forward on the ground of religious liberty, that I will most emphatically say "no" to the measure now before the House.

Mr. SPOONER said, that, as he had been directly appealed to by the right hon. Gentleman who had just resumed his seat, and by the hon. and learned Member for Plymouth, he felt called upon to trespass for a short time upon the attention of the House. The right hon. Gentleman had asked upon what principle the supporters of the Bill were proceeding, and at what point in carrying out their views with respect to the subject of marriage they proposed to stop. His answer to the latter question was, that he, for one, was prepared to go in the direction of the contemplated legislation only so far as, according to his own conscientious belief, the Bible commanded him to go. He knew the hon. and learned Member would desire him to surrender his judgment to the canon law; but he (Mr. Spooner) claimed for himself and for every Christian the right of private judgment. In reply to the former question, he could only say that he had searched the chapter of Leviticus to which, in the course of that debate, such frequent allusion had been made; that he had consulted with respect to its interpretation men in whose judgment he placed the utmost confidence; and that he had arrived at the conclusion that the marriage of a husband with a deceased wife's sister was not only not prohibited, but was even sanctioned by the law of God. His right hon. Friend asked him whether he would deal differently with men and with women, and establish two marriage codes; and his answer was, that he would establish no such general distinction, but that he found that this particular case had been dealt with separately in Leviticus, and that a special exception had been made in favour of a marriage with a deceased wife's sister. He admitted that marriages within certain degrees of affinity and consanguinity were prohibited; but in the midst of these they find an exception as to the wife's sister. "To vex her, in her lifetime," were the words, and on this he could place no other construction than that a man was permitted to marry his deceased wife's sister. His right hon. Friend challenged him to produce any scriptural proof against polygamy, if the texts by which polygamy was generally supposed to be prohibited were construed in the same way as it was purposed by the supporters of the measure to construe the text bearing on the subject then under the consideration of the House. But it should be remembered that at the time Leviticus was written polygamy was permitted and practised, as was evident from a passage in Deuteronomy, in which a man having two wives was directed to treat them both with equal favour, and to divide his goods equally among their children. No text in Leviticus, therefore, could have any reference to a prohibition of polygamy, which was at the time allowed. If he were asked where he found that polygamy was prohibited, he would answer that his arguments against polygamy were taken from the tenor of various passages in the Gospels, and more especially from that passage in which it was said of the marriage tie, that "a man must leave his father and his mother, and that they twain shall be as one flesh." His right hon. Friend the Member for the University of Dublin (Mr. Napier) had told them that all Ireland was opposed to that measure; but he (Mr. Spooner) had seen not less than 250 letters from Irish clergymen, in all of which the writers stated it as their opinion that those marriages were not prohibited in Scripture, and that it was advisable to alter the present law upon the subject. And then he would ask whether there had been a single petition presented from Ireland against the Bill? The people of Scotland were also stated to be decidedly opposed to the proposed change. But no Scotchman could be considered a higher authority upon such a subject than Dr. Chalmers, who had given his opinion in favour of that change. His right hon. Friend had alluded to the case of a marriage with a deceased wife's niece; and he (Mr. Spooner) should say that he objected to such a marriage, because he believed such marriages to be included in the prohibition of marriages within the degrees of affinity, and not to be excepted as the marriage of the deceased wife's sister clearly is. It was proposed that Scotland should be exempted from the operation of the Bill; but he confessed that he would extend it to that country, because he thought that if it was good for England it must be good for Scotland also. He denied that that question could be decided by an appeal to the canons of the Church. Many of those canons were completely obsolete; the clergy were only bound by those canons which they signed; and none of the canons which they signed had any reference to that subject. Not less than 360 clergymen of the metropolis and its vicinity had expressed themselves favourable to the proposed alteration of the law on the same grounds on which he (Mr. Spooner) supported it — namely, that it was not forbidden by the law of God, and that the present state of our legislation upon the subject was productive of great immorality, and more particularly among the smaller tradesmen of this country.

Mr. COBDEN said, that on entering the House that day it had not been his intention to have said a word upon that question; but the majority of those hon. Members who were in favour of the Bill must have found their logical good sense so outraged by the splendid fallacies of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), that he could not, for their sakes, abstain from offering a few observations to the House in reply to the right hon. Gentleman. They had heard from the right hon. Gentleman what was certainly the very novel argument, that if the number of violations of the law was to be taken as a reason for its repeal, they might as well remove the prohibition against bigamy as the prohibition against a marriage with a deceased wife's sister, because statistics might be produced to show that the law against bigamy was violated in this country as much as this particular prohibition. But the right hon. Gentleman, in that passage of his splendid and declamatory speech, had not done justice to those who argued in favour of a repeal of the existing marriage law; for the argument they used with reference to this question of the non-observance of the law was not founded on the fact that there were parties in this country who evaded or broke the law, but that that violation was not visited with the censure of public opinion. When the right hon. Gentleman stated that seventeen individuals had been convicted of bigamy, did he mean to tell the House that the neighbours of those individuals approved of that violation of the criminal law? They had been guilty of a felony; but would the right hon. Gentleman undertake to bring in a Bill which would visit with the penalties of felony any Englishman or Englishwoman who had contracted one of these marriages in Germany, where they were allowed by the law? The right hon. Gentleman knew that public opinion would revolt against any such measure. The noble Lord at the head of the Government had been called to account for having stated, on a former occasion, that the law upon that subject was at present evaded, and that public opinion sanctioned the evasion. Since the noble Lord had made that statement, he (Mr. Cobden) had received the most conclusive proof of the tolerance with which public opinion regarded that evasion. A gentleman largely engaged in manufactures in the neighbourhood of Leeds had called on him after that debate and told him that he had, for the sake of his young children, married his deceased wife's sister in Germany; that when he returned home, the clergyman of his parish, who was of the High Church school, had refused to visit him, or to allow him to partake of the sacrament; and that the consequence had been that he had been called upon and visited by neighbours of his for many miles around who had never visited him before, and that he had left the church in his immediate neighbourhood and gone to another, where he was treated in the same way as the other members of the congregation. He (Mr. Cobden) had received a letter from Mr. Arrowsmith—he mentioned the name with that gentleman's permission—who was at present, for the second time, mayor of Bolton, and who had informed him that he had married his wife's sister without having suffered in the estimation of his friends. He knew a Member of that House, whose name he had not obtained leave to mention, who had contracted a similar marriage, and who had, nevertheless, been returned by his neighbours as their representative in Parliament. Could any fair man adduce the case of a bigamist as an argument against a change like that which was then under the consideration of the House, and which was so largely sanctioned by public opinion? The right hon. Gentleman had said that the collective conscience of the world was opposed to those marriages, and would not allow the right of individual judgment upon the question. But the hon. and learned Gentleman the Attorney General, in his masterly speech upon the subject—a speech which ought to have for ever settled the question, if it were to be decided on fair argument, and not with any reference to mere sectarian prejudices—the hon. and learned Gentleman had shown that in the United States of America, and in nearly every country on the Continent of Europe, the civil law tolerated those marriages. To meet that argument the right hon. Gentleman went back to the canon law of three or four centuries ago, as if the ecclesiastical law of that period was to be binding on Europe at the present day. Why, when he (Mr. Cobden) considered the state of public opinion out of doors at the present moment, and found that the House was spending whole days in the attempt at splitting hairs in this ecclesiastical casuistry, worthy of the dark ages, he declared he thought they might be held to be almost rivalling the conduct of the inhabitants of Constantinople, who wasted their time in similar disputes, when the Turks were thundering at their gates, and the Byzantine Empire was tottering to its fall. The right hon. Gentleman had assumed that by passing that measure they would introduce anarchy into the Church of England, in whose name he had undertaken to speak. But what were the facts of the case? He (Mr. Cobden) believed that one-half of the clergymen of the Church of England in this metropolis were in favour of the Bill; and he knew that it received the approval of a large portion of the clergy in the north of England and in the manufacturing districts, not exclusively belonging to the Low Church party. What right, then, had the right hon. Gentleman to assume that he was speaking in behalf of the whole Church? Did he suppose that the eminent men who were in favour of this Bill wished to bring anarchy into the Church of England, and to produce all those dire results which he asserted to be the object of those who supported it? The right hon. Gentleman had also assumed, moreover, that the women of England disapproved of the Bill. Now, he (Mr. Cobden) admitted that if it could be shown that the instincts of the women of this country were opposed to the measure, that would form a very cogent argument against the propriety of its adoption. But he denied the fact in question; and he would remind the House that one of the reasons why the Bill was wanted was, that so many of the women of England had effected those unions, and that many were desirous of effecting them; so that it was, in reality, as much in the interest of the women as of the men of England, that the measure was brought forward. The right hon. Gentleman had, in the course of his address, put on the passage in the 18th chapter of Leviticus the interpretation that it was the foundation of the present law, as if that argument had not been refuted over and over again. He (Mr. Cobden) would appeal to the common sense of the House whether, in attempting to place the proper construction upon the Jewish law, they could take a better course than to ascertain what was the view taken of it by the Jews themselves? He found that Dr. Adler, the Chief Rabbi in London, when asked by the Commissioners who had inquired into that subject, what interpretation the Jews put on the law of Moses on this subject, replied that the Jews were so far from having ever considered the passage in Leviticus to be a bar to these marriages, that they had always regarded them as meritorious, and that in countries in which the law did not prohibit them they had allowed them to take place earlier than any other marriages after the decease of a wife. Was it likely that the Jews, for the last 3,000 years, had been in ignorance of the meaning of their law? He (Mr. Cobden) should observe that he supported that measure chiefly in the interest, not of the men and women, but of the children. He had known instances in which wives themselves on their deathbeds expressed their desire that their husbands, if they married again, should marry their sisters, and should thus give their children the best, if not the only, chance of having tender and affectionate stepmothers; and the preamble of the Bill by which they were prohibited ought to run thus—"Whereas it is expedient to prevent, as far as the law can do it, the possibility of orphan children having an affectionate and loving stepmother, be it enacted that a widower shall not be allowed to marry his deceased wife's sister."

MR. J. G. PHILLIMORE, who rose amidst loud cries for a division, said, that after the speeches of the hon. and learned Gentleman the Member for Plymouth, and the right hon. Gentleman the Member for the University of Oxford, he could have no hesitation in voting in favour of the Bill, because he felt that their arguments went to the destruction of the right of private judgment, and to the establishment of the doctrine of an infallible Church.

MR. HEYWOOD, in reply, said, he was quite willing to tell the right hon. Gentleman the principle upon which the Bill was founded. It was founded upon the principle of expediency, and was introduced to accommodate the prevailing public opinion of the day. A case had been brought under his notice which induced him to wish for the retention of the clause relating to a wife's niece. A clergyman of Buckinghamshire married twenty-five years ago, and lost his wife at the end of a year. He remained a widower for twenty years, and then married his deceased wife's niece, upon which he was suspended by the Bishop of Oxford. He thought this was a case of hardship and of ecclesiastical tyranny.

Question put.

The House *divided*:—The numbers reported by the Tellers were, Ayes 165; Noes 157: Majority 8.

The House being informed by Stephen Edward De Vere, esquire (who voted with the Majority), that he was not in the House when the Question was put;

Resolved—That the Vote of Stephen Edward De Vere, esquire, be disallowed.

Ayes 164; Noes 157: Majority 7.

List of the AYES.

Acton, J.
Adair, H. E.
Antrobus, E.
Archdall, Capt. M.
Atherton, W.
Bagshaw, J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Barnes, T.
Bass, M. T.
Bell, J.
Biggs, W.
Bland, L. H.
Bonham-Carter, J.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, H.
Brown, W.
Buckley, Gen.
Burke, Sir T. J.
Butler, C. S.
Butt, I.
Byng, hon. G. H. C.
Caulfield, Col. J. M.
Chambers, T.
Chaplin, W. J.
Cheetham, J.
Cobden, R.
Cockburn, Sir A. J. E.
Collier, R. P.
Colvile, C. R.
Coote, Sir C. H.
Cotton, hon. W. H. S.
Crossley, F.
Davies, D. A. S.
Davies, J. L.
Denison, E.
Dillwyn, L. L.
Duncombe, T.
Dungarvan, Visct.
Ebrington, Visct.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Ewart, J. C.
Feilden, M. J.
Fenwick, H.
Ferguson, Sir R.
Ferguson, J.
Filmer, Sir E.
Fitzgerald, W. R. S.
Foley, J. H. H.
Forster, C.
Forster, J.
Fox, W. J.
French, F.
Galway, Visct.
Glyn, G. C.
Goddard, A. L.
Goderich, Vict.
Goodman, Sir G.
Greene, J.
Gregson, S.
Grenfell, C. W.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Gurney, J. H.
Hadfield, G.
Hall, Gen.
Hamilton, Lord C.
Hankey, T.
Harcourt, G. G.
Headlam, T. E.
Heathcote, Sir G. J.
Heathcote, G. H.
Heneage, G. F.
Herbert, H. A.
Heyworth, L.
Howard, hon. C. W. G.
Hudson, G.
Hutchins, E. J.
Ingham, R.
Jackson, W.
Johnstone, Sir J.
Keating, H. S.
Kershaw, J.
King, hon. P. J. L.
Kirk, W.
Langston, J. H.
Lascelles, hon. E.
Lee, W.
Lemon, Sir C.
Locke, J.
Lowe, R.
Mackinnon, W. A.
MacGregor, Jas.
Marjoribanks, D. C.
Martin, J.
Milligan, R.
Milnes, R. M.
Michell, W.
Mitchell, T. A.
Morris, D.
Mulgrave, Earl of
Oliveira, B.
Owen, Sir J.
Peacocke, G. M. W.
Pechell, Sir G. B.
Pellatt, A.
Phillimore, J. G.
Phinn, T.
Pollard-Urquhart, W.
Power, N.
Price, Sir R.
Price, W. P.
Pugh, D.
Ramsden, Sir J. W.
Reed, J. H.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Robertson, P. F.
Rolt, P.
Rumbold, C. E.
Russell, F. C. H.
Scholefield, W.
Scobell, Capt.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Smith, J. B.
Smith, M. T.
Smith, A.
Smyth, J. G.
Somerville, rt. hn. Sir W.
Stanley, Lord
Strickland, Sir G.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Tollemache, J.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Waterpark, Lord
Watkins, Col. L.
Watson, W. H.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M‘G.
Williams, W.
Wilson, J.
Woodd, B. T.
Wrightson, W. B.
Wyndham, W.
Wynn, Sir W. W.
Wyvill, M.

TELLERS.
Heywood, J.
Spooner, R.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Annesley, Earl of
Bailey, Sir J.
Baird, J.
Barrow, W. H.
Bateson, T.
Beckett, W.
Bentinck, G. W. P.
Bernard, Visct.
Blackburn, P.
Blandford, Marq. of
Boldero, Col.
Booth, Sir R. G.
Bouverie, rt. hon. E. P.
Bramston, T. W.
Bruce, C. L. C.
Buck, L. W.
Buck, G. S.
Bunbury, W. B. M‘C.
Burrell, Sir C. M.
Butt, G. M.
Cairns, H. M‘C.
Cecil, Lord R.
Christopher, rt. hn. R. A.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Conolly, T.
Cowan, C.
Dalkeith, Earl of
Dalrymple, Visct.
Davie, Sir H. R. F.
Deedes, W.
Divett, E.
Duckworth, Sir J. T. B.
Duff, G. S.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dundas, F.
Dunlop, A. M.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Emlyn, Visct.
Esmonde, J.
Farrer, J.
Fellowes, E.
Fergus, J.
FitzRoy, rt. hon. H.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Freestun, Col.
Fuller, A. E.
George, J.
Gladstone, rt. hon. W.
Gladstone, Capt.
Gooch, Sir E. S.
Gordon, hon. A.
Graham, Lord M. W.
Greaves, E.
Greenall, G.
Greene, T.
Greville, Col. F.
Grogan, E.
Guinness, R. S.
Gwyn, H.
Hale, R. B.
Hall, Sir B.
Hanbury, hon. C. S. B.
Hastie, Arch.
Hayes, Sir E.
Henchy, D. O'C.
Henley, rt. hon. J. W.
Higgins, G. G. O.
Holford, R. S.
Hotham, Lord
Hughes, W. B.
Irton, S.
Jones, Capt.
Kendall, N.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Langton, W. G.
Langton, H. G.
Laslett, W.
Lennox, Lord H. G.
Liddell, H. G.
Lindsay, hon. Col.
Lisburne, Earl of
Lovaine, Lord
Lushington, C. M.
Macartney, G.
Malins, R.
Manners, Lord J.
Matheson, Sir J.
Miles, W.
Monsell, W.
Montgomery, Sir G.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Napier, rt. hon. J.
Neeld, John
North, Col.

Northcote, Sir S. H.
Oakes, J. H. P.
O'Brien, P.
O'Brien, Sir T.
O'Brien, J.
O'Connell, J.
Packe, C. W.
Pakenham, T. H.
Palmer, R.
Parker, R. T.
Patten, J. W.
Phillips, J. H.
Phillimore, R. J.
Portal, M.
Pritchard, J.
Russell, F. W.
Sawle, C. B. G.
Seymer, H. K.
Shirley, E. P.
Smollett, A.
Sotheron, T. H. S.
Stafford, A.
Stanhope, J. B.
Starkey, Le G. N.
Stuart, W.
Taylor, Col.
Thesiger, Sir F.
Trollope, rt. hon. Sir J.
Tyler, Sir G.
Verner, Sir W.
Vernon, L. V.
Walcott, Adm.
Walter, J.
Warner, E.
Welby, Sir G. E.
West, F. R.
Whatman, J.
Wigram, L. T.
Willoughby, Sir H.
Wise, A.
Wyndham, Gen.
Wyndham, H.
Wynne, W. W. E.

TELLERS.

Heathcote, Sir W.
Walpole, S. H.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday,* 20th June.

The House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, May 10, 1855.

Minutes.] *Took the Oaths.*—The Viscount Doneraile.

Public Bills.—1ª Administration of Oaths Abroad.

2ª Fisheries (British Islands and France); Church Patronage Transfer.

3ª Income Tax.

FISHERIES (BRITISH ISLANDS AND FRANCE) BILL.

Order of the Day for the Second reading read.

Lord STANLEY of ALDERLEY, in moving that this Bill be read a second time, observed, that it was intended to carry into effect a Convention which had been concluded between the British and French Governments for the better regulation of the fisheries. In 1839 a Convention for this purpose was framed, and in 1844 an Act was passed for carrying it into effect; but great difficulty had been found in carrying out its provisions. The French Government complained that there were many infractions of the treaty by the British fishermen, and no sufficient means of bringing them to justice. By the provisions of the Convention it was laid down that fishermen offending against them should be carried into the port nearest to the spot where the offence had been committed, and that when the evidence against them had been taken, they should be transmitted to their own country to be tried. As regarded British fishermen offending, there was this difficulty in the way of their conviction and punishment, that our courts of law refused to admit evidence taken before a French magistrate, although it did not appear that any corresponding difficulty existed on the other side; and it had therefore been urged on our Government to allow depositions to be taken of offences committed by British fishermen before the British consuls at foreign ports, which might afterwards be transmitted to England, and received as sufficient evidence against the parties. The Bill accordingly proposed to do this, as also to put a stop to poaching, during the close season by enabling the proper authorities and officers of the Customs and Coast Guard to seize, not only any dredging machines, but any oysters brought into the ports of this country during the close season—that was to say, between the 30th April and the 1st September. An enactment of this sort was necessary, if it were only for the sake of the health of the metropolis; for it had been stated that as many as 100 tons of oysters were brought into London weekly between those terms—a season when the fish were in a very unwholesome state, and when, on account of its being the spawning time for the oysters, the take was extremely injurious to the fisheries. The Bill also gave power to seize and destroy any dredging machines which might be sunk in or floating on the sea, for it was the custom of the fishermen to leave them standing in the water until a fit opportunity offered to take them away. He thought they were bound to meet the demands of the French Government on this head, and take stringent powers for executing the treaty.

Moved, that the Bill be now read 2ª.

The Earl of WICKLOW said, there was no reasonable ground of complaint against our fishermen to make such a Bill necessary. Circumstances had made a total alteration of the conditions under which the oyster fishery was carried on. In 1839, when the convention was signed between the two countries, oysters were only found within a short distance of the shores of each. Those in the neighbourhood of the French shores were naturally regarded as belonging to France, and those near the English shores to England; and during the months to which the prohibition from taking extended oysters were considered unwholesome. Recently, however, extensive oyster beds had been discovered mid-sea, or rather nearer to the coast of Dieppe. The fishermen of Essex and Sussex considered that they belonged to neither country, and were a treasure of which they had a perfect right to avail themselves, and they sent out their boats to dredge for them. The French, on the contrary, taking advantage of the strict letter of the law, claimed these beds as their own, determined to defend them, and sent out armed vessels to protect them. The English fishermen then armed their boats, collisions took place, and several boats and prisoners were taken into Dieppe, where they were tried. Since that time no collision had taken place. Both French and English had worked at the spot, and the consequence of the discovery of those mid-sea beds was, that the London markets had been amply supplied with as good oysters between April and September as at any other period of the year—not taken from the prohibited grounds, but from the beds to which he alluded. It appeared to him that the proposed Bill was intended to deprive the fishermen of those beds and to prevent the people of England obtaining oysters all the year round. He did not oppose the Bill, but he hoped that time might be allowed for the fishermen and fishmongers of the country to give expression to their feelings before it passed the other House.

THE EARL OF MALMESBURY said, that the subject with which the Bill proposed to deal was one of the most fruitful sources of trouble and annoyance to the Foreign Office. He had known as many as 100 English vessels detained, and justly detained, by France, for poaching upon the French oyster beds. He did not think the geographical description of the new beds given by the noble Earl was a correct one. A great proportion of the mischief hitherto had arisen from the negligence of the Custom-house officers, who had allowed these vessels to go out; and he was convinced, if the authorities did not pay more attention to the subject than they had done up to this time, that the Act would remain a dead letter. He must say, in justice to the French authorities and French fishermen, that there had been very few instances of French fishermen breaking the law.

LORD STANLEY OF ALDERLEY, in reference to what had fallen from the noble Earl near him (the Earl of Wicklow), doubted whether the mid-sea oysters were in season when they were out of season elsewhere. He believed that in neighbouring seas oysters were in and out of season all at the same time.

LORD CAMPBELL believed that it was a maxim which was received all the world over, that oysters were not good unless there was an "r" in the month.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

CHURCH PATRONAGE TRANSFER BILL.

THE EARL OF HARROWBY, in moving the second reading of this Bill, explained, that its object was to enable any body or person who should be possessed of any right of patronage or presentation to any benefice, or the trustees of any endowments of any church, to surrender such right of patronage or presentation, with or without consideration, provided the effect of such surrender should be to obtain an augmentation of income for any ill-endowed benefice or church to which such surrender shall relate, and also provided that such surrender shall be sanctioned by the bishop of the diocese: the Bill extended the same powers to any benefice of which the patronage is in the Crown, or is part of the possessions of the Duchy of Cornwall, provided that the permanent yearly value of such benefice shall not exceed 200*l.* In the case the surrender was made by an ecclesiastical corporation, aggregate or sole, certain consents were required.

LORD REDESDALE objected, that no *minimum* value of the benefices to be affected by the Bill was fixed by any clause, and suggested that the point to which he called attention should be made the subject of future consideration.

THE BISHOP OF OXFORD said, he concurred with the Bill generally, and especially with that part of it which enabled corporations sole to part with their patronage; but he desired to call attention to another point which was of still more importance. He suggested that care should be taken that the whole of the proceeds of the sale should be carried to the credit of the Augmentation Fund, because it was not intended that any corporation or private individual should derive any private advantage from any sales that might take place under this Bill. He should again call their Lordships' attention to the subject when the Bill was in Committee.

The LORD CHANCELLOR observed, that the question to which his right reverend Friend had referred, was one which could be disposed of in Committee.

Bill read 2°, and *committed* to a Committee of the Whole House on *Tuesday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 10, 1855.

Minutes.] Public Bills.—1° Victoria Government; Alterations in Pleadings; National Gallery, &c. (Dublin).
2° Infants' Marriage; Militia (No. 2); Weights and Measures; Sewers (House Drainage); Personal Estates of Intestates.
3° Ecclesiastical Property (Ireland).

THE UNITED STATES AND PARIS EXHIBITIONS—QUESTION.

Mr. HEADLAM said, he begged to ask the hon. Gentleman the Vice-President of the Board of Trade whether any correspondence had taken place concerning the return, duty free, of articles sent to the Exhibition in the United States; and whether he could state what arrangements had been made with the French Government concerning the transmission and return of articles sent to the Exhibition at Paris? The House might be aware that it had been stipulated that all articles sent to the United States' Exhibition should be admitted duty free, and that the cost of their carriage to and from the Exhibition should be defrayed. One of the gentlemen who had sent some articles to that Exhibition wrote to request that they might be returned, and he was informed by his agent in the United States that the association by whom the Exhibition was conducted were unable to fulfil their engagements, the funds being entirely exhausted; that there was no possible chance of the association being able to return foreign articles to the exhibitors; and the agents further stated that they would have taken possession of the particular articles referred to, but that the articles being in bond the Government would not allow them to be withdrawn without payment of duty.

Mr. BOUVERIE said, that the Board of Trade had never undertaken any responsibility with respect to the goods sent to the Exhibition at New York; they had nothing to do with the sending of those goods; they had had no correspondence with respect to them; and they knew nothing whatever of the articles which had been sent to the United States, and which it appeared had not been returned. If, however, the hon. Gentleman referred to one of the columns of *The Times* of that morning, he would find some correspondence on the subject. He (Mr. Bouverie) would, however, state what the arrangement was with respect to the French Exhibition. The articles exhibited from this country might be divided into two classes—those connected generally with industry and manufactures, and those connected with the fine arts. With respect to articles connected with industry and manufactures, the arrangement was that they should be deposited at Irongate Wharf in the City at the expense of the exhibitors; the Government of this country then undertook their conveyance to the frontiers of France; and the French Government undertook to forward them from the frontiers to the Exhibition at Paris free of expense to the exhibitors. The French Government further undertook to return these articles to the frontier; the British Government would then convey them back to Irongate Wharf in London, and thence they would be removed by the exhibitors. With regard to articles connected with the fine arts, the British Government undertook to convey them from the houses of the exhibitors to the frontiers of France; the French Government would provide for their conveyance from the frontiers to the Exhibition; and they were to be returned in the same manner. All articles of the first class connected with industry and manufactures would be sent entirely at the risk of the exhibitors, but the Government undertook the risk with respect to articles connected with the fine arts, and had insured those articles for a sum of 140,000*l.* He believed the Paris Exhibition was to be opened on Tuesday, and he understood that this country was not at all likely to lose its high pre-eminence with respect to those articles for the manufacture of which it was celebrated throughout the world.

VICTORIA PARK—QUESTION.

Mr. BUTLER said, he begged to ask the right hon. Baronet the Chief Commissioner of Works whether it was intended to curtail the area of the Victoria Park by letting portions of the land for building purposes; and whether there was yet time for the Government to withdraw from any treaty in which they might be engaged for the erection of houses in a locality where places of recreation needed to be increased rather than diminished?

Sir WILLIAM MOLESWORTH said, that when a park was constructed in the metropolis the strip of land that surrounded it became very valuable for building purposes, and, instead of allowing that increased value to be acquired by the owners of the adjoining property, the Government had generally, when a new park was formed, purchased more land than was required for the area of the proposed park. This course had been pursued in the case of the Regent's Park, Battersea Park, and Victoria Park. The Act 14 & 15 *Vict.* c. 46, defined the area of Victoria Park, and, consequently, the Government had no power to curtail the area of that park.

THE EARL OF DUNDONALD'S INVENTION —QUESTION.

Mr. FRENCH said, he begged to ask the First Lord of the Treasury if he had any objection to inform the House who the persons are to whom Lord Dundonald's plans for the destruction of the Russian fortresses have been submitted by Her Majesty's Government?

Viscount PALMERSTON: Sir, I have no objection to state that the invention in question has been referred to several eminent scientific men, amongst whom are Professors Faraday, Playfair, and Graham. But I would submit to the House whether there can be any advantage attained by going into the discussion of the question at this time, whether the invention in question is adopted or not?

BUSINESS OF THE HOUSE—MR. LAYARD'S RESOLUTIONS.

Viscount PALMERSTON: I understand, Sir, that the hon. Member for Aylesbury (Mr. Layard) proposes to bring on the Resolutions of which he has given notice upon going into Committee of Supply on Monday. I should be very sorry to deprive the House of the opportunity of discussing those Resolutions as a substantive Motion, and therefore I am quite willing to postpone the Orders of the Day on Monday, so as to enable the hon. Gentleman to propose his Resolutions as a substantive Motion, providing that other hon. Members who have notices standing for Monday will also give way to the hon. Member for Aylesbury. Monday is not a notice day. [Mr. Roebuck said that it was a Government night.] Yes, but several hon. Gentlemen have given notices of Motions which they might insist upon making. On the understanding that these Motions will not be pressed, I intend to move on Monday that the Orders of the Day be postponed until after the discussion upon the Resolutions of the hon. Member for Aylesbury. I may also mention that Her Majesty's Government think it very important that the Bill of my hon. Friend the President of the Board of Health with reference to the local government of the metropolis should be proceeded with as speedily as possible, and I therefore propose to take that Bill to-morrow, after the Newspaper Stamps Bill has been disposed of. The Vice-President of the Board of Trade will not, therefore, bring on the question of limited liability in partnership to-morrow.

In reply to Mr. R. Phillimore,

Viscount PALMERSTON said, that it did not appear to him that there was any chance of the adjourned debate on the Testamentary Jurisdiction Bill coming on to-morrow.

Mr. MALINS said, that many persons were remaining in town at great expense and inconvenience, in order to be present at the adjourned debate; and he therefore hoped that the Government would give notice of their intention with respect to this measure as soon as possible.

Mr. NAPIER said, he wished to ask the right hon. Baronet the Secretary of State for the Home Department whether the Irish Testamentary Jurisdiction Bill would be introduced before the day fixed for the second reading of the English Testamentary Bill?

Sir GEORGE GREY said, the second reading of the English Testamentary Jurisdiction Bill had already been debated at considerable length a fortnight ago, and the adjourned debate would be resumed as soon as a day could be found not required for more urgent business. The Irish Bill would not be introduced until the House had come to a decision on the second reading of the English Bill, but it would be brought in before they went into Committee upon the measure now before them.

Mr. MALINS said, he wished to know if any Member of the Government could state on what day it was their fixed intention to bring on the adjourned debate upon the Testamentary Jurisdiction Bill?

Sir GEORGE GREY said, that it was quite impossible. The day when this subject would come on must depend upon the pressure of public business. It would be brought on on the first day on which it could be done without interfering with more urgent business.

CHURCH DISCIPLINE—QUESTION.

Sir JOHN PAKINGTON: I beg, Sir, to ask the hon. and learned Solicitor General for England whether the Government are prepared to introduce a Church Discipline Bill before the second reading of the English Testamentary Bill; and whether the Church Discipline Bill will deal with the United Church of England and Ireland as one Church; and also whether the Government will introduce a Matrimonial and Divorce Bill before the second reading of the English Testamentary Bill?

The SOLICITOR GENERAL: Sir, in reply, I have to state that a Bill on the subject of Church discipline, which at the present moment is in a state that involves great reproach, was prepared, under my direction, at the same time with the Testamentary Jurisdiction Bill. When the Testamentary Jurisdiction Bill was introduced, it had not been submitted to the consideration of the Government. It has since been so submitted, and the Government have thought it right that the opinion of the right rev. Prelates, or at least of some of them, should be taken on the Bill before it was introduced to the House. The Bill had been accordingly submitted to some of the bishops, and has not yet been returned by the right rev. Prelates who have it under their consideration. It was prepared upon the principle of treating the United Church of England and Ireland as one Church. In fact, I know of no other leading principle on which it could have been proposed. With regard to the time of its introduction, the House will see from what I have stated that it is impossible for me to say that it can be brought in before the second reading of the Testamentary Jurisdiction Bill. Individually I may express the hope that the Bill, if brought in, may be introduced before the third reading of the Testamentary Jurisdiction Bill—at all events, before that time shall arrive, if it ever shall arrive, the Government will have come to a decision. [*Laughter.*] The hon. and learned Member for Wallingford (Mr. Malins) and his Friends, who laugh at that statement, need not be under the delusion that the Government have any notion of abandoning the Testamentary Jurisdiction Bill. I have been compelled to yield to the pressure of other business. I am even afraid that the adjourned debate cannot be resumed to-morrow night; but I can assure the House that it will be resumed on the first opportunity that occurs after the more pressing business to which the Government think fit to give precedence. With regard to the Matrimonial and Divorce Bill, it has been prepared, and delayed only in order to see, from the second reading of the Testamentary Jurisdiction Bill, what shall be the character of the tribunal to which the testamentary jurisdiction shall be committed. As soon as the opinion of the House upon that point, as expressed on the second reading of the Testamentary Jurisdiction Bill, has been obtained, the Matrimonial and Divorce Bill will be introduced.

SUGAR AND SPIRIT DUTIES—QUESTION.

Mr. HANKEY: Sir, I beg to ask the right hon. Gentleman the Chancellor of the Exchequer whether, on the addition of 2*d.* per gallon to the spirit duties, he is prepared to introduce a measure for the use of malt and sugar, duty free, in the distilleries in Great Britain and Ireland, to take effect on and after the 1st of October next?

The CHANCELLOR of the EXCHEQUER: Sir, the statement which I made the other evening referred exclusively to malt, and did not extend to sugar. There is an obvious difference between malt and sugar, inasmuch as malt can be made by the distiller on his own premises, whereas sugar can only be brought from bonded warehouses. However, I have not had time to go into the question with regard to sugar, but shall be prepared on a future day to state the intentions of the Government on the subject.

THE "CANDIA"—QUESTION.

Mr. MOODY said, he begged to ask the hon. Under Secretary for War the cause of the detention of the *Candia*, and whether demurrage was to be paid, and, if any, to what amount per day, and from what date, for such detention; also, whether any special report as to her sea-worthiness had been recently made, that the lives of those sent out in her might not be endangered? It appeared that the *Candia* about six weeks ago underwent some repairs, in consequence of a previous report made regarding her; that then she had orders to start with troops and artillery, but that in consequence of a dispute between the military and naval authorities the latter had washed their hands of her. It was found, on trial, that the horse-boxes were too slight and narrow for the horses, and that no proper berths were left for the passengers. About a fortnight ago, after further alterations, she was sent from Blackwall, but was found too crank, and taken back again to Blackwall, where she received sixty tons of shot and shell on board. The passengers were then directed to proceed to Greenhithe, and go on board the *Candia* there; but when they got to Greenhithe they were sent back again to London, on the ground that it was uncertain when the vessel would sail. In these circumstances he should like to have an answer to his question.

Mr. FREDERICK PEEL said, the detention of this vessel was caused by an opinion expressed by the officers at Woolwich, not favourable to its safety, or to its being rightly fitted up as a horse transport. The members of the Transport Board, however, inspected the vessel very carefully, and were fully satisfied that apprehensions from that cause were entirely groundless. Consequently, the vessel proceeded to sea, and the detention did not exceed four or five days. No demurrage was paid, the vessel being a hired one.

Mr. MOODY asked if he was to understand that the vessel had sailed?

Mr. FREDERICK PEEL: Yes.

Mr. MOODY: Then it must have been within these twenty-four hours.

Mr. FREDERICK PEEL: The vessel has sailed.

THE INNISKILLEN DRAGOONS—QUESTION.

Mr. OWEN STANLEY: I beg, Sir, to ask the hon. Under Secretary for War if the Commander in Chief has ordered any Court of inquiry to examine into the late transactions at Canterbury amongst the officers of the Inniskillen Dragoons, and the causes which led to a hostile meeting, or, as is reported, mock duel, between Cornets Baumgarten and Evans, in which Adjutant Webster and Sergeant Brodie were concerned, and if Sergeant Brodie has again been placed under arrest for any offence?

Mr. FREDERICK PEEL: An officer appointed by the Adjutant General is making an investigation into the case referred to by the hon. Gentleman. I was not aware that the hon. Gentleman intended to put this question this evening, and therefore did not make myself master of the facts, but I hope to be able to answer the question to-morrow.

TENANTS' COMPENSATION (IRELAND) BILL—QUESTION.

Lord CLAUD HAMILTON said, he wished to ask the hon. and learned Member for Kilkenny what course he intended to pursue further as regarded the Tenants' Compensation Bill for Ireland; and also whether he had not surrendered the conduct of the Bill to the Government?

Mr. Serjeant SHEE: I beg leave to state, Sir, that it is my intention thankfully to accept the offer of the Government to take charge of the Tenants' Compensation Bill. With respect to the question whether I accept that offer upon the terms which the Government have proposed, I beg to say that I do not exactly know at present what those terms are. I understood the Government to have assented generally to the principle of the Bill, and no more. The right hon. Gentleman the Secretary for Ireland announced that he did intend to propose to the House certain alterations of the Bill in Committee. I reserve to myself, as an independent Member of Parliament, the right to deal with the alterations proposed by the Government when I see them printed.

Lord CLAUD HAMILTON: I beg to ask the right hon. Gentleman the Chief Secretary for Ireland if he is prepared to state, on the part of the Government, what course they intend to pursue with regard to this Bill? I trust he is ready to put on the paper the exact terms of the Amendments which he proposed the other evening.

Mr. HORSMAN: I will immediately prepare the Amendments which I propose to make in the Bill, in accordance with the views I stated the other evening on the part of the Government, and as soon as they are ready will place them on the Votes of the House. I shall also endeavour to fix as early a day as possible for going into Committee on the Bill.

THE VIENNA CONFERENCES—QUESTION.

Mr. BRIGHT: Sir, I have to ask the noble Lord at the head of the Government a question which arises from the papers which were laid before Members this morning with respect to the Vienna Conferences. I observe in the last protocol there is a passage which gives the opinion of the Austrian Government with regard to the Russian propositions for peace. The Austrian Minister states that the last Russian proposition admits of practical application and negotiation, and that it contains the elements out of which the Austrian Government would endeavour to offer something which may lead to a settlement of the questions now at issue. I wish, therefore, to ask the noble Lord whether the Austrian Government have submitted any propositions since the 26th of April, which is the date of the last protocol, and whether he will have any objection to lay that proposition before the House in the same way as the others? I should like also to ask the noble Lord whether there was any other proposition than that to which I have referred, as there is a strong rumour of one having come from Paris? I have further to ask the noble Lord if we are now to understand that the negotiations are finally closed? My reason for putting that question is, that I should not wish to bring forward anything with regard to the negotiations if I thought they were not absolutely terminated.

Viscount PALMERSTON: There has been, Sir, no formal or written proposal made by the Austrian Government since the period to which the hon. Gentleman alludes. There have been verbal communications passed between the Austrian Government and the Governments of England and France, and also between the French Government and the English Government; but I am sure the hon. Member and the House will feel that, considering the state of the relations between the three Governments, it would not be prudent to enter into detailed explanations in regard to those communications. With respect to the question whether the negotiations have been entirely broken off, I can only repeat the answer which I gave upon a former occasion—namely, that the elements of a conference permanently exist at Vienna—that the representatives of England, of France, of Turkey, of Austria, and of Russia reside at Vienna; and therefore, if at any time any proposition were made, either by Russia directly, or by Austria on behalf of Russia, which appeared to afford any prospect of a satisfactory settlement of the question at issue, there are the elements at Vienna for forming a conference and resuming negotiations.

Mr. BRIGHT: Am I to understand from the noble Lord that the matter is in that condition that any Motion on the subject of the negotiations and the fullest discussion in this House upon them would not be regarded by the Government as prejudicial to the public interests? I do not want to take the responsibility of injuring the public interests by originating a premature discussion, and therefore I am anxious to ascertain from the noble Lord if we are perfectly free to express our opinions on this subject at length?

Viscount PALMERSTON: If my own opinion is asked, I do not think that public advantage would arise—on the contrary I would say public inconvenience would result—from the Government being compelled, in the present state of things, to enter into a detailed discussion of what was past—of proposals made and proposals rejected—of proposals which might have been made and proposals which might have been rejected—in short, entering into a wide field of discussion with respect to the relations of the different Powers which have been concerned in these negotiations. Such is my own opinion; but, of course, I have no right to control the conduct of others.

THE ARMY OF INDIA.

Sir ERSKINE PERRY:* Sir, I now rise to bring forward a motion which has been on the paper for many weeks, and which the noble Lord at the head of the Government has deemed to be of sufficient public interest to warrant him in allowing me to bring it on for discussion on a Government night.

As I have in some degree varied the terms of my motion, it may be well if I explain at once what the purport of it is. Sir, the motion is, essentially, one for inquiry; for however strong the convictions may be in my own mind as to what sound statesmanship requires with the Indian army, I feel that I have neither weight enough in the House to enforce, nor eloquence to express my opinions on a subject which has not been very minutely canvassed in later times. All I ask is, that the House will institute inquiry, and with this view, I addressed myself to many most experienced Members as to the best course to propose. I found the opinion to be unanimous that for a fair, searching, and able inquiry there was nothing to be compared to a well chosen Select Committee of this House. But some wary tactitians suggested to me that as this was a military question, it might be more palatable to the powers that be, and more conducive to the object of the Motion, to ask for a Royal Commission, and when I heard the noble Lord at the head of the Government suggest, in answer to the motion of the hon. and gallant Member for Abingdon on a kindred subject, that a Royal Commission was more appropriate than a Select Committee, I at once framed my motion for the former. But when I came down to the House on a former evening, when my motion stood a good chance of coming on, I found that the Government were about to oppose it, because it asked for a Royal Commission, which it lay in the power of Her Majesty to grant or refuse, and as to which it was unprecedented for the House of Commons to interfere. I thereupon reframed my Motion in the terms in which it now stands.

At any other period than the present I should have deemed it necessary to apologise to the House for bringing before it a subject that, in many respects, might be more fitly treated by a military man. But as no one appears to have applied his mind to the subject of my Motion, I thought that from my long residence in India, where the improvement of civil and military organisation forms the subject of daily discussion amongst all active administrators, and by fortifying my personal observation with careful attention to the question, I might be able to bring some views before the House which I believe to be sound and practical. I can assure the House that I am fully alive to my own incompetence to deal adequately with a very grave question, but I approach it, at all events, without any bias or prejudices to prevent me from forming a sound judgment, or from discussing impartially what the true interests of the empire require.

I have alluded to the present period as being one that eminently calls for an inquiry such as I have placed on the paper. For who is there in this House, or out of this House, that can foresee how long the present war is to endure? I will yield to no man living in love for peace, or in detestation of war. I came most reluctantly to the conclusion that war was expedient, but having engaged in a contest in which the most generous motives that can animate the human breast have impelled us to draw the sword, I feel that there never was a moment since the war began when it behoved all men of firm mind to envisage calmly, and resolutely the dangers which environ us, and to gird up our loins for a fiercer encounter with the enemy of Europe and liberal ideas than has yet been witnessed.

If peace, then, is not at hand—and, as I firmly believe, is not desired by Russia, except on humiliating terms to the Allies, it is obvious that all the military resources of the Empire must be called forth, and I do not hesitate to affirm that it is absolutely necessary for England to look to the armies of India for an auxiliary force. So obvious is this suggestion, that it has forced itself into every military discussion which has taken place during the present Session. Those who opposed the Foreign Legion, and who by their ill-timed, and I must say unjust, because untrue, sarcasms have thwarted its formation, objected that, instead of relying on a foreign stipendiary force, we should draw a contingent from India! So again on the formation of the treaty with Sardinia, which appears to me to have raised that gallant country to a moral eminence which other European powers, physically greater, have not had the magnanimity or the wisdom to assume, the principal objection of the right hon. Gentleman, the Member for Buckinghamshire, was that we ought not to seek for military aid from foreign powers whilst we had such a magnificent force available in our Indian Empire. But these suggestions, though pointing undoubtedly to undeveloped resources of military power, yet when made in a casual off-hand manner were easily, and I think properly, encountered with plausible objections, which require to be previously dealt with. The whole subject, therefore, evidently needs to be thoroughly discussed and sifted, so as to bring into one view the interests of the whole Empire, both in Europe and in India.

Before I go further, I trust I may be allowed to lay before the House some details as to the strength, organisation, and efficiency of the Indian army, for the facts connected with these subjects do not lie on the surface; and with respect to the strength of the army, I confess, that after close inquiry, I have not been able to ascertain the exact amount. By the strength of the army I mean the total amount of military force which the Government can muster and employ on an emergency. The late Sir Charles Napier soon after assuming the Commandership in Chief of India, set himself to inquire what the strength of the force he commanded was, but after getting up to 400,000 men he found there were still others to be enumerated, and he gave up the task. I moved for a return on the subject, but it does not give me all the details I want, so I prefer taking the full military accounts which have been already laid before Parliament. By them I find that the ordinary peace establishment of the regular Indian army, according to the returns of 1853, consists of 289,529 men of all ranks, of whom, speaking in round numbers, about 50,000 are Europeans, namely, 30,000 Queen's troops, cavalry and infantry of the line—20,000 Company's troops, artillery, engineers, and infantry. To these are to be added the contingents furnished under treaty by native States, which, with the exception of a small force, are officered by British officers, and are in a high state of efficiency; they amount to about 36,000.

Then there has to be included numerous police corps, militarily organised, whose numbers I take from a return lately laid before the House, and who amount to 24,015.

Many of these corps are not so efficient as they might be, but they are capable of rendering good military service, and of replacing regular troops on an emergency, and some of them did excellent service with Sir Charles Napier in his hill campaign.

There are then to be added thirty-five battalions of militia, with three European officers each, and whose numbers may be estimated at 28,000.

The numbers I have thus given constitute a military force of 377,544 men of all ranks, and I have not enumerated with these troops many corps whose services in the time of danger may be commanded, such as the Nizam's forces, the troops of the King of Oude, of the Gaekwar of Baroda, and of other Native Princes in close alliance with the British power. I believe, therefore, that Sir Charles Napier's estimate of 400,000 men is not exaggerated. And it should be added that the Native Princes of India, with whom we are in alliance, have a force equally large, namely, 398,918 men. This great force has a peculiarity about it which I would beg to bring into due prominence, as it is not to be found in any other large army in the world. It is all raised by voluntary enlistment; and such is the facility with which military service can be obtained, that I believe firmly, the rank and file of the Indian army could be doubled in two or three months, if the occasion should arise for it. If an explanation of this remarkable fact be sought for, it is to be found in what I apprehend would secure voluntary enlistment in all countries of the world, namely, pay above the ordinary wages of labour—prospect of rising to the grade of officer—well-devised provisions for pension after long service.

The British forces in India are divided into three distinct armies, each having its Commander in Chief, with a distinct general staff, and distinct in every arm, artillery, engineers, line, medical and commissariat departments; a most cumbrous arrangement, I will observe by the way, as has been well shown by Sir John Malcolm and others, and injurious to effective discipline and economy. The Commander in Chief of India is also Commander in Chief of Her Majesty's forces in India, but he has nothing whatever to do with the other Commanders in Chief with regard to the remaining part of their armies. But the whole force, it should be carefully observed, is placed, as it ought to be, entirely under the Civil Power. The Governor General in Council is supreme over the army: the greater part of the military patronage is in his hands; general and divisional commands are made by him, frequently without reference to the Commander in Chief, and the latter has not even power to order the movement of Her Majesty's troops, or of a single regiment from one Presidency to another. Indeed, as the late Lieutenant General Sir Charles Napier described himself, though he was nominally in command of more than 400,000 men, he was nothing more than a monster Adjutant General; but this, I maintain, is absolutely necessary in a dependency like India, and is accordant with the fundamental principle established by all modern Governments, that the army should be subordinate to the Civil Power. Connected with this part of my subject, I will submit to the House a return which I have prepared with some care as to the total strength and charges of the military forces of the British Empire including the army of India, and I have subjoined to it for the purpose of comparison the strength and charge of the French army:—

Strength and charge of the British Army (including Company's troops) in time of peace, compared with strength and charge of French Army.

	Horses.	European Officers.	Men of all ranks.	Charge.
Queen's Army, exclusive of troops in India (1847) ...	6,400	4,549	107,794	£9,222,943
Indian Army maintained by Company (1851)	30,944	7,556	289,529	£11,373,830
Militia, thirty-five battalions	...	105	28,000	
Police Corps, militarily organised	...	35	24,015	
Contingents of Native Princes	...	86	36,311	
Total British Army	37,344	12,331	485,649	£20,596,773
French Army (1852), (Budget de Guerre)................	84,935	19,604	377,130	£12,340,162

I will not venture to trespass on the attention of the House with any opinions of my own as to the efficiency of this gallant Indian army, nor will I even allude to their various feats of arms in India, or on foreign service, in the Persian Gulf, in Egypt, at the Mauritius, or in China. But I trust I may be allowed to read a few short extracts containing the opinions of men most competent to form a sound judgment, and whom, for obvious reasons, I have selected exclusively from Her Majesty' service.

The first passage I will read will be from a speech of the Marquess Wellesley, which is important not only for his views on the efficiency of the Indian army, but also for its relevancy to many collateral points connected with the present motion. He said :—

"He came now to a point of the utmost delicacy and difficulty; but which notwithstanding would be benefited by discussion in Parliament, before which discussion delicacy and difficulty had often vanished. The army in India rested too much on the footing of profit without reference to honours at home. An army more full than the army in India of honour, loyalty and valour, he had never seen; and he could not have conceived that it would under any authority have become otherwise. But it did happen somehow or other that the officers of the army in India were not held forward to public view as much as other officers in other parts of the world; and they felt that honour and distinctions were conferred for services not more meritorious or important than their own, which were denied to them."

A little later he said :—

"He had had great opportunities of trying them (the Indian army) under great difficulties and privations, at a distance from their homes and families, and yet their zeal and energy never abated. In the wars of Mysore and Egypt the native troops did not hesitate to embark in ships, although that was contrary to their usages and prejudices; and the reason that they so cordially consented to embark was from seeing there was no compulsion."

I will now read the opinions of four Commanders in Chief who have had the amplest opportunities of testing the efficiency of the Indian army both in cantonments and in the field. I will commence with Lieutenant General Sir Charles Napier, who, I should observe, arrived in India, as I can personally testify, with most violent prepossessions against the East India Company, and unfortunately he had pledged himself to such unfavourable opinions in print. But after having served several campaigns, and won some battles, which will make his name for ever famous in story, with an Indian army, this is his opinion of it :—

"My opinion of the army," he said before the House of Commons' Committee in 1852, "generally is, that it is a very fine army. The Indian artillery I really think is the most efficient artillery in the world. Its practice is admirable; I have seen a good deal of it. The Royal artillery may be superior as a scientific corps; but as a practical corps in the field, in crossing mountains, jungles, rivers, and in everything that artillery can be called upon to do in the field, I never saw anything better than the Indian artillery."

Lord Gough said on the same occasion :—

"I think the Indian army is nearly perfect. . . There cannot be an army more loyal, better disposed, or more ready to do their duty. It is quite impossible to have a more brilliant set of officers or a finer body of men than the artillery of Bengal. . . I must say of the natives, as well as the Europeans, that a more devoted set of men cannot be found."

Then as to the Bombay army, my gallant Friend, Lieutenant General Sir Willoughby Cotton, Commander in Chief of the Bombay army, has often expressed to me what he told the Committee in these terms :—

"I do not conceive that there is a more effective army, certainly not in India, and I think I may say not anywhere than the Bombay army; they will go anywhere, they never make an objection to embark to any place; wherever you may require a contingent to succour, you can send whatever number of men you please. If they are alone they fight well, but if they are mixed with European troops, I think they are fully equal to any in the world."

My hon. and gallant Colleague, the Member for Devonport (Lieutenant General Sir George Berkeley), who was Commander in Chief of the Madras army, was asked, "What is the state of the Madras army with regard to efficiency?" Answer, "Very good indeed; it is excellent."

Then as to the Medical Staff, hear my Lord Gough:—

> "It was my fortune to serve during the whole almost of the Peninsular war, and I have served through several campaigns in India, but in the Punjab campaign I do not think that at any one period there was a wounded man without his dooly (litter), nor wanting any comfort it was possible to give him."

So also as to the Commissariat, the same noble Lord said—

> "During the Maratta campaign, the Sutlej campaign, and the Punjab campaign, the army under my command was never one day without its regular provisions."

Sir Willoughby Cotton also stated, "that it was remarkably well supplied throughout the Affghan war."

Now, Sir, what use has been made, or is proposed to be made, during the present war of this fine army whom I have attempted briefly to describe? I maintain absolutely none. It is true, that by inducing several officers who are present in England on sick leave, or on furlough, to volunteer, you are organising a transport service which no doubt will form a very useful corps; but it is a service wholly in the rear, in which no glory or military distinction is to be obtained. And you are attempting to form a Turkish contingent, in which certainly the talents and experience of Indian officers who have commanded irregular troops might be most usefully brought to bear; but Her Majesty's Government seem by some curious infelicity to have excluded such men from the service, although it is well known there are officers of the highest Indian reputation, and of approved service now in England, who are willing to sacrifice much finer appointments in India for the purpose of doing good service to their country in the hour of danger. Sir, I will not dwell on individual cases, and it would pain my gallant friend, Colonel Mayne, to hear his name coupled with a grievance, but I must express my own opinion that the non-employment of such men as himself, of General Patrick Grant, of Colonel Hodgson, and of others I could name, is a national loss at this crisis.

Sir, after much close attention to this subject, and repeated communications with military friends of great experience, and belonging to both services, I have no doubt that on proper arrangements being made it would be quite practicable to draw from India an efficient European force of all arms, furnishing a complete *corps d'armée*, with probably a division of Native Irregular Cavalry, such as Jacob's Horse and the Nizam's Cavalry, who have already volunteered for the Crimea, and who would be ready to take the field in the next campaign. For it must be observed that measures like these require a long forecast, and the season is past for embarking troops from Calcutta, Madras, and Bombay, for the Red Sea during the present season.

The inquiries which I have made, lead me also to believe, that if in the opinion of military men an expedition to the Persian Gulf and along the valley of the Euphrates were deemed expedient, so as to effect a junction with an army sent from Europe and to operate against the Russians in Georgia, the British army of India would be enabled to supply a force of sixty or seventy thousand men of all arms. There may be differences of opinion as to the expediency of the latter operation, but there can be none as to the value of a European contingent of twenty-five thousand men from India, who should be landed at this moment in the Crimea. The field of action in the Crimea and in Turkey is essentially oriental; there are no roads, or well ordered means of communication; an armed force moving through it must provide all that they require for themselves, and they must carry with them on mules, on bullocks, or in arabas everything that is needed for an army, and often even forage for their cattle. But all these conditions are of normal occurrence in India, and therefore an army trained in Indian campaigns must be the most serviceable that can be supplied; and it is obvious to all acquainted with the military resources of India that the various blunders committed during the last campaign, arising out of defects in commissariat, medical, and transport arrangements, and from an untrained staff, are exactly those which an Indian army would have been most certain to avoid.

Unfortunately, it is too late, in the present year, to obtain any such reinforcements from India. Two regiments of cavalry, it is true, numbering between six and seven hundred sabres each, have found their way with perfect ease from India to Balaklava by the route of the Red Sea and Egypt, thus demonstrating the practicability of the operation, but the great heat in India, which sets in during the month of April, and the stormy months which follow during the South-west Monsoon, forbid any further embarkation of troops till the month of November.

But then the placid seas which wash the coasts of India, and the delicious temperate climate which prevails, would allow of every port pouring forth its quota from adjoining military stations, and Karachi, Bombay, Cannanore, Ceylon, Madras, and Calcutta, might each successively send out its complement to rendezvous at Cairo, or at Alexandria, so as to be ready for the ensuing spring campaign.

And it should be observed that, as if to facilitate a military operation of this kind, the Indian navy has been lately set free from all postal and packet duties, and is available exclusively for a transport service.

If schemes like these are practicable, and my right hon. Friend the President of the Board of Control must know, that men of the highest military experience in India entertain them, I think this House has a right to ask why they are not put in execution, or if there are any weighty reasons which appear to forbid them, that an inquiry by competent men should consider the subject fully. Never, if I can trust to my knowledge of history, was a War Ministry so stedfastly supported by the people, or such a praiseworthy spirit to make all due sacrifices manifested; and in justice to the opposition, I must say, that never was less party spirit shown to thwart the Government in any vigorous and effective movement that may have been determined on or proposed.

But it may be said, it is easy enough for an irresponsible Member, like myself, to start plausible schemes, and to get over the difficulties by the use of vague generalities; and in the language I have used, of "proper arrangements needing to be made," I admit there is something of vagueness. Sir, I could not justify myself to the House if I had ventured to bring this subject before it without fully considering the practicable mode by which the object in view may be accomplished. To the employment of a contingent from India in the present war there are two immediate obstacles; the danger of denuding India of European troops, and the inferior military position of Indian officers serving out of India. But the first objection may be easily overcome by directing to India all raw regiments (by the route of Suez if it be thought desirable), instead of sending them at once to the seat of war as has been already done, where the experience of the last campaign shows that whole regiments disappear almost to a man. A year or two in India, where it will be observed that no seasoning for climate as in the West Indies has to be undergone by new-comers, would make them efficient troops, and their advent in India would let loose a contingent fit for European warfare. With respect to the local and restricted rank of Indian officers which has lasted up to the last few days, I must say it is the most inexpedient, the most unwise—I will add the most illiberal—arrangement that ever existed in an army. There is not a shadow of an argument that I have ever heard producible in its favour; it may be demonstrated to operate injuriously to the public interests. I hold in my hands the commissions of distinguished Indian officers, which have been sent to me unsolicited, with the view of bringing the subject to the notice of the House, and I find throughout the service one universal feeling of dissatisfaction at the invidious distinction. In the year 1853, there were two Indian officers, who by the exhibition of greater moral courage and the assumption of a larger responsibility than perhaps were ever before incurred by men in the subordinate service of Government, absolutely saved the British army and the British empire in the East from disgrace; yet, when in the subsequent year, Generals Nott and Pollock appeared in the presence of their Sovereign, they were not even entitled as of right to wear their swords by their side, or to designate themselves by that military rank which they had so gloriously illustrated.

From the first moment I applied my mind to the present subject, I felt satisfied that if no other result emanated from my Motion, this hateful and pernicious distinction could not be permitted any longer to exist—that it was incapable of bearing the breath of public discussion. I think I may fairly congratulate myself that, whatever be the purport or extent of the late order in *The Gazette*—whether it be, as I humbly believe, a mere step in the table of precedence to Indian officers, or general military rank to them enabling Her Majesty to command their services in any part of the world—it is attributable to the accident of my having called public attention to the matter by the present Motion.

If the effect of the alteration be to give general military rank, and to enable Company's officers to command Queen's troops in Europe as they may now in India, and thus to enable the Crown to employ the right men in the right places, it is no doubt a very beneficial innovation. But I do not believe the late memorandum has this operation, and at all events it stops very far short of what the State requires in the organisation of its military forces. We want the British army, which I have shown consists of nearly 500,000 men, to be organised in as efficient a manner as any army in the world—we demand that our 12,000 British officers shall be as superior to all other officers in military attainments, as they are already in some other things. The great military questions of education for the army, training of a staff, recruitment, the mode of granting first commissions, promotion, military funds, and pensions, require to be treated on fixed principles, and with reference to one main object—the exigencies of the State. But general principles can only be applied efficiently when the army is dealt with on these subjects as a whole. Company's officers, who have an opportunity for acquiring military experience greater than is afforded to any other army of Europe during peace, far greater for example than the French army in Algeria, ought to be made available for the service of their country in every part of the world. Queen's officers ought to have all the same opportunities afforded them, and to be closely intermixed with Indian regiments, so as to be continually importing into India the latest results of military science and discipline. Above all, the Indian army ought to be placed on a footing of complete equality in all respects with the Royal army, and I affirm boldly that all these objects can only be fully accomplished by the amalgamation of the Queen's army with that force which nominally serves the East India Company. By such amalgamation opportunity would be afforded to select all that is excellent in the organisation of each army—for each has its excellencies—and to weed out the defects in each army, for undoubtedly each has its defects.

But there is higher ground even than this—for the sake of good Government in India the amalgamation would be incalculably advantageous. I maintain confidently that the organisation of your present system, and the relations between the civil and military power in India do not, to use a French expression, function well. What is it that is needed in India from the Queen's army? the youngest and most efficient major generals that that army can supply, men who from personal activity are able to take the field, and who by their knowledge and study of military science in Europe are able to import into Asia all that is required to prevent our fine Indian army from becoming a mere militia? What is it that our system actually produces at the head of the Indian army? Old men from the top of the *Army List*, some of whom have done no service at all, nearly all of whom are incapable from years to do any service, but who, at the most preposterous military salaries that the world ever saw, wile away their time at hill stations, pottering over courts martial with their Judge Advocates. If, on the other hand, the exigency of the times requires a vigorous general able to take the field, colllsion immediately ensues with the civil authorities, as in the case of Sir Charles Napier. Amalgamation of the two armies with the Civil Government strengthened by their ablest military servant as a War Minister, and military justice (which is a grave question of itself) placed in the hands of the local Governments, would enable you to employ the most efficient general officers we possess in true military functions, without setting up rivals to the Civil Power in every Presidency.

So again with respect to the natives, I affirm that your Government would be much strengthened by the army being in the direct service of the Crown, and on this point I am enabled to give the House some valuable native testimony. Ali Akbar, an Arab gentleman, who fought most gallantly by the side of Sir Charles Napier, at Meeanee, and who in that gallant general's opinion, did him more service in the conquest of Sind than 1,000 soldiers could have done, is now in London, and having observed my Motion on the paper he writes to me as follows—

"24, Maida Hill West, 12th April, 1855.

"My dear Sir Erskine,

"I read with great interest your notice of Motion in the House of Commons for the amalgamation of the Indian troops with Her Majesty's army, and I think it will be highly beneficial to the interest of the army in general and Indians in particular.

"It is quite true that the natives of India have not much love for their country, but they love their Sovereign not minding who he is. Everybody knows how the Seikh troops fought on the Sutledge: it is certain that if it was not for the treachery of their Sirdars, they were quite capable of marching to Delhi and Benares right over the Indian troops. Why were these men so courageous? four-fifths of them were natives of Hindoostan, the same class of men who fill the ranks of native troops in British India. Because they were fighting for their Sovereign; and when that Sovereign was no more, they dispersed and desisted, and so the Punjab was pacified.

"The change will give a new era to the native troops; they will consider themselves superior to those serving the native Potentates, and it is fact that the natives of India look to the Queen's troops far superior to their own; they are called *Padeshahee Fowj* (the Royal army), and themselves *Beparee ke Fowj* (the merchant's army).

"I enclose for your perusal a memorandum of few facts which came to my knowledge while in India, and "I remain, my dear Sir Erskine,

"Yours very sincerely,

"M. A. ACKBAR,

"Sir T. Erskine Perry, Knt., M.P., &c."

But there is another and a very important point of view in which this subject should be regarded. It is not safe to keep such a large army as you now possess in India attached to this country by so slight a tenure as that which exists. The Indian army, at the present moment, is altogether sound; the men, so long as you treat them as they have been treated, are not likely to be otherwise than well disposed; but a body of 6,000 officers, who leave England as boys, who pass the greater part of their lives in Asia, many of them at out-stations, have a tendency to become insensible to public opinion—to overrate their own importance — to become deadened to the claims of their mother-country. Such evils have manifested themselves formerly in the Indian army. Indian history tells us of more than one mutiny, and what has once happened may recur. I contend that in an old-established monarchy like ours the Sovereign's name is a tower of strength, and it is ineptitude to forego the use of it. No one more than myself places higher the qualities of Indian officers, especially of its lieutenants and captains, but no one is more impressed than I am with the necessity of a close intermixture with Her Majesty's service. The strict discipline, the unwavering allegiance, the chivalrous tone of Her Majesty's army are examples which Indian regiments are proud to imitate; nor can I forget that all the most brilliant deeds of war have been accomplished in India by Queen's officers—by Lawrence, Clive, Wellesley, Lake, and Napier. All these arguments suggest a closer incorporation of the two armies.

So far I have only considered the interests of the State, but the interests of each service would, I think, be equally furthered by the amalgamation. The Queen's officers in India would have thrown open to them, as of course, all staff and political appointments in India, and they are very numerous. Company's officers would have higher military rank and distinction presented to their ambition, they would find a wider field of service in Europe, and they would have the proud military distinction of being in the immediate service of their Sovereign. I have not the slightest doubt that all the *elites* of the Company's service would hail such a change with delight, and I am glad to be able to read to the House an extract from a letter to me by my gallant friend, Colonel William Mayne, whose name is so familiar to the British public—

"I am one of those who consider the amalgamation of the two armies as desirable, and for the advantage of both services. There of course must exist many obstacles to such a measure; but I cannot see any which might not be got over. I conceive the days of the purchase system in the Queen's army are numbered, therefore, without discussing the expediency of purchase being done away with, we shall find, by such a measure, the principal obstacle to the union of the two armies removed. I do not anticipate any evil from officers of the Royal army exchanging and being put into native regiments, or *vice versâ.* Really good men will soon become acquainted with the difference of the system of the two services, and will do generally as well in one as in the other, whilst indifferent officers will find their level, and will not have it in their power to do more harm in this corps than in that. . . . As regards the civil appointments in India which are filled by military men, there have been and are many officers of Her Majesty's army, such as Havelock, Mansfield, Markham, Lugard, Fisher, &c., &c., who are peculiarly qualified and much more fit than many of the East India Company's officers for appointments now open to the latter only; whilst there also are and have been several officers of the Company's army, whose names are well known to you, who might be employed with great advantage to the State in our European wars, and whose services it is ridiculous to lose. This anomaly would be got rid of by the amalgamation proposal."

Sir, whether this amalgamation should be effected by a complete incorporation of the Company's army with the Queen's, as is the case with the West India regiments and colonial corps generally, or that the army in India should be maintained as a distinct branch of Her Majesty's forces is a subject worthy of grave consideration, and requires to be minutely considered in all its details by military men. The latter course was suggested by a very great statesman, Lord Grenville, who, in his speech on Indian Government, in 1813, advocated most strongly that amalgamation of the two armies which I am now venturing to propose. I avail myself most gladly of his great authority, because the perusal of that speech will, I think, convince all acquainted with Indian Government that it is animated throughout by the highest spirit of statesmanship—a prophetic prescience of things to come. I would only observe on his proposition, which I am informed was also that of the Duke of Wellington, that its tendency would seem to be to make the Indian army a local corps, and therefore to place it on an inferior basis, which, in my opinion, would be extremely inexpedient.

But there is higher authority, if possible, than that of Lord Grenville for such an amalgamation as I propose. Lord Grenville, though a great statesman, was no soldier, and he had never been in India. I will refer the House now to one who was a great Indian statesman, a triumphant general, and who had for many years been Governer General of India—the Marquess of Cornwallis. During his voyage home from India, in 1794, he applied himself for some months to the special consideration of the Indian army, and the clear conclusion he came to was that, as a foundation for all good administrative military reform, the incorporation of the Company's with the Royal army was indispensable. In 1796, the then President of the Board of Control, Mr. Dundas, having heard that Lord Cornwallis had drawn up an elaborate plan for the amalgamation, addressed him, by His Majesty's desire, in a letter from which I will read an extract—

> "His Majesty is desirous of knowing your opinion on the best mode of new modelling the army in India, with a view to give safety and permanence to our Indian empire, and to prevent the continuance or revival of those discontents and jealousies which have so often manifested themselves between the King's and Company's troops, as well as between the Company's troops belonging to the different presidencies."

And one passage only from Lord Cornwallis's reply—

> "I do not conceive it possible that any system can be devised which would have a permanent and useful effect for the satisfaction of both services and for the public good, unless as a preliminary measure the whole of our force in India, as well native as European, shall be transferred to Her Majesty's service, and with a few modifications be regulated and conducted in future according to the rules which have long operated in the King's army.
>
> "It must, however, at the same time be clearly understood that all His Majesty's troops serving in India are to be perfectly subordinate to the Company's Government in that country, and to obey all orders they may receive either directly from those Governments or through them from the Court of Directors."

I could explain to the House why these wise suggestions were not then adopted, though they are well given by Sir W. Keir Grant in his evidence before the Common's Committee in 1833.

In 1811-12 and '13 the question was again revived before the Parliamentary Committees, and the House has already heard what the views of Lord Grenville on the subject were.

In the Committee that sat in 1833, the Secretary of the Board of Control addressed a circular on the same subject to a great many military men, and the answers elicited displayed many variances of opinion; but with the exception of Sir John Malcolm, who appeared to be favourable, and of Mr. Mountstuart Elphinstone, who was adverse, to the amalgamation, no very eminent names are to be found, either as Indian authorities or as English statesmen.

In the last inquiry before Parliament, which took place three years ago, this subject, like many others of surpassing interest to India, was unaccountably blinked, but thence a very powerful argument arises for the necessity of a searching Parliamentary inquiry at the present moment.

Sir, I have only one other argument to urge now in favour of an amalgamation, but it appears to me important. Whatever is done in this direction should be done extremely slow. The first and only great change at first would be in the denomination of the army, and the admission of Company's officers to universal rank. The systems in each army should be maintained at first unmodified. The sound principles to be applied to the united army would emerge from experience, discussion, and the opportunity afforded of observing the comparative excellencies and defects of each army.

I have trespassed so long on the attention of the House that I am unwilling to say another word, yet it is not treating the subject fairly to leave the difficulties and objections which environ the subject wholly untouched. For I admit, fully, there are grave difficulties in the way, but what important question of statesmanship is without them, and where be the glory of successful statesmanship if its course were entirely simple and smooth. But this I assert most unhesitatingly that having thrown myself into communication with all the best minds acquainted with India to whom I have had access, and having courted criticism and objections of every kind, I have met with no difficulties hitherto that have not been deemed superable by those best qualified to form an opinion. And as I ask the House to pledge themselves to no definite action, the mere existence of difficulties would seem to be a strong argument in favour of the inquiry which I propose. The difficulties which present themselves on a proposed amalgamation are of two kinds, and fall under the distinct classes of principle and detail. Of the latter sort are those which affect the different mode of pensions in the two armies, the military funds, the grounds on which exchanges should be permitted, and Queen's officers allowed to command native troops—all these are questions for military and professional men. The military secretaries in India, actuaries in London, could treat them far better than any discussion in this House. I have discussed with both classes of men the arrangements necessary to be made, and I believe firmly that no serious difficulties in practice would occur.

But there are principles to be laid down which only the legislature can determine.

The first that meets the view is founded on the doctrine propounded by Lord Grenville—that the army in India cannot be made Royal unless the Government is administered in the name of the Crown. With great deference to that illustrious statesman, I think our subsequent experience of Indian Government, running over forty years, enables us to see that this consequence is by no means inevitable. During the great part of that period we have had a Royal army in India of thirty thousand men, and I have shown that the absolute command of these troops is vested in the civil servants of the Company. But I will not rest on this argument, I will frankly confess that in my opinion the constituting the army of India a Royal force would sooner or later, bring about the introduction of the Queen's Government into India; but I would ask the House whether this is not the tendency of all our legislation with respect to India. The Company is, in point of fact, extinct for nearly all purposes of good; the three last Charter Acts have successively taken away from them all real power, and the Act of 1853 has so completely reduced them, that they are waiting in humility for the *coup de grace*, which it is not improbable the present House of Commons will deal out to them. Still if the Legislature choose to continue them in existence with their enfeebled powers, there will be no difficulty about it, and the Company will be able to exert a useful function by dispensing military patronage till some better system is adopted.

Sir, a more serious difficulty than this presents itself. The Indian services are afraid that if India is directly and nominally administered by the Government of the Crown, as it is indirectly under the name of the Company, it will be the signal for introducing aristocratic and Parliamentary influence, that is, jobbery of every kind. The Indian army would be justly discontented if the Horse Guards were to determine their staff appointments, or if home influences were allowed to operate on Governors and Commanders in Chief. I will admit, most frankly, that the evil of such results would be enormous to India, and I declare, solemnly, that if I thought there was the remotest probability of their occurrence, I never would utter a word or breathe a wish for the abolition of the Company's Government. But these are not days, believe me, for the introduction of new abuses; it is not always easy to eradicate old ones, yet we see them extinguished one by one, but no man of our generation has witnessed the growth of a new plant of this species. India, fortunately, whether by accident or design, or perhaps by the existence of special interests in England, has furnished a principle for the distribution of Colonial patronage of the utmost value, and which ought to be held up to view and be hallowed as a fundamental maxim in the treatment of dependencies of the mother-country.

In India, after the first appointments have been made from this country, the Home Government has no right or power, or means to interfere in promotion. A Governor General, who was as great a jobber as Bubb Doddington himself, would not be able to gratify his propensities. To preserve purity in administration, therefore, you have only to continue things as they are, and an Act of Parliament which should transfer the Government of India to the Crown in one clause, and enact that the local authorities only should have authority to distribute patronage in another clause, would justly claim to be the Magna Charta of India.

There is only one other topic that needs to be noticed, but it is too important to be passed over in silence. Promotion in the Indian service takes place, speaking generally, by seniority; how is the English system of promotion by purchase to be reconciled with it? Sir, I do not stand here to defend a rigid, inflexible system of seniority—which, however, the Indian system is not—but I am prepared to contend most confidently that, as between purchase and seniority, the latter is by far the fairer, the better, and more military system of the two. If the amalgamation should take place, the two systems of seniority and purchase might co-exist as they do already in the Royal army. At this hour I will not discuss which is the better system, but will make only one remark; the system of purchase is based wholly on one producible argument, there may be others that no one avows, but the only military or public ground which can be vouched is, that it tends to bring young efficient officers to the front. On this ground it has signally failed, as is admitted indeed expressly by the Commission on Army and Navy Promotion. But, singularly enough, it has proved itself inferior on this head even to the Indian system, for whereas in time of peace, under the system of purchase, the age of a Major General in the Queen's army averages sixty-five years, in the Indian army, as I have ascertained by reference to the India House, the average age is only sixty-two. I am satisfied that whenever this subject is referred to a Committee of competent men, having the interests of the public service alone in view, a mixed system of seniority and selection will be decided upon as the proper one for all promotion, civil or military.

Sir, after the kind attention which has been extended to me, I will not detain the House one moment by attempting to recapitulate my arguments. I have necessarily left a great many topics untouched. I have therefore opened a wide field for objection to all those who are interested in maintaining things as they are, or who believe that no improvement can be introduced into the organisation of the army of India. But I intreat the House to observe that on looking back to the discussions in Parliament during the last seventy years respecting the relations of England with India, they will find that every improvement in Government which the wisdom of Parliament has thought fit to adopt has been invariably opposed by the East India Company on special and local grounds, nearly always extremely plausible, but which subsequent experience has completely falsified. And if, in the present case, the House should think fit to support the Motion of which I have given notice, I am satisfied that a full Parliamentary discussion on the evidence brought before it will be equally fruitful in its results for good government in India, with those other Indian measures which Parliament has framed, notwithstanding the opposition of the East India Company.

Sir DE LACY EVANS seconded the Motion.

Motion made and Question put—

"That a Select Committee be appointed, to consider and inquire how the Army of India may be made most available for the War in Europe, and to inquire into the steps necessary to be taken if it should be deemed expedient to constitute the Army of the East India Company a Royal Army."

Sir JOHN FITZGERALD said, he did not see how any amalgamation could be accomplished between the Indian army and the European army. The expense of removing an army from India to the Crimea would be enormous. To induce the sepoy to leave India, he must have doubly pay and double batta. But he was perfectly certain that the sepoys never would be able to endure the march and the service that would be required of them. Under all the circumstances, he saw no possible benefit likely to arise from the appointment of a Committee, and he should therefore oppose the Motion.

Colonel DUNNE said, the Motion divided itself into two distinct parts; first, as to how many troops could be spared from India to go to the Crimea. That was a question for the Executive Government to decide. It was a question of policy to be considered by the Government, and not one to be sumitted to a Committee of the House of Commons. No doubt, if the East India Company said they could spare 20,000 troops from India for the purpose of prosecuting the war in the Crimea, it would be the duty of Her Majesty's Government to avail themselves of their services. The second proposition of the hon. and learned Gentleman was to amalgamate the Indian army with the Royal army, but that was a proposition which had always been strenuously opposed by the East India Company, and until the whole Government of India was transferred to Her Majesty's Government it would be unadvisable to have an army paid by one Government and acting under the authority of another. The recent appointments of Indian officers to commands in the East had been greatly detrimental to the officers of the Royal army, and but little compliment was paid to Her Majesty's officers when they were told officers from India were to receive commands over their heads in the Crimea. References had been made by the hon. and learned Gentleman to the appointments which had been made to the Turkish Contingent. He (Colonel Dunne) was, however, of opinion that a Turkish Contingent would never exist, because it would be impossible to induce Turkish soldiers to serve under Christian officers. The officers of the Royal army had, nevertheless, been passed over in the commands which had been distributed with respect to foreign troops. One gallant friend of his, Major General Chesney, a highly distinguished officer, and a man well acquainted with the East and with Oriental languages, had actually been appointed to one of these foreign legions, and after having received his appointment was removed to make way for an Indian officer. To make a rule that the whole of the commands in Her Majesty's service should be thrown open to Indian officers would hardly be dealing fairly with officers of the Royal army. Her Majesty's officers felt proud of the high honour and chivalrous conduct of their Indian comrades, but he did not think it either just or fair to transfer them to commands in the Royal army over the heads of the regular officers of that army. He was acquainted with several officers who had served through the whole of the Spanish campaign, but they were only recognised to this moment as civilians, notwithstanding the distinguished services they might have performed, and under such circumstances the hon. and learned Gentleman had no right to complain that the recent order merely conferred upon Indian officers honorary rank. If the propositions of the hon. and learned Gentleman were acceded to, he (Colonel Dunne) believed that the services of none but officers could be obtained, because it could not be expected that the Indian army could be transferred from India and placed in Her Majesty's service. Indeed, most of the Indian troops would be useless out of their own country. Many of them objected to cross the sea, and at the siege of Mooltan they refused to work in the trenches. They were an admirable force in India, and admirably commanded. The hon. and learned Gentleman (Sir E. Perry) had quoted orders of General Sir Carles Napier. There were orders of Sir Charles Napier of a very different tendency, and it was notorious that, however good the East India army was, it was necessary to mix up with it European troops, who were expected to take and had taken the lead upon all occasions. He trusted, therefore, that Government would not agree to the proposal. He had forgotten to notice one point. The hon. Member had compared the relative ages of major-generals in the two services, but he forgot that in the East India Company's service they had had several wars during the last few years, which had brought down the average.

SIR JAMES HOGG said, he had listened with great attention to the suggestions made by his hon. and learned Friend (Sir E. Perry) in introducing the Motion, and, having heard his hon. and learned Friend's panegyric upon the Indian army and its efficiency in every department, he had certainly been somewhat surprised to find that his hon. and learned Friend, knowing the authority under which that army served, had arrived at the conclusion that it ought now to be transferred from the authority by which it had been organised, and under which it had gained its present state of efficiency. The hon. and learned Gentleman spoke of some possible diversion that might be made by the Indian army in the present war, and then proposed that a Committee of the House of Commons should sit upon the question, and arrogate to themselves the functions of the Government both as to the policy of the war and the mode in which it was to be conducted. [SIR ERSKINE PERRY: "No, no!"] The hon. and learned Gentleman had certainly spoken of expeditions to the Persian Gulf, to the Crimea, and to the valley of the Euphrates, mentioning them only as several suggestions for the consideration of the Committee. Surely, to call upon a Committee to discuss such subjects would be to transfer to them the functions of the Government. The Motion of his hon. and learned Friend as it stood on the paper was this—to consider and inquire, in the first place, how the army in India might be made most available for the present war; and certainly it was a most gloomy anticipation with regard to the war, to say that, after a Committee had been sitting month after month, reporting to the House, and discussing the conduct of the war, another Committee ought to be appointed to inquire how far the Indian army might be rendered, not effectual for general purposes, but available for active service in the present war. He would, however, tell his hon. and learned Friend that that was not the question which ought to be considered. The real question was, whether the Indian army, or any part of it, could be spared from India consistently with the safety of our Indian possessions. That was certainly not a question for a Committee of the House of Commons to determine. Nay, it was not a question to be determined by the Government of this country. It was a question to be decided by the Governor General of India alone. The Governor General, if he were the man he ought to be, and if he were a man of such experience and talent as he ever had been, was alone competent to say whether a soldier could leave India with due regard to the safety and security of that mighty empire. This question, with regard to the Indian army being available, was not one of speculation; it was a question of fact. The experience of half a century showed that the Indian army had always been available. Had there been any difficulty in rendering that army available for the expeditions to Egypt, Ceylon, Java, the Mauritius, the Eastern Archipelago, China, and Affghanistan? He must, in passing, express his opinion that the Affghan war, though fought by the Indian army, and paid for by the Indian treasury, was essentially a European war. His hon. and learned Friend might say that he referred rather to the Indian officers than to the Indian army; and that was not so much a matter of speculation as of fact. Her Majesty's Government had stated that they wanted the services of Indian officers, and what was the result? Within a few days, almost within a few hours, hundreds of Indian officers volunteered, and at this moment there were many Indian officers serving this country under Generals Williams and Cannon. His hon. and learned Friend had thought fit to constitute himself a judge as to whether the proper officers had or had not been selected. His hon. and learned Friend had named men whose distinction was recognised throughout India, and he (Sir J. Hogg) would be glad to see those gallant officers employed in the service; but he must say that the officers who had already been selected were men of high distinction, and he was satisfied they would show themselves deserving of the confidence that had been reposed in them. His hon. and learned Friend proposed, by his Motion, to inquire into the steps which it might be necessary to take if it should be deemed advisable to constitute the Indian army a Royal army. He thought his hon. and learned Friend would have been a little more logical if he had established the condition precedent, instead of proposing to enter into an inquiry which was consequent upon a condition that did not exist. His hon. and learned Friend had told the House that he had nothing definite to suggest. It appeared to him (Sir J. Hogg) that the hon. and learned Gentleman was enamoured of some change, and that if he could only obtain some change he did not care what it was. In order to give to the arguments of his hon. and learned Friend the consideration which the importance of the subject demanded, he should proceed to deal, one by one, with the principal heads upon which those arguments were founded. The hon. and learned Gentleman first put upon the paper a notice of Motion for a kind of roving commission to inquire and see what Heaven would send them. The hon. and learned Gentleman, however, now asked for a Committee. He (Sir J. Hogg) was sure that if the hon. and learned Gentleman was sitting on the bench where he had so long presided with honour to himself and with advantage to his country, and if any one were to make to him such a proposal as he had now submitted to the House, he would regard it as a kind of political bill of discovery, to see if anything could be discovered upon which something could be founded. His hon. and learned Friend had directed attention to three prominent points—the amalgamation of the two armies; whether there should or should not be a distinct, separate, local army for India; and, if there were to be a separate, distinct, local army for India, whether or not that army should be a Royal army. The hon. and learned Gentleman said he felt a little difficulty with respect to the subject of amalgamation, and he (Sir J. Hogg) was not surprised that he did so. Indeed, his only surprise was that his hon. and learned Friend had not been more sensible of the difficulty, for he (Sir J. Hogg) regarded such an amalgamation as not merely a matter of difficulty but of impracticability. The two armies were, indeed, absolutely antagonistic the one to the other. In the Queen's army they had the system of purchase and exchange, and they had continual reliefs to different parts of the British Empire, but in the Company's army there was neither exchange nor purchase. In that army officers were gratuitously nominated to commissions; they did not rise by purchase, but solely by seniority; and so rigid was that rule of seniority that exchange was precluded. In the Indian army, the junior lieutenant not only had a right to have the stipulated number of lieutenants above him, but by the rules of the service he was entitled to have the same identical individual officers, alone his superiors in rank, and the rules of the service did not permit of any exchange under any circumstances. Then, with regard to the system of reliefs, the Indian army was a local army, and not only were its services confined to India, except under circumstances of peculiar emergency, but, as a general rule, the army of each presidency was confined to its own particular presidency. He thought, then, he was justified in saying that the constitutions and arrangement of the two armies were not only different, but that they were actually antagonistic the one to the other. There were, however, some other matters which his hon. and learned Friend had slurred over, but to which he (Sir J. Hogg) would ask the attention of the House. In the Indian army every officer, after a certain number of years' service, was entitled to retire upon the pay of his rank. There were also different funds—as, for instance, funds for widows and orphans, the contribution to which was compulsory—peculiar to the Indian army. How, then, was an amalgamation to be effected? Would they assimilate the Queen's army to the Company's army, and give the former these boons, or would they assimilate the Company's army to the Queen's and deprive them of their vested rights and interests? He asserted most confidently that amalgamation was absolutely impracticable. What he had said so far applied to the English officers and men; but how would the suggested change affect the sepoys? He would ask the House to listen to what the right hon. Member for Edinburgh (Mr. Macaulay) said of the sepoys. He said—

> "A hostile monarch may promise mountains of gold to our sepoys, on condition that they will desert the standard of the Company. The Company promises only a moderate pension after a long service. But every sepoy knows that the promise of the Company will be kept; he knows that if he lives one hundred years his rice and salt are as secure as the salary of the Governor General; and he knows that there is not another State in India which would not, in spite of the most solemn vows, leave him to die of hunger in a ditch as soon as he ceased to be useful."

That was a true description of the sepoy at the present time. Now, the sepoy had failings, and his prominent failing was suspicion, dislike, and fear of innovation. (He (Sir J. Hogg) did not exceed the bounds of fact when he said that any innovation alarmed and excited the distrust of the sepoy, even though it were for his own benefit. He would read to the House the opinion of an officer of the Indian army, the historian of the Affghan war, with respect to the danger of tampering with the sepoys, in consequence of their dread of innovation. Mr. Kaye said,

> "The people of India will bear a great deal, so long as they are used to it. They are very intolerant of change. They do not understand it. They are timid and suspicious. Benevolence and wisdom may go hand in hand in our measures, but the people are not easily persuaded that what we are doing is for their good."

This apprehension of change was peculiar to the people of India, and every man who had ruled that country had acted upon the principle of altering as little as possible the condition of the sepoys for fear of exciting some misapprehension. He (Sir J. Hogg) thought he had thus shown that the amalgamation of the two armies was impracticable, and he contended that, as they could not have such amalgamation, the army of India must be a separate, local and distinct army. At this moment nine-tenths of the army were natives. It must not only be a separate and distinct local army, but it must be a native army. We could not hold India by an exclusively European force. This country could not stand the drain of money and treasure; the two treasuries of England and India could not stand the drain that would be necessary to hold India exclusively by a European force. If they could do so it would be perilous in the extreme, fatal to India, and fatal to our hold on that country, from the disaffection and jealousies which it would excite in the native mind. The army, then, must be local and native, but it must be officered by British officers in order to be effective. These officers must be familiar with the language, the religion, the usages, and the prejudices of the sepoys; and, if such were their qualifications, they could not fail to conciliate them and command their affections. Without such qualifications, instead of conciliation, we would have alienation; and this brought him to a remark of his hon. and learned Friend, who spoke of Indian officers as if it were an advantage to be always looking to his native country. Now, he (Sir J. Hogg) contended for exactly the reverse. The Indian officer, to be effective and useful in the capacities he had indicated, must go out young—he must go out not too old to be transplanted. He must take root in India, and feel and look at India as his home; and not only must he remain in India, but remain in the same regiment, that he might know the pecularities of the natives at large, as well as every man individually in the regiment. The result showed that this was the fact. At the present moment there were 1,100 officers in the Indian army who, if they pleased, might retire on pensions, but who were so much attached to the country and so devoted to their profession and their men that they did not avail themselves of the privilege. A European force could not be in itself a local force in any sense similar to that of the native army. It ought to be identified with the native army. If it was so, it would be a source of strength and confidence; if it was not, it would fail to be either. Then there were about 30,000 Queen's troops for the defence of the Indian empire; but these were only auxiliaries to the native army. They went out as auxiliaries and remained such, their stay being usually short. In 1827, the Duke of Wellington said with reference to this very topic, "The Queen's army are, and must always be regarded as auxiliaries, and auxiliaries only to the Indian army." Now, was this the effect of mere speculation? Was this army in its present condition the work of any theory? No; like the best institutions of this country, it grew up and was altered as the exigencies of circumstances required. It commenced from small beginnings, gradually increased, and slight changes were made in its constitution till at last it arrived at its present state of efficiency. It was a fabric reared by the wisdom of a hundred years. With it was associated mighty names and mighty interests. That fabric might be pulled down and destroyed by the imprudence and folly of an hour. In the early periods of the Indian empire we had no army, there were jealousies and apprehensions in the way. The first soldiers we had were few in number, and they were Europeans. We had then no natives, and to show the jealousy that existed, he might state that the first troops we employed were the descendants of Portuguese, who were called "topasses." About the middle of the last century, however, we got into disputes with the native princes, and then commenced the organisation of a native army. At first there were only three British officers to a regiment, and the Indian army had no officer holding the King's commission till 1780. The first regiment was formed, he believed, in 1750, and was at the battle of Plassy, under Lord Clive. Such was the origin and constitution of the army as it now existed in India, a separate and distinct local army, having the aid of Her Majesty's troops, which were changed, as he had previously stated, after particular periods of service. It might be said, why could we not have a local Indian army which would at the same time be a Royal army? Now that raised the question, ought the army to be transferred to the Crown? His hon. and learned Friend said he would change it from being a local army, and thereby add to its honour, dignity, and consequence. Now he was decidedly of opinion that the effect would be exactly the reverse. As an Indian army it had acquired glory and distinction such as no other army could exceed. Instead of having the distinction of being a separate army, if we transferred it to the Crown it would become a kind of local army, it might become a sort of Ceylon regiment, or a West India regiment, but we should do away with all its prestige and its glory, and it would be without any of that proud spirit of hereditary renown by which it was now animated. In 1832, Mounstuart Elphistone, in reply to questions put to him on this subject by the President of the Board of Control, first spoke of the separation of the two governments, the civil from the military, as follows:—

> "The separation of the civil government from the military would probably not answer in any country, but least of all in India. The great problem there has always been to maintain the subordination of the military power to the civil, and to prevent clashing between the governors and commanders in chief. In this we have not always been successful, even when both drew their authority from the same source."

Then, speaking of the transfer of the army to the Crown, he said—

> "In that case, if the pride of officers was for a moment flattered by a more immediate connection with the King, that feeling would probably be altered when they discovered that, from a separate service, which had a reputation and pretension of its own, and was the sole object of attention to the military department of its Government, they even sank into an inferior branch of another army; and were scarcely known to the Commander in Chief."

That would be the fate of the Indian army if it was transferred to the Crown, the civil government being left with the East India Company. His hon. and learned Friend (Sir E. Parry) seemed to assume that he was fighting the battle of the Indian army and Indian officers, and, as a foundation for the assumption, he read a single extract from a letter of a distinguished Indian officer. He (Sir J. Hogg) denied that his hon. and learned Friend spoke the wishes of the Indian army. He did not pretend to speak for the Indian army on this subject, but he had at least as good means as his hon. and learned Friend of knowing its sentiments, and he believed that nine-tenths or nineteen-twentieths of that army would strenuously resist that amalgamation or transfer to the Crown, for which his hon. and learned Friend was contending. His hon. and learned Friend referred to the opinions of Lord Cornwallis on this subject, and gave a short statement of what had passed at that time; but, as he did not give the whole statement, he would supply the deficiency. It was true that before Lord Cornwallis left India he entertained the idea of an amalgamation of the Indian army with the Royal, and that on his way home he matured a plan which, on his arrival, he submitted to the Government. But the moment the intention of Lord Cornwallis to recommend such an amalgamation became known in India, the greatest ferment was created in the army, committees were formed and sat in London and different parts of the kingdom, and delegates were sent from the army in India to express their disproval of the proposed scheme. His hon. and learned Friend stated that the East India Company had collected evidence. Now, he denied that the East India Company had collected evidence. What was done was the spontaneous act of the officers themselves, alarmed at the change contemplated. As far as his recollection of the facts served him, the "delegates" sent over here by the Indian army were requested to change their names to agents, and they were received by the Chairman of the Court of Directors and the President of the Board of Control as individual officers. He would now simply read them a portion of one report made by these delegates while the matter was pending, and another when it was concluded; and the House then might draw their own inference as to the value of the argument founded on the opinions of Lord Cornwallis. Here was the report of the delegates—their own account of one of their verbal communications to the Chairman—

> "That we felt it our inclination, as well as our duty, to treat the Court of Directors with every respect; that our situation was unprecedented, as was the cause which had principally induced it. In all other cases, as public servants, we could look with confidence towards them alone as the channel of redress; but in the present instance, where we had every reason to believe a change of masters was intended without deigning to consult us, we conceived that our being officers did not deprive us of the liberty enjoyed by every other description of British subjects, namely, the asserting, by every legal means, our natural rights as men. We were not slaves, to be transferred at the will or caprice of a master. No Power had a right to convey its armies to another. That the officers in India had contracted to serve the Company; if they were to be transferred to the King, it must be with their own consent, and not on such terms as they chose to stipulate."

That was the case which his hon. and learned Friend coolly and deliberately cited as a precedent for the change now suggested, and represented as likely to be acceptable to the Indian army. When it was all over, and these same delegates made their report to the various committees constituted in India—a nice state of things, truly, for an army to be forming committees, and sending delegates home to represent them—they said—

> "It is with the sincerest gratification that we are at length able to congratulate you on the final adjustment and transmission of the new military arrangement. . . . . Our brother officers will, we trust, need no assurance from us, that we have not been deficient in zeal and exertion to obtain for them the solid advantages of rank, respectability, and ultimate independence, at the price of as few pecuniary sacrifices as possible. They will recollect that at the opening of the negotiation the subject was novel and the result hazardous; that a system had been formed and supported by the highest authority and the most overbearing influence, which threatened the subversion, root and branch, of those establishments to which, from long habit and from conviction of their peculiar adaptation to our situation, we are firmly attached. We have happily succeeded in obtaining an arrangement constituted in most parts on the principles which our constituents have themselves recommended. The reform has been temperate and cautious, and promises in

time to be effectual. The principal causes of complaint have been removed, improvements have been introduced, and room left for further ameliorations when the system shall have stood the test of experience."

Now, that was the course which the Indian army adopted in 1793 and 1794. What was the state of that army in 1793 and 1794? He meant as to the advantages they enjoyed. They resisted the transfer to the Crown at a period when they did not enjoy any one of the advantages which had since been conceded to them. At the period he had mentioned there were upwards of 1,500 English officers in the Company's service. Would not the House be astonished when he told them that the highest rank to which those officers could attain was that of colonel; that there were only twelve colonels, twenty-three lieutenant colonels, and twenty-three majors; that there was no retiring pension, no privilege of furlough to Europe, none of the advantages which they now enjoyed? But yet, in spite of the position in which they were then placed, they resisted, as he had shown, the proposed amalgamation. Mr. Dundas, then President of the Board of Control, was not an advocate for the amalgamation. He proposed not amalgamation, but a transfer to the Crown. However, Mr. Dundas and Lord Cornwallis both saw what his hon. and learned Friend (Sir E. Perry) had not seen, namely, the difficulties of the case. They both consulted, which his hon. and learned Friend, he feared, had not done—the wishes of the Indian army. They were practical men, and they abandoned the scheme, which, until this moment, had never since been deliberately revived. His hon. and learned Friend had alluded to Lord Grenville. Now, there was a very distinguished officer who took a part in these very discussions, and who, when he had attained a mature age, was again, in 1832, interrogated on the subject of amalgamation or transfer to the Crown. This was what Colonel Sherwood said in reply—

"A period of nearly thirty-seven years has now passed over since the Bengal, and, indeed, the whole of the Indian Artillery, were informed that Lord Cornwallis had proposed to the home authorities to 'incorporate them with the Royal Artillery, and to relieve them regularly from Woolwich.' I have a lively, and, I may say, a painful, recollection of the sensation produced by this promulgation. The major part of the regiment was then at Dum-Dum, at their annual practice. A meeting was held upon the occasion, where the proposition was looked upon with absolute horror, as destructive of all those hopes, rights, and prospects with which we had entered the service and had remained with every disadvantage for years. The road to Woolwich was pointed out as the road to ruin and despair. We thank God that this calamity was averted from us, and we fervently pray it may so continue."

That was the opinion of Colonel Sherwood, looking back to the transactions of past times and answering the question put to him deliberately in writing. But, upon general principles, could it answer that the civil authority in India should be vested in one body and the military in another? His hon. and learned Friend was conversant with Indian history. He would ask him whether such an arrangement answered in the early periods of that history, and whether he remembered the endless differences which existed between the Queen's and the Company's officers before the harmonious union now established? At that period the Queen's officers went out with a great idea of their importance. They held their commissions from the Crown, and did not serve a company of traders; and the result of such ideas was that constant collisions occurred. But let the House look not alone to the military, let them look at the peaceful profession to which his hon. and learned Friend belonged. Look to the Supreme Court of Calcutta—to their arrogance when first constituted—to the injuries they did inflict, and the ruin they would have inflicted, upon India, if their career had not been stopped by an Act of Parliament. Why, it had been the aim and object of Parliament ever since to try, as far as lay in their power, to remove these anomalies, and they had at last succeeded in rendering the authorities, civil and military, subservient to the civil Government. His hon. and learned Friend had spoken as if he would give the Company's officers the advantage enjoyed by the Queen's officers—namely, of coming home here, and of getting commands; but he had omitted altogether to grapple with the exceedingly difficult question of reciprocity. If you gave the Indian officers commands here, the necessary consequence was that the Queen's officers must be eligible to all the civil, military, and staff appointments in India, from which they are now entirely excluded. But it would be impossible to employ the Queen's officers for the purpose of filling such appointments. No person could fill those appointments without passing some kind of examination. At the present moment there were 5,000 officers in the Indian army, 1,000 of whom were upon detached civil or military service. His hon. and learned Friend would allow that this at present formed some sort of vested interest, and were they to withdraw from the Indian army the whole of these advantages, and let in the whole of the Queen's officers? Could those officers be severed from their regiments, and if they could, had they the necessary knowledge of the country, the language, and the prejudices of the natives? It was quite impossible that the Queen's officers, going out to India for a short time, could be so qualified, and this was quite inconsistent, moreover, with what he considered a requisite for India—namely, that you should have a local army. He did not think he was addressing a single individual who did not wish to do justice to the Indian army, and who did not recognise the glorious deeds of that army. But his hon. and learned Friend had read a most unfair catalogue of victories, and had told the House they were fought under Queen's officers. Now, why were they so fought? Because the Company's officers had been carefully excluded from such commands. So, those officers were not only to have their pride wounded and their interests destroyed, but were afterwards to see held up, in a kind of juxtaposition injurious to them, the exploits which the Queen's officers had achieved. During the last fifteen or sixteen years there had been eight great occasions on which the Indian army had taken the field—namely, in the campaigns of Affghanistan (two), Scinde, Gwalior, the Sutlej (two), the Punjab, and China; and only on one of those occasions was the chief command given to an officer of the Indian army. Was not that an injustice of which the Indian army had a right to complain? And what was the solitary occasion when it was vouchsafed to employ officers of the Indian army in chief command? It was when Generals Pollock and Nott were employed to retrieve the disasters of Affghanistan. He could not, then, be told that the reason why they were not so employed was, that Indian officers were inferior to and could not compete with the officers of the Queen's army; for, without pretending to say they were superior to the latter, he need not hesitate to assert that they were in every respect on a par with them. But it might be said that when there was a mixed army of Queen's and Company's troops, that might be a reason for giving the chief command to a Queen's officer. Admitting that it was so, he then asked, what did they do with their divisional commands? For those divisional commands officers were required with a knowledge of the localities, languages, and population, which none but Company's officers were likely to possess. How did they divide the divisional commands in the eight great campaigns to which he had referred? Fourteen were given to Queen's officers, and nine to Company's officers. Was that fair? Was it fair, not in reference to individuals, but to the public service, to keep these divisional commands for Queen's officers, who, perhaps, might have arrived in India only just before obtaining these appointments, and who were placed over the heads of the Company's officers, who had carved their way to distinction by their swords? But there were other employments in the Indian army, from which Indian officers were practically excluded. Had an Indian officer ever had the chief command at Calcutta, Madras, or Bombay? Perhaps the House would be astonished when he told them that in Indian history, from the days of Plassy to the glories of the Sutlej and the Punjab, they had never had an Indian officer fitted for any of those chief commands, if, indeed, such an inference were to be drawn from the fact, that no Indian officer had ever been selected to fill any of them. This matter had been urged again and again on the Government by the Indian authorities, and had been urged by himself as strenuously as he could urge any suit, but unsuccessfully. During the time he had mentioned there had been twenty appointments to chief commands in India; four of those appointments embraced the whole Indian territory; and as he had already stated he was ready to admit that with 30,000 of the Queen's troops in the country it was not unreasonable that such appointments should be confined to officers in Her Majesty's service. But the other sixteen vacancies had also been filled up by Queen's officers, despite the anxious remonstrances of the Indian officers. There was an excuse for this course during a certain period. The illustrious Duke then at the head of the army had a strong opinion on the subject, and he (Sir J. Hogg) was not ashamed to say that he respected even the prejudices of such a man. He therefore did not blame the Government for yielding to the strong feeling of that great man on the point. He was bound to say that on one occasion the noble Lord the Member for London (Lord John Russell) did use his efforts to obtain a subordinate command for an Indian officer, but they were unsuccessful. The illustrious Duke had so strong an impression of the necessity of employing a Queen's officer that it was painful to press him to take a step in opposition to it. But three appointments had been made to commands in Madras and Bombay since the death of the Duke of Wellington; and he wanted to know why the Indian officers had been passed over in each of those cases? In the month of May last, when he had heard a rumour of the proposed appointment to a command in India of a distinguished officer—a man, he believed, qualified to fill any office, civil or military, with credit to himself and with advantage to his country—he meant General Anson—when he had heard that rumour, he had written to the right hon. Baronet the present First Lord of the Admiralty, who had then presided over the India Board (Sir C. Wood), for the purpose of asking him whether it was the intention of the Government to appoint an Indian officer to the vacancy to which that rumour referred; and to his application he had received a very curt, and, he was sorry to have to say, a not very courteous answer, to the effect that "Her Majesty's Government had not taken the matter into their consideration." That might be the case, but the rumour that General Anson was to be the man turned out to be true, and he (Sir J. Hogg) made up his mind to adopt a different course in future; and, on the occasion of the next vacancy, he gave notice of a Resolution, rather a strong one, in their little Parliament in Leadenhall Street, with respect to the conduct pursued towards the Indian army. The result was that a letter was written by the Chairman of the Company in accordance with the Resolution, and to that a brief, but very courteous, reply was written by the same right hon. Gentleman, giving, on behalf of the Government, an assurance that in future the claims of the Indian officers to those appointments would be fairly considered. He (Sir J. Hogg) had no doubt but that assurance had been given in perfect good faith, and would be strictly adhered to by the Government. Some persons might think it desirable that there should be no Company's army in India; but he believed that the levying and the organisation of troops were essential privileges and functions of any ruling power. Without a Company's army they could have no Company's Government. He stated that deliberately. A civil authority supported by an army not its own might aspire to the name of an agency, and might be potent for mischief, but it could not aspire to the name or the dignity or the utility of a Government. That was true of every country, but it was especially true of India, where the sword had ever been the attribute of power. If they thought it would conduce to the public interests to reverse that settlement of the Government of India at which they had so lately arrived, let them do so; but let them do it openly. He prayed the House not to tamper with such a subject as that; he prayed the House not to trifle with such a toy as the Indian army; he prayed them not to give their support to measures which would strip the existing Government of India of all substantial power, and would degrade it in the eyes of the people, while it would continue, and he firmly believed, increase the evils which were complained of in the present system.

Sir DE LACY EVANS said, as he understood the object of his hon. and learned Friend (Sir E. Perry) in proposing the appointment of a Committee, was to carry out the very object which he had himself more than once advocated, he had no option but to support the Motion, without, however, binding himself to any proceeding which such a Committee might think proper to adopt beyond that of giving power to the Government to employ the officers of the Indian army in Europe, as they were employed in India. He did not think the actual terms of the Motion justified some of the arguments which had been advanced by the hon. Gentleman who had just sat down. The hon. Gentleman supposed that a question was to be submitted to a Select Committee, as to the propriety of sending an expedition to the Persian Gulf——

Sir J. HOGG said, that the hon. and learned Member (Sir E. Perry) had used that argument in his speech.

Sir DE LACY EVANS said, he was not quite sure that the hon. and learned Gentleman had introduced such an argument judiciously; but, after all, it was a mere argument. There was one part of the statement of the hon. Gentleman (Sir J. Hogg) with which he most cordially concurred; and that was as to the injustice done to eminent and distinguished officers of the East Indian army with regard to their appointment to high command; but, while he admired the good feeling displayed by the hon. Gentleman in touching upon that subject, he had been much surprised at hearing him adduce that circumstance as an argument against the present Motion, for it appeared to him to be a strong argument in its support; because, if there was any result which could be expected from the inquiries of a Committee, that result was, that full and ample justice would be done to all ranks of officers in the service of the East India Company. In his opinion the East India Company's army was an admirable army. It afforded an example for which he thought history could show no precedent—of an army, the privates of which were of one nation and the officers of another, and which nevertheless had displayed a feeling of loyalty to supreme authority, a courage and a capability which had never been surpassed. He felt thoroughly convinced that the arguments used by the hon. Gentleman (Sir J. Hogg) were arguments in support of, rather than against, the present Motion, and, when he took the objection that the present was not the fitting time for a Motion like the one before the House, he could only say that, in his opinion, no time could be more appropriate—a time when it was necessary to look to all quarters for support and for reinforcements. The hon. Gentleman appeared to have a desire to keep everything connected with the East India Company in *statu quo*, and every alteration, whether good, bad, or indifferent, which had been proposed had been opposed by him and by the other hon. Gentlemen in that House who might be said to represent the Court of Directors, as being likely to prove ruinous in its results. A short time ago, however, a considerable alteration had been made in the Government of India, not without disastrous results being prophesied by the hon. Gentleman; but those forebodings of evil had, fortunately, not been realised, nor did he think that the anticipation of the hon. Gentleman on the present occasion would be fulfilled if the House assented to the proposal now before it. There was another argument used against the Motion by the hon. Gentleman, which he thought was still more strongly in favour of it. The hon. Gentleman stated, that in the army of the East India Company there existed a strong propensity to mutiny; but, in his opinion, that disposition could not be increased by placing that army on the same footing as the Royal army. One most serious consideration connected with the disposition to mutiny in the Indian army was, that there had been tendencies to mutiny of a most alarming description, entirely confined to the officers of it; but would any one believe, that if those officers were placed upon the same footing as officers of the Royal army, that if they were called upon to recognise more directly the Royal authority, they would be as likely to threaten to throw off that authority as the hon. Gentleman had alleged they had been to throw off the immediate authority under which they at present served? He was not prepared to support the present Motion on account of any particular expedition which had been or might be undertaken, nor in order that any serious change might be made in the organisation of the Indian army, for he believed the organisation of that army to be good, but in a case of great emergency, such as that which now existed, he thought that it was worth the while of that House to allow a Select Committee to investigate the question as to whether some useful alterations affecting the availability of that army in other places besides India, and more especially of the European portion of it, might not be desirable? So far from sharing the fears of the hon. Member for Honiton (Sir J. Hogg) as to the results which might arise from the appointment of this Committee, he thought that the Motion was a very reasonable one, and one which ought to be acceded to by the House; and, although he had himself never brought forward a Motion upon the subject of so formal a character, he had, on previous occasions, urged the propriety of giving to the officers of the Indian army military rank and available duty in Europe. If nothing resulted from the Committee but affording to the European force in the Company's army available duty in Europe, that alone would be of great advantage. If now it were found by that Committee that our Indian territory was in a state of tranquillity, such as to afford the assurance that there was nothing to fear from domestic convulsion or from foreign aggression for a considerable period, why, he would ask, should the Government of this country, by a mere technical difficulty, be deprived of the advantage of being able to employ elsewhere a portion of the European force of the Indian army. He said European force, because he was not one of those who thought that it was desirable to employ sepoys in the present war in the Crimea, as they did not possess sufficient strength for that species of work; but the English force in the service of the East India Company, he considered, might be employed to advantage. They would also derive benefit to themselves by being brushed up a little in European warfare, and would return to India with additional confidence and experience. He was not aware whether the Government had not at present the power of employing that force, but if they possessed it, he must suppose that there were difficulties which prevented them exercising it, and the appointment of the Committee now moved for might remove those difficulties. In order to secure the services of Indian officers in the present contest, high additional local rank had been offered to them; but he should like to know the reason for such a supercession of Royal officers. There would be no necessity for adopting such a course if the Government would only make known that the officers of the Indian army should rank equally in Europe with Royal officers and should be as available for service. With regard to appointments to high command in India, the present state of things in that respect also might be remedied by the appointment of the Committee now moved for. It appeared to him to be a most scandalous thing that officers of the Indian army, who had gained laurels in many a hard-fought field, should be deprived of the prospect of holding high command, and should be placed under the orders of officers, who, no doubt, had an opportunity offered, would have distinguished themselves, but who had never seen anything of practical service before the enemy. A promise of a change had been made, but he should like to see something more than a promise, and he, as a Queen's officer, could only say that, if any high command were offered to himself, he should be ashamed to accept it over the heads of men whom he believed to have a prior claim to himself. He thought that these were very strong reasons in favour of the appointment of the Committee. The position of the Indian officer was altogether an anomaly. He enjoyed the opportunity of being appointed to a number of offices to which considerable emolument was attached, but they were not of the highest honorary character. He might distinguish himself in India, and find when he came home that his position was not recognised. The other day some slight social advantage had been accorded to the Indian officer, but still he had no official position. [Some expressions of dissent from the Treasury benches.] If the right hon. Gentleman would inform the House that it was intended practically to render those officers available for the Queen's service in Europe, he should alter his opinion upon that subject, but he had not yet heard that such was the intention. Without charging the Government with anything like an attempt at equivocation, it certainly appeared to him to be very doubtful what their real meaning was. Different interpretations had been given by different Members of the Government to the document to which he referred. The Premier, however, was present, and let the noble Lord plainly inform the House, that all legal difficulties to the employment of those officers in Europe were removed. He looked upon the Motion as a very limited and modest one, considering the great importance of the subject to which it referred, and as one from which no fearful consequences were to be apprehended. He believed it to be extremely inconvenient and injurious to the public service of the country, that able and eminent and distinguished officers should not be eligible to be employed upon every service which might be required of them. We could not have too many officers of eminence and ability available for the service of the Government, and he therefore begged leave most heartily to support the Motion of his hon. and learned Friend.

Mr. VERNON SMITH said, that as the office over which he had the honour to preside had been so pointedly alluded to by his hon. and learned Friend who had brought forward the Motion, and by others, as if it were entirely responsible for a decision on the combination of the Indian army and the Queen's army, he trusted, although perhaps he might think that the War Department was the more responsible of the two, that the House would indulge him while he addressed a few observations to the House upon the Motion of his hon. and learned Friend. He was not urged thereto on account of any great favour with which the Motion had been received by the House; indeed, his hon. and learned Friend seemed in his speech to shrink somewhat from his own proposition; and the hon. and gallant Member for Westminster (Sir De Lacy Evans), who had seconded it, stated that he did not look to the "result" of the Committee, and that he only wished to show that he was still favourable to the proposition that some use should be made of the Indian army for the Queen's service. Now it was to the "result" of the Committee, however, that the House of Commons was bound to look. If he entertained any apprehensions in speaking to the present Motion it was not because he feared that he should be unable to show that a Committee would be a very improper tribunal to investigate this question; but lest in dealing with a subject of such delicacy and difficulty anything which he might utter might, from his poverty of speech or some other deficiency, be considered as offensive to the officers either of the Indian or the Queen's army, to both of whom he wished to pay the utmost deference. The real question before them was, whether this was a subject into which a Committee of the House of Commons should be entrusted to inquire? He entreated the House, in considering it, not to be led away by that very natural anxiety which agitated us all in the present state of warfare, and induced us to look in every quarter for every means and chance of success which could be provided. It was not for that, he hoped, that the House would plunge itself into a scheme which, instead of promoting the good it sought, might engender such confusion as must militate against success. At the same time he was perfectly prepared to say that it was the duty of the House and of the Government to search for assistance in every direction, both in India and other quarters where it could reasonably be expected. In pursuance of that view officers who had distinguished themselves had been brought from the Cape of Good Hope and elsewhere, and their services had been made use of in the Crimean expedition. He, therefore, saw no reason why the services of Indian officers should not in the same manner be sought for a like purpose. He entirely agreed with his hon. and gallant Friend (Sir De Lacy Evans) that Indian officers ought to be promoted to commands in India; but he did not agree with him by any means that that would be the necessary result of a Committee, or that it would emanate any more from a Committee than from the Government. His hon. Friend the Member for Honiton (Sir J. Hogg) stated that he had made representations upon this subject to the Board of Control which had been curtly and very ungraciously received. He (Mr. V. Smith) could promise his hon. Friend, if he would again address that Board on the subject, that he should receive as long an answer as he pleased. He would not, at all events, be either curt or discourteous; but he could not promise that in all cases the Indian officer should be preferred to the Queen's officer, if the latter were a man of greater merit and distinction. He thought that the general rule should be that the best man should be put in command, whether he belonged to the Queen's service or to the Company's service. That was the only rule which should be established throughout the service. At the same time there was another thing which must not be neglected in any of these considerations. We must not consider, because at this moment we were absorbed in one thought—how to carry on the war in the Crimea—that, therefore, we must neglect every other part of our empire. That was a delicate subject to touch upon; but he would ask, was not India an important part of our empire, and had there not been pamphlets, and speeches, and warnings without number during the last century that we should beware of Russian aggression in India? For his own part, he undoubtedly thought that the difficulties of the country, the embarrassments which would arise from hostile tribes, the difficulties of commissariat, and altogether the impediments to the progress of a Russian army in India were such as to render the idea of a Russian aggression almost a chimera. But if we thoroughly denuded India of her army and stripped her of her best officers, we might so lose the *prestige* of power in India as actually to offer an invitation to such aggression. That was a question, therefore, which must not be left out of sight. So far as he was concerned, he had no prejudice; or, if he had, it would be rather in favour of the Indian army, because it was connected with the department over which he presided, and he likewise had many interests and associations in that country. At this juncture he quite agreed that we ought to lay aside all those ties which might be very beneficial in less arduous times; Etiquette and Routine, which were the handmaids of Discipline in times of peace, should now be thrown aside, and that there was nothing to do but to select the fittest men for every situation which the Queen's service might require. It was upon that ground, therefore, alone that he consented to argue this question; and he could not agree with his hon. Friend the Member for Honiton, when he said that we had no right to take from India any portion of her army or officers, and that that was a matter only to be decided by the Governor General. In looking at the Motion now under consideration, there were two great questions involved—one was the very large subject of the amalgamation of the two armies; the other was apparently of inferior importance, although, owing to the irritation to which it had given rise, it could not be regarded as a very insignificant one. With regard to the first of these questions—the amalgamation—he thought that his hon. Friend the Member for Honiton had hardly dwelt sufficiently upon the difficulties of reciprocity; because he quite agreed with his hon. Friend that the whole question had been argued upon a one-sided principle. People talked of transferring Indian officers here, but they forgot the transfer of Queen's officers there. That was the greatest danger of all. Under an amalgamation, of course, Queen's officers would seek employment in India if Indian officers were brought here. Then there would be this difficulty, that we must put our Queen's officers over native regiments, and that they would have to deal with sepoys and with irregular cavalry, a duty for which they would be totally unfitted from their want of knowledge of the habits and language of the Natives. Notwithstanding what had been stated by hon. Members, he feared that the danger of appointing Queen's officers to sepoy regiments was not altogether imaginary. The experiment had often been tried, but always without success. In 1818, a remarkable case occurred. Major Bunce, a major of dragoons, a gentleman of very great capacity, possessing an admirable temper and good qualifications for command, an Oriental scholar, and perfectly acquainted with the native habits, was put in command of a native regiment, and he believed that that officer was the only instance of the commander of a native regiment being cut to pieces by his own soldiers for attempting to suppress a dangerous mutiny. The totally different discipline, too, of the sepoy regiments must be taken into consideration, the different mode of enlistment, and all the various qualities which it was necessary an officer of native troops should possess, and which could only be thoroughly acquired by long and early study. The question of amalgamation, therefore, he took to be all but impracticable. He certainly was very much surprised when the hon. and learned Member for Devonport (Sir E. Perry) among other authorities, quoted that of Lord Grenville) in favour of amalgamation. Like many other hon. Members, no doubt, he had looked to that famous speech of Lord Grenville, delivered on April 9, 1813, on Indian affairs, and he certainly did not find that that noble Lord was an advocate of this amalgamation. These were his words—

> "To blend, indeed, as has sometimes been recommended, into one indiscriminate mass the general army of the Crown and the local force of India would be the inevitable ruin of the empire. I have no doubt of it. The military patronage of the Crown, already so great, would then exceed all bounds; we should lose the inestimable advantages of local education, knowledge, and habits, so necessary for the command of native troops; and the unjust partialities, preferences, and supercessions, to which the distant service would infallibly be exposed, must soon break down its military character; must, too, probably renew —I shudder to pronounce it—the criminal scenes, which we have so lately witnessed, of military and public rebellion."

A stronger opinion against amalgamation could not well be expressed. Lord Grenville then went on to say that he did not see that the same objection applied to making the Company's army a King's army in name merely, securing to it a complete parity of rank and promotion with the King's army, but still preserving its local character and local advantages. The same argument applied also to the quotation from the speech of the Marquess of Wellesley. That illustrious authority spoke of something which ought to be done, but he acknowledged the difficulties of dealing with the sepoys, and he pointed out that the reason why they consented to embark so readily in the Egyptian expedition, though contrary to their usages, was because the officers were acquainted with their feelings on the subject; and it was on these very points in dealing with the natives that the Company's officers must naturally be superior to the Queen's officers. The same line of argument applied also to the authority of Sir John Malcolm. He also spoke of something which ought to be done; but in a note on Lord Cornwallis's scheme he pointed out the difficulties which would arise on the question of "exchanges," and he confessed himself entirely unable to deal with those difficulties. But the hon. and learned Gentleman (Sir E. Perry) had entirely omitted this point from his consideration. The hon. Member for Honiton (Sir J. Hogg) had so entirely disposed of the argument founded on Lord

Cornwallis's scheme that it was not necessary for him to touch on that part of the case. It should, however, be borne in mind that that House had already pronounced upon this matter in 1813, in 1833, and in 1853, in each of which years Acts of Parliament had been passed which contained the army of the East India Company. Besides this there were many eminent authorities against amalgamation; for instance, Sir Jasper Nicholls, General Scott, and Sir Lionel Smith, in their evidence before the Committee of 1832, expressed their strong disapproval of the project. The hon. and learned Gentleman had omitted, too, from his consideration that, if the Queen's and Company's armies were amalgamated, it would be necessary to amalgamate the armies of the three presidencies together, so that the scheme must be one for the amalgamation, not of two, but of four armies. One very important question, which ought not to be lost sight of, was, that by this amalgamation the whole patronage of the Indian army must be thrown into the hands of the Government at home, and, considering the disposition which was now manifested in certain quarters to criticise every appointment made by the Commander in Chief, it was certainly rather an unexpected proposition to make to throw into his hands about 5,000 additional appointments. With regard to the withdrawal from India for the purposes of the present war a large body of the European troops in the Company's service, that he conceived would have a very injurious effect on the Indian army, for he had always heard that the mingling of European with sepoy troops was of the greatest advantage. The hon. and learned Member for Devonport professed to hold very cheap the memorandum which had lately appeared in the *Gazette,* giving Indian officers equal rank with the Queen's officers everywhere. From what he had heard from Company's officers, however, he did not think that the boon was regarded by them as an insignificant boon, nor would it appear as though the hon. and learned Gentleman really had that opinion of it, for he had attempted to appropriate it to himself in some degree, by declaring his belief that, if it had not been for him, the memorandum would never have appeared. He (Mr. V. Smith) must, however, claim some share in the responsibility for this memorandum, for it was on his suggestion that the Commander in Chief had made the change, and, as the House appeared to take great interest in this subject, he would take the liberty of reading his first letter to the Commander in Chief—

> "My Lord,—I have the honour to transmit to you the draught of a memorandum the object of which is to give to the officers of the East India Company's army, in all parts of Her Majesty's dominions, the same rank and precedence as that to which their respective commissions at present entitle them in the East Indies. If you approve the memorandum, I request that you will take an early opportunity of submitting it to the Queen; and that, in the event of Her Majesty being graciously pleased to signify her acquiescence, you will cause it to be notified in the *London Gazette.* It will also be necessary that instructions should be sent to the Commander in Chief in India, directing him to insert in the commissions which in the Queen's name he issues to the Company's officers the words 'with corresponding honorary rank elsewhere,' after the words 'to hold the rank of —— in the Queen's army in the East Indies.'"

The hon. and gallant Member for Westminster (Sir De Lacy Evans) seemed to think that this was only a question of social rank, and he had called on him (Mr. V. Smith) to state what meaning the Government attached to it. The object of the memorandum, he conceived, was to give to Indian officers by right that which they hitherto held merely by courtesy. He had found, on inquiry into the subject, that Indian officers had had some grounds for thinking themselves slighted as compared with officers of the Queen's army. It might be very possible that the idea of "serving the Queen" had led the officers of the Queen's army to think they had a right to consider the Company's officers as inferior to themselves, for he had heard that in social meetings Company's officers had not been allowed to return thanks for the army when the toast was drunk, and this, though a petty, was to them a painful distinction. He had also been told of another instance, in which the lady of a Company's officer, on the voyage home from India, had been deposed from her precedence over the other ladies on board as soon as ever the ship passed the Cape of Good Hope. These things were certainly very ridiculous, but in a profession of honour they were, perhaps excusable causes of offence. Of course, local employment and local command must be given to every man, whether he were a Queen's or a Company's officer; but the effect of the memorandum would be that, where a man had become a major general in the Company's army, he might at once be sent to the Crimea, and would rank as a major general there, according to the date of his original commission in India, and not according to the date of such appointment. At present, when in India a Company's and a Queen's regiment were serving together, the officers commanding them ranked according to the dates of their commissions, and the effect of this memorandum would be to apply the same rule in Europe. The memorandum, though local employment and local command were given, would yet greatly facilitate the employment of Indian officers, together with Queen's officers; and it would not confer on Indian officers equal social rank merely, but equal military rank also, with that held by Queen's officers. The hon. and learned Gentleman quoted a letter from Colonel Mayne as to the question of the amalgamation of the two armies. Now, all must admit that there was not a more gallant or dashing officer in the Indian service than Colonel Mayne, and no one could more admire his high qualities than he (Mr. V. Smith) did; but he was not aware that that officer had directed his attention so specially to the subject of proposed amalgamation as to render him an authority upon it. But, with regard to the memorandum that had been issued by the Commander in Chief, he (Mr. V. Smith) had heard the opinions of several distinguished Indian officers, among whom were Sir George Pollock, Colonel Sykes and Colonel Oliphant, who all highly approved that document, and considered it a valuable boon and advantage to the Company's service. [The right hon. Gentleman here read the written testimony of Colonel Oliphant, the Chairman of the East India Company, as to the benefit which would be conferred on the officers of the Indian army by the Queen's warrant recently issued in their favour, and then continued]—Coming now to the more immediate question which the House had to consider, they were asked by the hon. and learned Gentleman to appoint a Select Committee to investigate how the Indian army might be made most available for the war. The Motion, in its original form, asked the House to agree to an address to the Crown, praying for the issue of a Royal Commission to prosecute the proposed inquiry. Now, the Government would certainly have equally objected to the appointment of a Commission as to a Select Committee; but, if such an inquiry as the hon. and learned Mover contemplated were to take place at all, a Royal Commission would certainly be the better mode of the two for its prosecution. On a Commission they might have the assistance of military men of experience in the Queen's or in the Indian army, who might be competent to deal with such a question; but with all due deference to that House a Select Committee chosen from its Members would be a most unsuitable tribunal for such a purpose. If the hon. and learned Mover had adhered to his previous intention of merely calling the attention of the House to this question and confined himself to doing that, there could have been no fair objection to his adoption of that course, because, however difficult, and even delicate, the topics on which he had touched, yet advantage accrued from their occasional discussion in Parliament, and it was only due to the public that they should be considered. The hon. and learned Gentleman, however, as had been justly remarked by the hon. Baronet (Sir J. Hogg), did not content himself with asking for an inquiry as to how the Indian army should be made available for the war in Europe, but actually took upon himself the distribution and arrangement of that army—matters, surely, which must be left to the Executive Government. Even if it were desirable that the Government should take advantage of the services of the Indian army in Europe, it was hardly necessary to have a Committee to inquire how those services might be made available. Putting out of view the expediency of the proceeding, the process would be very simple and easy. The Cabinet would meet and decide on the transfer of certain regiments in India from that country to the Crimea, and then send a request to the Court of Directors, that they would be good enough to prepare a despatch requiring the authorities in India to remove such and such regiments from Bombay, Madras, or any other place where they were stationed. It would be extreme rashness, or even perfect madness, to do such a thing without first consulting the Court of Directors and also the Governor General. But it must not for a moment be supposed that although it would be unwise not to consult them, it would be necessary to do so. There was no doubt as to the power of compulsion in the Crown, but the discretion of the Company would never call it into exercise. Then, again, as to the granting of military commands to the Company's officers, surely it was not meant that the Government should be compelled to employ those officers? Would not the hon. and gallant Member for Westminster allow them to exercise their discretion as to whether they would do so or not? The Crown had the power of commanding the services of Indian officers practically at present, because he would not consent to argue the question whether officers holding the Queen's Commission, when called upon to serve their country, would refuse, on the ground that they could only be required to serve in India, and need not, unless they chose, go elsewhere. Those officers, he was persuaded, if called upon by their Queen, would be ready to accept any honourable employment that might be offered them. On this part of the subject, therefore, no inquiry was needful. Then, as to "the steps necessary to be taken, if it should be deemed expedient to constitute the Indian army a Royal army," it must first be determined by the House whether the measure proposed was expedient or not, and then the Committee could consider the details. The hon. and learned Member for Devonport, however, took it for granted that the conversion of the Indian army into a Royal army would be expedient; he jumped at his conclusion, passing over all the details, although those details were the only matters into which the Committee could possibly enter, supposing the House to have first determined that the amalgamation was wise and politic and ought to take effect. Without undue presumption, the steps necessary for constituting the Company's army a Royal service could easily be pointed out. In the first place such a measure would necessitate the repeal of so much of the Act of 1853 as gave the East India Company power to organise and maintain troops. A Select Committee would have no authority to reverse the decision on this point so maturely and deliberately arrived at by the Legislature and embodied in an Act of Parliament two years ago. Again, the assimilation of the two armies would require the whole of the Indian army to be brought under the Mutiny Act of this country, because, there not being in India that constitutional jealousy which caused our Mutiny Act to be renewed from year to year, the Mutiny Acts passed there lasted for a considerable period; and the Government at home could not have the power of disposing of 300,000 Indian troops, as now suggested, without awakening the same popular feeling which had at all periods in our history been manifested in regard to the Crown's control over the army. He could not but think that his hon. and learned Friend brought forward this Motion more for the purpose of raising a discussion on this question than for any definite result. He hoped, therefore, he would not press his Motion to a division, but if he did he (Mr. V. Smith) must repeat the warning given to the House by another hon. Member to beware how they trifled with the question of the Indian army. On that army depended not only the preservation of India as a portion of the British empire, but the progress of civilisation and the amelioration of the condition of the people; for they must recollect that our empire in India rested upon the opinion entertained of our invincibility. One of the ablest men that England ever produced, or India educated, one whose attachment to his duty was so grand that he was the Wellington of civil life, who, when worn out by anxiety, and harassed by bodily agony, evinced the same cheerfulness of spirit and the same courage as when early in life he threw himself into the breach at the head of a storming party — he meant Sir Charles Metcalfe—had stated with reference to India—

> "Some say that our empire in India rests on opinion, others on main force. It, in fact, depends on both. We could not keep the country by opinion if we had not considerable force; and no force that we could pay would be sufficient if it were not aided by the opinion of our invincibility. Our force does not operate so much by its actual strength as by the impression it produces, and that impression is the opinion by which we hold India."

He asked the House, therefore, not to raise questions of the most delicate nature, which, by shaking the faith of the people in that army, might tend seriously to endanger the stability of our empire in India.

Mr. OTWAY said, the right hon. Gentleman the President of the Board of Control had remarked that the hon. and learned Gentleman who brought forward the Motion for a Select Committee was only actuated by a desire for change; but he could not understand that at a time like the present, any hon. Gentleman could move a Resolution with such a motive. It had been urged that there would be danger in amalgamating the two armies, but this consideration had little weight with him, for sooner or later the amalgamation must take place. It was inevitable. Now, when he considered the character of the officers in the Indian service he could not help thinking that they were the men of all others who ought to be selected for the duties it was sought to impose on them. In the present position of this country, he thought their services could not be too highly estimated. It was an important consideration that in consequence of the casualties of war there were very few officers who had served a fitting time to supply the vacancies with efficiency; it was therefore the more necessary that they should open the door to the entrance into the Queen's army of the Indian officers. He had taken the trouble of ascertaining the length of service of the officers of the three regiments of Guards now in the Crimea, and he found that as regarded the Grenadiers, the officers had not seen on the average three years' service, that eighteen junior officers in the Fusiliers had not served forty years amongst them, and that in the Coldstream Guards there were eighteen officers who had only fifteen years' service amongst them. No doubt there were difficulties connected with the proposed amalgamation, but they were merely difficulties of detail which he considered could be easily overcome. The hon. Baronet (Sir J. Hogg) made an objection as to pensions. The answer to that was very simple, that the pensions might remain precisely as at present. When an officer was transferred to the Queen's service, that service would be counted as service in India. The hon. Baronet also said they must not tamper with the sepoy, for he was suspicious. But he did not suppose that by a transference to the Queen's service, the pay and emoluments of the sepoy would be tampered with. And, he would ask, had the sepoy's pay never been tampered with under the government of the Company? Had we not lately an instance of a regiment mutinying in consequence of such tampering? And was not Sir C. Napier obliged to disband that regiment? The hon. Baronet likewise said there ought to be reciprocity in this matter, and that if Indian officers were to be appointed to rank in the English army, English officers, on the other hand, should have the privilege of being appointed to places in India. Upon that subject, however, the right hon. Baronet formerly at the head of the Indian Board (Sir C. Wood) had stated to him last year, that a despatch had been sent out to India suggesting, if not requiring, that the Queen's officers should be appointed to staff offices in India, if properly qualified; and it could not be supposed that any officer would be so appointed who was not properly acquainted with the language and habits of the people of India. He was very glad to see the recent memorandum which had been issued on the subject of rank of Indian officers; but he should like to know whether by virtue of that memorandum any Indian officer who might be appointed to a position by Her Majesty, would be bound to serve wherever he might be ordered, and whether he would be liable to a court-martial in case of refusing such service. The President of the Board of Control said, the principle of his government was that the best man should be appointed when an appointment was made, and he gave him credit for wishing to be actuated by that principle. The right hon. Gentleman asked if they were to denude India of troops. Nobody had proposed to do so, but they surely might make them available. He thought it would have been well if they had sent the young soldiers to India, and there organised them, and had sent the seasoned soldiers of India to the Crimea. Then the hon. Baronet (Sir J. Hogg) said it would be unwise to give more patronage to the Horse Guards, and from what they had seen of the way in which the patronage of the Horse Guards had been exercised he should not be very willing to give them more; but that danger might be got over by giving more commissions to the students of military colleges, to public schools, and by giving a certain number to the orphans of those who had distinguished themselves in the service of the State. Another reason why he wished this change to take place was, that he believed if the Indian army came into contact with the Queen's army it would be impossible to retain in the latter the system of purchase. He believed that a combined system of promotion by seniority and selection was the best system, and to that they must inevitably come. It was not unwise to follow the example of other countries in this matter. In the Algerine army when a man attained the rank of captain in the Zouaves, he was immediately transferred into the army serving in the other portions of the world. In Russia it was much the same thing. He had seen lately in the newspapers that our troops had made a capture of a Tartar, armed with bow and arrow, serving in the Russian army. This showed that the Czar drew on all his vast hordes to recruit his army, and we would do well to follow his example with referencce to our Indian army. In giving his vote for the Committee he was mainly influenced, however, by one consideration, and that was a desire, in the terms of the Motion, that the House should consider and inquire how the army of India might be made most available for the war in Europe, and to inquire into the steps necessary to be taken, if it should be deemed expedient, to constitute the army of the East India Company a Royal Army.

MR. J. G. PHILLIMORE said, he did not expect all the benefits which hon. Members anticipated from the change proposed, while he thought there were constitutional objections to bringing so vast a military power under the control of the Queen, without any of those safeguards which the constitution considered necessary. He should be glad to revise the ill-considered measure passed two years ago for the better government of India, but he did not suppose that any nation could govern another country if the military power was taken from its control. It was preposterous to say that the Government of India should be left in its present hands, or that the people of India could look up to the present Government with respect if they were to be deprived of their military power. The history of India teemed with instances of the danger of weakening the hands of the civil Government, and of the mutinies which had broken out when men were placed over the army in whom the sepoys were not accustomed to confide, and when disputes took place between the Governor and the Commander in Chief. He could not vote for this Motion, but he was ready to join in any measure for inquiring into the government of India.

MR. DANBY SEYMOUR said, that the project now before the House had been agitated since the days of Pitt, but he doubted whether this was exactly the time to consider the matter, because it was only two years ago that great changes were made in the Government of India, which he believed would be followed by salutary results. Opinion in India was fermenting between the old and new state, and it would be far from wise, he considered, to interfere with changes which were already working well. He did not think any dispassionate person could have followed minutely the improvements in the three Presidencies and not have recognised a great change in policy as compared with that which prevailed a few years ago. Some hon. Members had asked why the Government did not employ the European forces of the East India Company? The answer was, that the European force in India was very small, only amounting to about 14,000 men, and it was a subject of grave consideration whether, instead of being diminished, it ought not to be increased. The expense, too, of removing troops from India to any part of Europe was very great, and the men who had lived in the country, learnt the languages, and become accustomed to the habits of the natives, were far more likely to have influence over them, should anything like a revolt occur. But Her Majesty's Government had not neglected to inquire how far the military force in India could be diminished, and two regiments of dragoons, as the House was aware, and two regiments of infantry, likewise, he believed, had been withdrawn. The chief argument for this proposal was, that under existing regulations Her Majesty's Government were not able to employ Indian officers or Indian troops. He believed that was a total mistake, and that there was no obstacle, save the will of the authorities at the Horse Guards, to the employment of any officers or troops who had served Her Majesty in the preservation of her Indian empire. Whatever misconception might have existed had been removed by the memorandum of the right hon. President of the Board of Control, which had shown the liberal policy of the Government, and afforded great satisfaction to all Indian officers. An hon. Friend of his, a distinguished Indian officer, who had served in the battles of Alma and Inkerman, and also at Balaklava, informed him that before that memorandum in the army of the Crimea he was merely in the position of a civilian, whom no soldier was bound to obey, although he was allowed by Lord Raglan to serve as a volunteer in an infantry regiment. Consequently not the least effect of that memorandum was, that it allayed the jealousy which before existed between the two services. No doubt there was a feeling, perhaps a natural feeling, on the part of those who had served in Her Majesty's army, and had the power of appointment, to prefer their brethren in arms to officers with whom they were not acquainted, but the statement of the President of the Board of Control, that the only principle which actuated Her Majesty's Government was to regard the fitness of the person for each office as it fell vacant, and the expression of opinion which the debate had elicited, would have an effect on those who were, heretofore, influenced by prejudice, and tend without amalgamation, to secure for the service of the nation all those who were best qualified to conduct its armies in the present emergency. The refusal of the Government to accede to the motion rested upon the ground that it was impossible to separate this question from the great political question of the transference of the Indian Empire to the Government of the Crown. He thought that great organic change should not be lightly undertaken or suddenly executed, and that some interval should elapse between the curtailment of the powers of the Court of Directors and its ultimate dissolution. That important subject must be considered within twenty years, and then would be the time to take into consideration the military part of it, or, in other words, the amalgamation of the two armies.

Mr. JOHN MACGREGOR said, he deprecated all rash conclusions, and he could not avoid expressing an opinion that that House was too prone to treat with levity questions of great importance. But he warned them that a deep sentiment prevailed throughout the whole British empire on the questions that now occupied their minds, and that they would be called to a solemn account for what they did, not only with respect to the question of the war in the Crimea, but also in regard to such questions as that which had been brought forward that night by a Gentleman who had highly distinguished himself as a Judge in India. Although the hon. Gentleman who had just sat down had expressed himself with very considerable ability, yet let not the House be led away by his fallacies, but let them judge of the matters before them according to the dictates of common sense and sound reason. An immense responsibility devolved upon them in managing the affairs of India and the East, and he therefore hoped that the House would not that night divide against the question, but would give it further consideration. He looked upon this as the commencement of a series of debates on questions of the most vital importance to the country, and he would take this opportunity of expressing a hope that his hon. Friend the Member for Aylesbury (Mr. Layard) would not bring forward his motion on Monday next, but would wait the result of the motion of Lord Ellenborough in the House of Lords, and then bring forward his motion on a subsequent day.

Sir ERSKINE PERRY said, he fully agreed with the last speaker, in thinking that the Government had not treated the question he had submitted to the House with that gravity which it deserved. The right hon. Gentleman the President of the Board of Control, seemed to think that he (Sir E. Perry) had brought this motion forward merely for the purpose of provoking a discussion. He could assure the right hon. Gentleman that he was far too practical a man to waste the time of the House in endeavouring merely to get up a discussion without having any practical object in view. He had endeavoured to show the great advantage that would result from having an additional force brought from India into the Crimea, that force consisting of the Company's troops as well as those of Her Majesty. He believed that a force of 25,000 additional men in the Crimea would be most useful at the present conjuncture. How had his argument been met by the Government? First, it was asserted that the Committee for which he asked was unnecessary, because the Government already had the power by their own orders of sending such a force into the field. He would venture to tell the right hon. Gentleman that course was not so easy of performance as he supposed. He had high military authority for saying that there were many military difficulties in the way of any such orders being executed, as he appeared to consider would be sufficient. Whenever the Company's troops and Her Majesty's troops co-operated out of the Indian dominions, the Company's officers would always be inferior, and that would be an obstacle to the combination of the two services. The hon. Baronet (Sir J. Hogg), having convinced himself, had also endeavoured to convince the House, that the amalgamation of the two services was impracticable. But was he not aware that, two years and a half ago, the question was seriously discussed whether the Government of India should not at once be transferred to the Crown? Had that transfer taken place then, as a matter of necessity, the two services must have been amalgamated. The Committee for which he (Sir E. Perry) had moved had been objected to as not being Parliamentary; but he had shown that in the year 1833, the President of the Board of Control submitted an inquiry similar to that which he now asked for before a Committee of the House of Commons.

Question put.

The House *divided:* Ayes 62; Noes 171: Majority 109.

MR. LAYARD'S MOTION.

MR. LAYARD: Sir, before proceeding with the Orders of the Day, I wish to say a word or two in order that there may be a clear understanding with regard to my Motion. I think the noble Lord at the head of the Government misunderstood my intentions when he stated that I was about to force my Motion upon the House on Monday next. I had certainly no such intention. When I requested the noble Lord to give me a night, he declined, and said I must find one for myself, and I then intimated that I would bring my Motion forward on going into Committee of Supply. I understand that on Monday night there will be an important Motion in another place, and perhaps it would be for the convenience of the House if my Motion were postponed till a later day. I think, therefore, that I had better avail myself of the kind permission given to me by the noble Lord the other night, and find a day for myself.

EDUCATION (SCOTLAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. C. BRUCE said, he objected to proceeding with a measure of such great interest and importance at that late hour (a quarter to eleven o'clock). Two hon. Gentlemen had occupied the attention of the House for eight hours in discussing the Bill of the right hon. Baronet (Sir J. Pakington), but the Bill of his right hon. and learned Friend (the Lord Advocate) had been as yet scarcely discussed at all. Under these circumstances he would move the adjournment of the debate.

VISCOUNT PALMERSTON said, it was most desirable that the Bill of his right hon. and learned Friend (the Lord Advocate) should be proceeded with as early as possible. The Government had been frequently taunted with putting off important measures, and now they were resisted when they proposed to proceed with one in which great interest was felt. He could not consent to the adjournment of the debate, and he hoped the House would feel that it was trifling with a measure of great importance to say that at that hour the House was not capable of duly considering it.

MR. HADFIELD said, he should support the Motion for adjournment, believing that the Bill deserved to be more calmly and fully considered than would be the case if it were proceeded with at that late hour.

MR. BLACKBURN said, he thought it would be trifling with the question to proceed with it at that hour. He begged hon. Members to contrast the course taken by the Government with respect to a Bill concerning the whole people of Scotland with that which they had pursued with respect to one merely affecting the local management of the metropolis. He must complain that the Scotch Members were from night to night kept in uncertainty about the time the Bill was to be discussed.

MR. DISRAELI said, he hoped the noble Lord would reconsider his decision, as there were several hon. Members who wished to express their opinions on this subject, as well as the hon. Member for Elginshire (Mr. C. Bruce), who had intimated his intention to speak at considerable lengthh. He (Mr. Disraeli) thought it would be very inconvenient to have an adjourned debate on the question of going into Committee; and he hoped, therefore, that the noble Lord would consent to the postponement of this Bill, and would proceed with the other business upon the paper.

LORD ELCHO said, that he felt there was the greatest desire on the part of the people of Scotland that this Bill would be proceeded with without delay. The principle of the Bill had been fully discussed on the second reading, and he, therefore, regarded the tactics of the hon. Gentlemen opposite, as directed to postpone, and eventually defeat a measure on which they had already sustained a defeat in a fair stand-up fight. In deference to the real feeling of the people of Scotland on this question, he hoped the noble Lord at the head of the Government would not consent to the adjournment of the debate.

THE EARL OF MARCH said, he could not allow the noble Lord who had just spoken to assume to himself to represent the feelings of the people of Scotland, which he believed were hostile to the present measure. This Bill was one of vital importance to the people of Scotland, and it was, therefore, the duty of hon. Members from that part of the country to secure its full and adequate discussion. As he believed this was impossible at that late hour, he should vote for the adjournment.

Mr. E. ELLICE said, he trusted that the noble Lord at the head of the Government would not consent to the postponement of the debate. There was now a much fuller attendance to discuss the Bill than (from the dryness of the subject to English Members) there was likely to be if the debate was brought forward at an earlier hour in the evening. The opinion of the people of Scotland on this question was sufficiently shown by the fact that there was a majority of three to one of the Scotch Members of that House in favour of the Bill of the right hon. and learned Lord Advocate.

Mr. F. SCOTT said, he hoped that his hon. Friend (Mr. C. Bruce) would press his Motion for adjournment, as there had been an understanding that the debate on this Bill should not come on after half-past ten o'clock in the evening. Such understandings between the leaders of parties should be kept even if they were made in the lobby.

The LORD ADVOCATE said, he must deny that there had been any such understanding. So far was that from being the case, that he positively refused to agree to such an arrangement.

Mr. F. SCOTT said, at all events it was his impression, and that of those who were with him, that there was such an understanding. He could not, however, rest his case on such a trivial ground. It was trifling with the people of Scotland to bring forward a debate of so much importance at an hour of the evening when it was impossible that it could be fully and adequately discussed. So far from the opinion of the people of Scotland being in favour of this measure, it was clear from the petitions that it was directly the reverse; for while the petitions in favour of the Bill were signed by only 1,400 persons, those against it received the signatures of 20,000 persons. Believing that it was impossible to finish the discussion that night, and that the debate must, therefore, be adjourned, he should certainly oppose their going on any further at that time.

Mr. V. SCULLY said, that Irish Members were accused of obstructing the progress of public business if they objected to proceed with any Irish Bill, however important, at one o'clock in the morning. They were never able to bring on their business at the hour at which the House had then arrived, and if it was to be settled as a rule that no Irish measure of importance should be brought on after eleven in the evening, he believed that not even one would be discussed in the course of the Session.

Mr. STIRLING said, that, even if injustice had been done to the sister island, he thought there was no reason for committing an act of injustice with regard to the people of Scotland. The petitions presented from Scotland showed that there was this year, as compared with last, a great reaction against the Bill. To show the change of feeling that had taken place, it would only be necessary to compare the number of petitions presented this year with those presented last year in its favour. Last year there were for the Bill 651 petitions, signed by 61,476 persons; against the Bill, 753 petitions, signed by 40,635 persons; for alterations and amendments, 182 petitions, signed by 20,967 persons. During the present year there have been only thirty-four petitions for the Bill, signed by 1,412 persons; against it, 330 petitions, signed by 24,183 persons; while for alteration and amendment there have been 309 petitions, signed by 16,873 persons, showing the immense change of public opinion in Scotland which had taken place since last year. Under these circumstances, he felt himself fully justified in protesting against the House proceeding with it at that hour in the evening.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 119; Noes 165: Majority 46.

Question again proposed, "That Mr. Speaker do now leave the Chair."

Mr. CUMMING BRUCE: Sir, I will yield to the expressed feeling of the House, and proceed—When the House thought fit, after a discussion of some three hours, which certainly, as far as its duration was concerned, bore no very just proportion to the importance of the subject involved in it, to reverse, in regard to the second reading of this Bill, the decision to which it came last year, it did appear to me that, as there were several Members who had desired to express, but had been prevented from expressing, their opinions upon it, there would be nothing unreasonable in an endeavour to afford them that opportunity by meeting the Motion now before the House with an amendment, that the House should go into Committee on this Bill this day six months." I, however, determined not to take that course, and for this reason :—The second reading of a Bill is held to involve its principle. Now, this Bill involves two principles, not necessarily associated with or dependent on each other in such a way as that the assertion of the one should of necessity involve the rejection of the other—yet they are so associated in this Bill. The one is the principle of the guaranteed union of religious with secular education; the other the principle, simply, and by itself, of the extension of the means of education. Those by whom this Bill was opposed voted from considerations connected with the assertion of the first of those principles; those who supported it, on considerations connected with the second. And yet it might very well be, and in respect to many Members — myself among the rest—actually was the case, that they entirely accepted and approved both those principles taken separately, and their votes were influenced by their greater or less appreciation of the principles which, improperly, if not unfairly, as it seems to me—are so connected in the Bill that it seemed impossible to accept the one without, in appearance at least, rejecting the other. Such being my views in respect to the Bill, and to the decision to which the House came the other night—by which, as it seems to me, the first of those principles was practically subverted—I have deemed it right to move the instruction of which I have given notice, with a view of enabling the House to affirm both principles; and I have, therefore, no hesitation in stating frankly at the outset that the object of my motion is to induce the House to consent, if it should agree to give to the Committee the instruction which I propose—that one of the Bills should be directed to the improvement and maintenance of the parochial schools in their existing connection with the Established Church — and the other to extend the means of education to localities where those means may be deficient, in such a way, and on such a system, as the House may consider more adapted to their alleged peculiar and different circumstances—and if this House agrees to give this instruction, I should propose to my right hon. and learned Friend that he should consent to the second reading of the Parochial Schools Amendment Bill, with a view to its being referred to the same Committee (Parochial Schools Bill). My right hon. and learned Friend seemed to taunt us the other night for having expressed our willingness, provided the existing parochial schools were left in their connection with the Church, to hand over the education of the towns and manufacturing rural districts to a system which was characterised as purely secular, and liable to all sorts of objections. But my right hon. and learned Friend did us injustice in this, and did not state the matter with his usual fairness. We never either said or sang—

> "How happy could we be with either,
> If only we both might enjoy."

What we said was this, that while we thought the existing system contained the best security for the maintenance of the religious elements of education, and, as such, that which we should have desired, had it been practicable, to extend to all schools; yet that, being of opinion, in consequence of the prevalence of dissent among large masses of the population, especially in the towns, that such extension was impossible—a melancholy proof, if proof were wanting, of the evils arising from the unhappy differences by which the Churches of the Reformation on points, in Scotland, at least, of very secondary importance are distracted—we were willing to assent to the principle of this Bill, as far as the extension of the means of education were concerned, reserving to ourselves the liberty of endeavouring to obtain in Committee some more reliable guarantee for the maintenance of the religious elements in the teaching of these new schools than were to be found in the clauses of the Bill itself. What we said was this—we have in the parochial schools a sound principle; in the absence of any reasonable pretence for interfering with it, as shown in the practical working of the schools themselves, we desire to maintain it. We should prefer to see it extended to all schools, but, as practical men, we see that there are great difficulties at present in the way of applying it in its integrity, in the large seats of manufacturing and commercial industry, and we are therefore willing that, in so far as they are concerned, it should be so modified as to obtain from it the greatest amount of practical good. My right hon. and learned Friend, therefore, was scarcely justified in this representation of the opinions we had expressed in this respect, or in representing us as indifferent to what might be the effects of his measure on the population of the towns. The difference between us in regard to them is simply this—we agree with you that it is the duty of the State to construct new channels of education where such may be required—but we think, and we contend that you should so construct them as that—to use the just and eloquent words of Wordsworth,—

> "The flood
> Of sacred truth may enter, till it brood
> O'er the wide realm, as o'er the Egyptian plain
> The all-sustaining note."

Now, having avowed that the object of my amendment is to preserve in the existing parochial schools the guarantee which they by law possess for the maintenance of a principle which we deem of inappreciable value—and at the same time to confer on the towns and densely-peopled agricultural districts extended means of education, retaining as much of that principle as their different circumstances will permit—I shall not think it necessary to criticise in any hostile spirit the provisions of the right hon. and learned Lord's Bill as it applies to the extended means of education which it proposes to afford. To many of those provisions I entertain very strong objections—still stronger objections to the omission of provisions essential to its professed object; but they are capable of being amended in Committee, and any proposals for their modification may more conveniently be delayed till the Bill is in that stage. My object will now be to show the House, as shortly as I can, that our national system, as it at present exists—and to the extent at least to which it at present exists—is deserving of support—that its maintenance would in no way interfere with conferring additional means of education where they may be required—and that the grounds on which it is assailed by my right hon. and learned Friend, if divested of the fascination with which his very captivating eloquence can invest arguments in themselves of little value—are really insufficient to warrant the conclusions he rests on them. First, however, I should wish, in justification of the course we have already taken, shortly to recall to the recollection of the House what that course has been. The House will remember that, in introducing this measure last year, my right hon. and learned Friend grounded it on the assumption of a great deficiency in the means and machinery of education in Scotland. We, by whom the Bill was opposed, and successfully opposed last year, based our opposition on these, among other grounds—that the existing system, which the Bill, if passed, would seriously injure—was fully adequate to meet the educational wants of the rural districts to which it applied—that it was at the present moment in a state of increasing efficiency—and that it afforded a security for the union of religious with secular education for which we looked in vain in the system which you proposed to substitute. We asserted, farther, that its maintenance would in no way interfere with your power of introducing increased means of education when they might be required. We conceded the existence of such necessity in towns and densely-peopled rural districts to which the existing system does not extend, and we professed our willingness to concur in supporting any measure more adapted to their peculiar circumstances, which might obtain the sanction of Parliament and the country as far as they were concerned, provided it contained some definite and reliable guarantee for religious teaching—all we asked was, that as far as the rural districts were concerned, the right hon. and learned Lord would let well alone—that he would leave the parochial schools in their useful course of continuous and rapid improvement—conceding to us only in regard to them such changes of detail as might enable them more effectually to carry out the objects of their institution—changes which are admirably set forth in the Bill introduced by my hon. Friend, the Member for Perthshire (Mr. Stirling) and which, I trust, he will take an opportunity of fully explaining to the House—and, as a further inducement to the right hon. and learned Lord to agree to this most reasonable proposal, we offered to renounce all claim for increased pecuniary support from the State, and ourselves to contribute the additional funds required to bring the salaries of their teachers up to the standard of remuneration assumed in the Bill of the right hon. and learned Lord. The House is aware that already the salaries of the teachers, and the erection and maintaining the school-house and schoolmaster's accommodation, are defrayed by the proprietors of the land—of whom more than 2,000 have declared their earnest desire that the existing system should be maintained. The right hon. and learned Lord, however, has rejected all compromise. He rallies the forces of the Government to the cry of "The Bill, the whole Bill, and nothing but the Bill;" and, as regards the existing system of the parochial schools, his only answer has been *delenda est.* Now, that answer leaves little hope to such Members as voted for the second reading in expectation of being able to persuade my learned Friend to consent to modifications in Committee, and, therefore, believing that a principle and a system of inappreciable value will be endangered and put in jeopardy if the Bill in its present shape should obtain the sanction of the Legislature, I have considered it my duty to ask the House to take the matter into its own hands, and by agreeing to this instruction, while it concedes all that has been proposed with regard to increasing the means of education where such increase may be required, to take care that an existing system of proved utility, and dear, as I believe, to the vast majority of the rural population of Scotland—a fact sufficiently proved by the petitions presented to the House—shall not be subverted and swept away. You all agree that it is most desirable that religion should lie at the foundation of instruction in your schools. This was the object of those by whom our present parish schools were established. We believe it to be adapted to that object, and that it has solved the difficult problem of the union of religious and secular education better and more effectually than it has ever before been solved by any system of national education—and we desire to maintain it till you have shown us that another system can more effectually work out this first necessity of education—properly so called—and why should you not consent to this? You referred in terms of merited eulogy to the speech of my right hon. Friend, the Member for Droitwich (Sir J. Pakington), and to the principles embraced in his Bill. I only wish that you had taken a leaf out of his book, and pursued the same fair and judicious course as he proposed with reference to existing schools. I was confident that we should have his support, because I felt sure that he would recognise, in dealing with a question of this kind, the difference which exists between our two countries—in the one of which a national system has long existed—in the other it was to be introduced for the first time. But what does he say with reference to the existing schools?—

> "Another and very important point in this Bill is, that in no case will it interfere with existing schools or existing interests. We must not, in our wish for improvement or extension, lose sight of the progress education has already made in this country. On that point I have to state distinctly that my proposal will interfere with no existing schools—it will be entirely optional whether they come into the unions or not—and even if they do, I will respect existing schools on two conditions, which I believe to be indispensable—the one is, that they will submit to a periodical and satisfactory inspection; the other, that they shall be subject to the provisions of the Act, with regard to religious teaching."

Now, this is precisely the course we ask you to adopt—and with regard to your new schools, he proposes an arrangement for securing religious teaching far preferable to your own—at present, indeed, you propose none. But my right hon. and learned Friend rests the justification—the necessity, as he asserts, of the changes he proposes in the constitution of the parochial schools on three grounds—1st, That, being connected with the Established Church, that Church no longer represents the religious opinions of the majority of the people of Scotland. 2dly, That, in consequence of this change in the opinions of the people in regard to the Established Church, the parochial schools have acquired, in consequence of that condition, a sectarian character; and, 3rdly, That their maintenance would interfere with the uniformity which he considers essential to a system of national education. Now, I shall not stop to inquire whether my right hon. and learned Friend has accurately represented this matter of the majority. The Census returns are, on the face of them, extremely deficient; but, such as they are, it would not be difficult to show that my right hon. and learned Friend—and still more the hon. and learned Member for Greenock (Mr. Dunlop)—has not examined the figures with his usual accuracy, but must have looked at them through spectacles less strongly tinged with a Free Kirk mixture. The educational returns, for which I moved, and which I hold in my hands, would lead to a different conclusion; for I find that, of the scholars attending school in Scotland, the return stands thus—

> "Parochial schools connected with the Established Church, 2,035. Free Church, 768; United Presbyterian, 54; Episcopal, 68; Roman Catholic, 28; Church of England, 1; Original Secession, 1; Reformed Presbyterian, 1; Congregational, 1; Baptist, 2—In all, 924."

Thus all other denominations, it will be seen, amount to only 924. A margin, returned "Non-denominational," amounting to 1,931 schools may be claimed also, to a large extent, by the Established Church. The scholars stand thus—

"Established Church, 151,590. Free Church, 67,000; other denominations, 27,586—Amount to 94,586. Non-denominations, 126,991."

But, besides the inference which may be drawn from this, it is notorious that the Free Church, on whose account this movement is made, are now rent by dissension; and that in some districts, as in Badenoch and the centre and north Highlands, their ministers are superseded by a set of fanatics called "the men," whose more attractive ministrations are emptying and shutting up their churches. I find it so stated in a paper sent to me this day from Inverness, and the fact—a very deplorable one—admitted by the advocates of the Free Church themselves. But when he objects to the parochial schools, as connected with a Church which is no longer that of the majority, the objection seems to me to rest on a fallacy, or rather on a misunderstanding of the principles on which these schools were founded. Those principles do not depend on the question of majorities and minorities. They are based on the general principles to which you assent, that religion lies at the foundation of all sound instruction, and this principle cannot be maintained without the intervention of some recognised religious body. Accordingly, when the parochial schools were established in 1816, and confirmed by Parliament in 1633, the Church established in Scotland was Episcopalian, not Presbyterian, and the control, now exercised by the Presbyteries, was vested in the ordinary or bishop. No one will pretend that the majority of the population was then more favourable to the Episcopacy than they now are to the Established Church, but this control was then, by our wiser ancestors, vested in the Episcopalian, simply because it was the Established Church, and, as such, the only one over which the State could exercise that control which it had a fair, and, as they thought, necessary claim to exercise in a matter of this importance—for, if it was its duty to provide for the education of the people, it was no less its duty to assure itself, so far as this could be done, that the education so given was such as it could approve. The results, as proved by long experience, have been so eminently successful, that they leave you no ground, even of expediency, on which to set up a plea for withdrawing the superintendence of these schools from the Established Church because of the so-called Free Church secession, without which, I believe, this proposal never would have been heard of. The State, in 1663, having determined that its duty called on it to educate the people, and that the education should be religious, vested the superintendence in the Established Church, not because it was the Church of the majority, but because the State knew what she taught, and must continue to teach so long as she continued to be the Established Church. I must say, that it appeared to me that you have advanced no argument based on this ground of majorities and minorities, which, if pushed to its legitimate consequences, does not apply, in Scotland at least, quite as strongly to the parish church as to the parish school—to the pulpit as well as to the master's desk. But, if it be really your object that she should cease to be the Established Church—a motive which I should be loath to attribute to the Ministers of a Sovereign who has sworn to maintain and to uphold her—to Ministers, whose duty, I should have thought, imposed on them the obligation of maintaining her as one of the great and settled institutions of the State; but, if this be your object, and I can conceive no course more calculated than that which you propose to bring about such a result, for no Church can long stand unconnected with any schools, an opinion of the truth of which the Free Church have largely shown their conviction; but, if this be your object, then I do say that it would be more manly and more straightforward to avow this at once, than to go on, year after year, with these covert and insidious attacks on her position and usefulness. We should then know how to meet you, and the question might be fairly raised, whether it was for the national interest to drive her from her place as an Establishment in order to make way—for such, I presume, would be your object, seeing that you hold by the principle of an Establishment—for a Church which rejects all intervention by the State, not only as regards the doctrine she holds, but in the arrangements of her ecclesiastical polity. That battle has been already fought, and Parliament most wisely, in my judgment, determined that it would not sanction the setting up again in Scotland a clerical power which, under the plea of asserting the independence of the Church in things spiritual—an independence which no one ever dreamt of questioning—refused obedience to the law, and submission to its legally-constituted tribunals in matters connected solely with her temporalities, and with the interpretation of the terms on which, as a condition of her alliance with the State, those temporalities had been conferred. But the right hon. and learned Lord tells us, also, that now, when, as he alleges, the Established Church no longer numbers among her adherents a majority of the people of Scotland, you impart to her parochial schools a character of sectarianism by leaving them in their connection with that Church; and this character of sectarianism he describes as a great evil. We answer you, and answer you truly, that the teaching in these schools never has been accused of being of a sectarian character. Parents of all denominations, including Roman Catholics, show no unwillingness to avail themselves, for their children, of the education afforded in them; and, except in cases of such bigoted and intolerant interference as has—I am informed—been exercised in one or two of the northern counties, where the Free Kirk minister has refused the privileges of the Church—admission to the Sacraments of Baptism or the Holy Communion—to persons who presumed to send their children to parochial schools, or who refused to withdraw them; except in cases of such excommunicating interference, I have never heard of any objection on the part of parents to avail themselves, for their children, of the advantages of the parish schools on this ground of their sectarian character. I am bound to say that these disgraceful proceedings were condemned and repudiated by the respected leaders of the Free Church; but, in fact, the mere circumstance of their connection with the Established Church excludes, to a great degree, this character; for there is in the very nature of the Established Church something adverse to the spirit of proselytism—an atmosphere of quiet and acquiescence unfavourable to its development and its growth. But you propose to substitute for it a state of things under which sectarianism can scarce fail to take root and flourish. Your schoolmaster, then, must belong to some religious denomination, and I should like to know on what ground you suppose that he will be less desirous of inculcating his own peculiar views than the teacher of the Established Church—or why the parents should be less jealous of the one than the other. Nor would the evils which you affect to deprecate as arising from the sectarian spirit be confined merely to the teaching of the schools; they would extend to the preliminary operations of the teacher—and on occasions of vacancy we should have every parish distracted by the influence of this spirit, and the different religious bodies brought into a state of angry and jealous collision. As the law now stands, the parish schoolmaster must be a Member of the Established Church, and no such contest takes place, because the people acquiesce in a law from which, for 200 years, the greatest benefits have accrued to them, and which, in its operation during that long series of years, has never been chargeable with the evils arising from the spirit of proselytism. The vast majority of the petitions in favour of the existing schools of itself puts this beyond all question, and my conviction is, that if you succeed in carrying this measure, as it relates to the parochial schools, you will throw a brand of discord into our hitherto peaceful parishes, and evoke that very spirit which you profess to deprecate; for remember that your movement is an aggressive movement—against the Church and its adherents—and aggression can scarce fail to rouse a spirit of resistance and retaliation. So much for your sectarian objection—your remedy would aggravate the disease—but I confess that in my view of it, you appear to attach to it undue importance. I agree very much with what Dr. Arnold says, in a letter to the Under Secretary of State, on the subject of the constitution of a college in Van Diemen's Land. He says—

> "I am quite sure that the spirit of proselytism, which some persons seem so greatly to dread, would no more exist in a good and sensible clergyman than in a good and sensible layman. The master must be a member of some church, and if he be a sincere member of it, and fitted to give religious instruction at all, he must be anxious to inculcate its tenets—but if he be a man of judgment and honesty, and of a truly Catholic spirit, he will find it a more sacred duty not to abuse the confidence of those parents of different persuasions who may have entrusted their children to his care, and will think that the true spirit of a Christian is not exactly the spirit of proselytism."

And that the practice of the schools in connection with the Church of Scotland was consistent with this view is proved by the instructions given by the General Assembly of the Church of Scotland to the teachers of her schools, which say—

> "It only remains to notice that a considerable proportion of those attending at several of the schools are of the Roman Catholic Church, and it is proper to state that the schools are always open to scholars of this class as freely, and on the

same terms as to Protestants, and that the teachers have been directed not to press on the Roman Catholic children any instruction to which their priests or their parents may object, as interfering with the principles of their own religion. They meet, accordingly, in the Assembly schools, in most cases, without jealousy or reluctance, and have every branch of literary instruction in the same classes with the Protestants, in the same schoolbooks, and without distinction between the two denominations. At the same time the Committee have specially directed that the religious instruction given in the schools, whatever may be the number of Roman Catholics in attendance, shall be always accommodated strictly and exclusively to the principles of the Established Church."

But you further object to leaving the parish schools as they are, because it would interfere with the uniformity which you consider essential to a national system. I confess I am at a loss to perceive the advantages of this nominal uniformity, I think it would prove opposed and adverse to real uniformity—the uniformity of object—and seeing that we do not object to your trying another system as regards your new schools in the towns, I should rather expect that the difference in their constitution would give rise to a healthy rivalry by which both might be stimulated into increased activity. But after all, what is this uniformity; what does it mean? Uniformity means centralisation, centralisation means Government interference, Government interference, especially under Governments of a certain character, means jobbing, a mismanagement, failure—the weakening of the healthful influence of local self-government—the drying up of the sources of individual generosity and individual Christian benevolence. The price is too high for an article of such questionable utility. Having now touched on what seem to me the main objections urged by the right hon. and learned Lord against the parish schools, will the House allow me to tell them what this mischievous parochial system is, against which the right hon. and learned Lord thinks it his duty to direct his exterminating attack,—and I will observe, first, that while we assert that the whole of these schools are in a state of high efficiency, of which I shall by-and-bye offer large proof, neither the right hon. and learned Lord, nor any of those Members who support his attacks on them, have cited one single instance of either failure or inefficiency which can be fairly assigned to the system of their institution. But we must look for a moment to what the main objects of education really are, or ought to be,—and I have no hesitation in asserting that there is no system of instruction which, in its original aim, goes more directly to the true purpose of education than that of the parochial schools of Scotland. If this be so, why seek to subvert it. Now, an authority to which hon. gentlemen opposite, professing the most liberal opinions, will be disposed to defer, thus defines the true purpose of education—Milton says, "the end of learning is to repair the ruins of our first parents by regaining to know God aright, and out of that knowledge to love Him, to imitate Him, to be like Him, as we may the nearest by possessing our souls of true virtue; which, being united to the heavenly grace of faith, makes up the highest perfection." Now, the distinguishing characteristic of our parochial school education is, according to its first design and true practice, that it is religious. That such is its character was acknowledged by a high authority on the Liberal side of the Scotch Church—one whose name and memory will command respect even among the adherents of the Free Church, and persons professing the most liberal political opinions, the late Dr. Andrew Thomson, who, in drawing up a constitution for the local day-school institution in the parish of St. George's, in Edinburgh, founds it expressly on this, "that the object of the school shall be in conformity to the spirit and intention of our national establishment of parochial schools, to give the children of the parish a religious education;" and that he justly appreciated that spirit and intention is proved by reference to the first book of discipline in setting forth the necessity of schools. The work, as hon. Members know, is attributed to John Knox. It refers "to the purpose of God that His Church should be taught by Him, and not by Angels;" "and because men are born ignorant of all godliness, and God has ceased to illuminate them miraculously, suddenly changing them as He did the Apostles and others; therefore it is most necessary to be most careful for the virtuous education and godly upbringing of the youth of this realm;" and, in pursuance of these views, the parish school was attached as an appendage and necessary part of the parish church, and placed in close and intimate connection with it. Now, so long as that connexion exists, we have a guarantee for the maintenance in our parochial schools of the union of religion with secular education. In your Bill we look in vain for any such guarantee, you pay us off in your preamble with certain general expressions of respect for the principle involved in this union, but we all know what is the value of a preamble unsupported by a single enacting clause in your Bill—you keep the word of promise to the ear, and break it to the sense. I cited to the House last year an instance of something much more likely to command the respect of a late posterity than the words of any preamble—the last advice offered to his countrymen by Washington, in which he exhorts them to maintain the religious character of their schools, but which, in the absence of positive enactment, has failed to prevent their public schools slipping down, to use the appropriate expression of my right hon. Friend the Member for Oxfordshire (Mr. Henley), into a purely secular system; and if you shrink from encountering the difficulties which you suppose to exist in applying this principle in its full extent to your new schools, if you are sincere in the respect you profess for it, you should rather desire to maintain it where it already exists, and keep your parish schools intact as examples to guide your new ones in the right path—as buoys to indicate the channel in which they may steer with safety. Now, our parochial schools embrace these two objects, as was stated by Mr. Menzies—religious culture and culture for life—for its duties and pursuits. They cannot be separated without depriving the most important part of education for life—for life extending to an existence beyond this world, but indissolubly connected with it—moral habit and duty, of the authority and influence of their Divine origin. The right hon. and learned Lord and others have urged on us the fearful amount of crime, which they attribute, with some truth, I doubt not, to ignorance—though the Austrian statistics of the right hon. Member for Oxfordshire might warrant the conclusion that false knowledge was quite as prolific of it as brute ignorance—and they urge the paramount obligation which lies on us no longer to delay the consideration of this question of the education of the people. They tell us that the very existence of our social system is endangered, as reposing on a volcano which may, at any moment, burst forth, and leave nothing but desolation and ruin behind it; and, undoubtedly, we have sufficient proof of the insufficiency of mere penal laws, and of the dread of punishment to deter from crime. But you will fail of your object if you limit your education to mere instruction in reading and writing, and what are called the higher branches of knowledge, if you neglect to impress on the mind of the child the sense and habitual influence of responsibility to a tribunal higher than any human authority, and the habit of referring every question of conduct to a law which prejudice and favour cannot change. To produce this impression, to form this habit, is the primary object of our parochial schools—and, till very lately, they were allowed to have so far succeeded as to merit the general approval of all classes and denominations amongst us. Has any such change taken place in them as to justify the subversion of that part of their constitution which, by connecting them with the Established Church, gives us a practical assurance that this object shall not be lost sight of? Quite the reverse. The living and advancing character of these schools may be proved by the increased degree in which they enjoy the public confidence. I will give the House some facts connected with the schools in some northern counties, with which I am familiar, which will bear me out in this. I take them from the excellent report of Mr. Menzies, Secretary to the Dick Bequest—you do not deny the efficient state of the schools subject to its operation—but I can cite others as efficient in other counties; besides, there is nothing in the operation or management of that bequest which might not easily be applied to all schools. I take 124 parochial schools in the counties of Aberdeen, Banff, and Moray—a large and fair induction. There are now in each of the parochial schools of those counties, on an average, thirty more pupils than there were in 1833. The entire number of schools, parochial and private, in these counties, excluding burghs, which in 1833 was 528, has risen during the same period to 731, an increase equal to ten new schools in each year. In 1833 only one in nine of the population attended school; in 1853 the number was one in six. The average number of scholars attending each parochial school in 1832 was eighty-five; in 1852 it was 115, being thirty more than in 1832. The total number enrolled shows an increase since 1832 of 5,197, a much larger increase than can be assigned to the increase of the population; the increase in the number of pupils being as 308 to 146 of the population, and this simultaneously with a large increase in the means of education generally, there being of schools, parochial and non-parochial, excluding the burghs, which have no parochial schools, 203 more than in 1833. The increasing appreciation of the parochial schools is further shown by the increase in the amount of fees received by the teachers. In 1833, the fees received by the parochial schools amounted to 1,867*l.*; in 1842 they had risen to 2,867*l.*; in 1852, they were 3,110*l.*; the average amount of fees being now to each teacher 25*l.* 7*s.* 4*d.*, or 9*l.* 9*s.* 10*d.* more than in 1833; and this although the number of pupils taught gratis in 123 parochial schools is 3,406, or one in five of the whole scholars enrolled, and four times the number taught gratuitously in 1833. My right hon. Friend the Member for Droitwich expressed an opinion unfavourable to the payment of any fees by the scholars, but he will scarcely quarrel with the cost to each pupil for an education including, besides reading and writing, arithmetic, mathematics, Greek, Latin, French (in many cases), geography, history, and drawing. The cost of fees to each of 31,745 pupils is 7*s.* 4*d.* for all branches of education. The cost of each, including the salaries and expenses of buildings to the heritors, is only 12*s.* 10*d.* Then, with regard to the general state of education in these counties, there are returns for forty-nine parishes, in which they show that there was no person above six years of age unable to read—in upwards of thirty parishes, none unable, also, to write. In the parish in which I reside the number attending school during the past year was one in four of the population. Then, as regards the emoluments of the teachers, it is satisfactory to know that they are such as to hold out sufficient inducement to persons well qualified for the office. In the last twenty years they have increased from 55*l.* 12*s.* 6*d.* to 101*l.* while the accommodation afforded by the proprietors, which then was limited to three rooms, now averages five rooms. These salaries are doubtless augmented to the average extent of some 20*l.* by the payments from the Dick Bequest, but in some of the southern counties to which it does not extend, and with one of which I am connected, the emoluments are even higher; Larbert, in Stirlingshire, has for two years averaged 124*l.* In two neighbouring parishes the teachers have averaged 150*l.* There are doubtless many cases of retired parishes where the salaries should be increased, but we have offered ourselves to increase them. Now, what I contend is, that the state of things which I have described does not call for, or justify legislative interference, such as is proposed in this Bill with the parochial schools. It proves that they are in a high state of efficiency, and in the enjoyment of the public favour and approval—but if there be one circumstance more than another to which this state of things is to be attributed, it is to the connection existing between them and the Church, and to the superintendence and watchful interest of the parochial clergy and Presbyteries of the Church arising out of that connection.

The right hon. and learned Lord may tell me that he leaves the superintendence practically with the parish minister; then, why interfere with the Presbyteries, supposing the parish minister neglects his duty—a possible case, among so large a number—*Quis custodiet ipsos custodes*—we require the Presbytery to keep him up to his work. But, in regard to the connection with the Church generally, Mr. Menzies tells us, in the Report already referred to (page 133), "That the trustees have always attached a high value to the connection between the parish schools and the Church," and the Report points out how fitting it is that institutions designed to train and mould the young should be under the guidance of those whose office is conversant with man's highest interests, where it connects the teacher with what his neighbourhood possesses of learning, intelligence, and respectability. He says further, that, so far from showing any jealousy of lay interference, the Reports of the Presbyteries are regularly transmitted to the Trustees of the Bequest, and that this communication has proved in the highest degree beneficial in directing attention to points of general interest and importance affecting the welfare of the schools; and he adds that in time of need the minister is the prop of the school, and that the records of the Trustees exhibit many instances of schools being taught for weeks—in one case for months—by the minister personally, when there was a vacancy, and difficulty in finding a qualified teacher. Why, then, should you endeavour to terminate a connection acting thus beneficially? Experience has shown that the sectarian spirit, of which you express so much dread, has really no action in these schools. The principle involved in it is approved by all the Episcopalian community, as may be inferred from the unanimous declaration of the Scotch bishops. The proprietors, by whom the schools are paid, protest against the change you propose. The maintenance of the present system in its integrity will not interfere with your extending the means of education where extension may be required. The separation of the parish schools from the Church is protested against by all the ministers and congregations of the Church, as well as by almost all the present schoolmasters, because it would involve the virtual withdrawal of all guarantee for the religious character of education in Scotland, while it dealt a heavy blow and great discouragement to the Church itself. I implore the House to consent to the instruction which I now beg leave to move.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "it be an Instruction to the Committee to divide the Bill into two Bills; the one relating to the Parochial Schools, the other to the New Schools contemplated by the Bill," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE EARL OF DALKEITH moved the adjournment of the debate.

THE LORD ADVOCATE said, at that late hour (it being half-past twelve o'clock), he would not oppose the Motion, as there seemed no likelihood of ending the discussion that night.

MR. COWAN said, he hoped the Government would allow the debate to be continued on Monday next, which was agreed to.

Debate *adjourned* till Monday next.

VICTORIA GOVERNMENT BILL.

LORD JOHN RUSSELL moved for leave to bring in a Bill to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, "to establish a constitution in and for the colony of Victoria."

MR. LOWE said, he was very sorry to be obliged to trouble the House at that late hour with two or three observations, but the great importance of the question, and the novelty, as well as the very undesirable nature of the course about to be adopted, must be his excuse for doing so. The noble Lord gave notice of a Bill to enable Her Majesty to assent to an Act of the Legislative Council of Victoria as that Act had been amended. This was a very extraordinary Motion. He would say nothing now of the Bill, which could be discussed when it was before the House, but the form in which they were about to legislate was extremely objectionable, and he was the more inclined to oppose it because he saw from a notice that had been given, what was intended to be adopted in the Council of New South Wales. In 1850 a Bill was passed, giving to the Legislative Councils of the Australian Colonies power to frame new constitutions for themselves. Under that statute the Legislative Council of Victoria had passed a Bill, the preamble of which recited that power had been given it to do so by the statute of 1850, but then the Bills passed by the Legislative Council overleaped and transcended the powers contained in the Act of 1850, presuming to repeal numerous Imperial statutes, and also to invest the Council with a great many powers which it did not now possess, and which nothing but an Act of Parliament could confer upon it, while it likewise in many respects altered the relation of the Legislative Council to the Imperial Legislature. This Bill the Legislative Council of Victoria had no more authority to pass than had any small knot of persons assembling together in a room in the colony and calling themselves a public meeting. The Legislative Council, however, took it upon itself to pass this Bill, reciting the limited powers given to it by Parliament; and then, being conscious that it had exceeded those powers, it sent home, together with this Act, a short Act, which it suggested that Parliament should pass, in order to legalise what it had done. Now, it would be most inconvenient, as well as not very creditable, for the British Parliament to accede to such a request, while it would also be most inexpedient as an example to the other colonies. Certain limited powers having been granted to the Legislative Council, it ought to have confined itself strictly within its authority; and whatever was wanted beyond those constitutional powers should take the form of a gift and concession from the Imperial Parliament to the colony, instead of the colony taking it in a shape that was illegal and void, and then sending its Act home, accompanied by another short Act, asking Parliament to confirm and ratify its irregularity. If this Motion had been for a Bill to assent to the Act of the Legislative Council of Victoria, the course pursued by the Government would have been sufficiently objectionable; but it was more objectionable still, because it was not merely a Bill to enable Her Majesty to grant Her consent, but really a Bill to enable the Legislative Council to pass that which it had set up, though utterly void of law. The House was therefore asked, in fact, to give validity to a law which the Legislative Council had no authority to make, and which Her Majesty had no power to agree to. The matter, however, did not stop there. The Legislative Council of Victoria, having passed an Act which it had no power to pass, and then sent it home to be made valid, the noble Lord (Lord John Russell) did not approve of certain portions of this Colonial Act, and thought it not advisable to adopt them; and, therefore, he had amended the Colonial Act by striking out those objectionable portions of it and inserting others in their place; and then he asked Parliament to pass a Bill to enable Her Majesty to assent, not to the Act which the Colonial Legislature had adopted, but another one which the noble Lord had devised. An Act when thus altered was no longer the same measure, but must be regarded as an entirely new one, and therefore the Act now proposed to be legalised could not be considered as the Bill that was passed by the Legislative Council of Victoria. As the noble Lord had amended this Act, he presumed that the House of Commons could also amend it. If not, the simple effect would be to deprive the House of the power of amending an Act of its own, because the Act would be as much the Act of that House as if it had never passed the Legislature of Victoria, that Legislature never having had power to pass it. They were, therefore, involving themselves in a mass of inextricable confusion, difficulty, and anomaly, and they were placing the House of Commons in a situation in which it ought not to be placed—namely, in the situation of submitting to the dictation of a colonial assembly as to what laws it should pass. He objected, therefore, entirely to the course which the noble Lord proposed to pursue, but he would suggest two courses, either of which would be free from any objection in principle. The noble Lord might stand upon the Act of 1850, and say to the Legislative Council of Victoria, "You have exceeded your powers; you have done that which you had no right to do, and I therefore send back the Act, in order that you may amend it." But, as the case was one of emergency, the noble Lord might also introduce a Bill vesting in the Governor General of the Australian Colonies power to assent to the Act so amended at once in the name of Her Majesty. That Bill might also be coupled with another making such concessions to the Colonial Legislature as the Legislature had assumed to itself without the authority of Parliament, and giving to it the land fund, and anything else which the noble Lord thought it ought to have. The other course would be to do in effect what we were now asked to do in substance—namely, to sweep away the machinery of enabling Her Majesty to assent to a Bill which the Colonial Legislature had never passed, and to legislate directly on the subject. If the noble Lord thought the House ought to make a constitution for the colony, let them do it, but let them have the question brought fairly before them, so that they might know what they were about. He protested against the plan of passing a Bill to enable Her Majesty to assent, not to a Bill that had been passed by the Legislature of Victoria, but to another and a different Bill which, even had it been passed by that Legislature, had been passed by it *ultra vires.*

Lord JOHN RUSSELL said, he did not think that either of the courses proposed by the hon. Gentleman would be preferable to that which the Government desired to adopt. The hon. Gentleman was mistaken in supposing that it was proposed to insert in this Bill provisions which the Legislature of Victoria had not sanctioned, but the hon. Gentleman was quite correct in stating that the enactments of the Legislature of Victoria were *ultra vires,* that they interfered with certain Imperial Acts, and that they touched upon matters which were strictly within the province of Her Majesty and Parliament. He proposed, therefore, to take generally the Bill of the Legislature of Victoria as far as concerned its own constitution, but to omit certain proposals which would limit the power vested in the Crown of disallowing the Acts passed by the colonies. The Bill, therefore, although it would certainly not contain all that the Legislature of Victoria had proposed, would not contain anything to which it had not given its assent, and thus, in his opinion, would be within the powers given by Parliament to the Australian colonies to form constitutions for themselves. It must be recollected that both of these constitutions arrived in this country during the last recess. If they had been sent back they could not have arrived in time to give validity to these Bills in the course of this Session. The hon.

Gentleman said they would get into inextricable confusion, because a similar course would be pursued with regard to other colonies. With regard to New South Wales, it was quite true a similar course would be adopted; but the constitution proposed by the Legislative Council of New South Wales differed in some important respects from that proposed for Victoria. In Victoria, for instance, it was proposed that a Legislative Council should be elected, in New South Wales, that the Legislative Council should be nominated by the Crown. With regard to the Legislative Council, the Government thought it right that the wishes of the colony should be consulted; but when the Bill was passed with regard to Victoria and with regard to New South Wales he did not apprehend there would be any difficulty about the other colonies. With regard to Van Diemen's Land, they had already a constitution which was strictly within the powers given by the Act of 1850, and that constitution having been laid before the two Houses of Parliament, had already been confirmed and approved by Her Majesty in Council. With respect to South Australia, the constitution was agreed to, but the Council afterwards had several discussions and divisions, the result of which was a desire to indulge the Legislative Council in their wish to have it referred back to them; and, accordingly, the matter was referred back, with discretion to the Governor to propose to the colony, whether elective or nominative, a Council in such a form that he might be able to consent without further reference to Parliament. But he thought it inconvenient to send this proposal to Victoria and New South Wales to be re-discussed, when it appeared their mind upon the subject was not changed. He should be quite ready, in discussing these several Bills, to point out in what way he thought they ought to pass. As the hon. Gentleman said the schedules would be open to discussion, and if hon. members should think parts of those schedules ought to be omitted, it was in the power of Parliament to alter them, though, of course, it was a matter of discretion whether they would do so. With respect to general legislation upon this subject, he would only say that a great desire was expressed in Australia that the management of the waste lands, and the revenues arising from them, should be at the disposition of the Colonial Government. It was a matter upon which the Australian colonies set great value, and it would be most convenient if a Bill for that purpose were carried into effect.

Mr. G. BUTT said, he thought the difficulties pointed out by the hon. Member for Kidderminster (Mr. Lowe) had not been answered by the noble lord. The passing of a Bill to enable Her Majesty to assent to a portion and not the whole of the Bill of the Colonial Legislature was a course which, in his opinion, was open to very grave doubt. As he understood the law, a Bill sent to that House from the colonies must be assented to in its entirety, and not partially. He understood a part of the Bill was not to be assented to, as it was a matter which the Colonial Legislature had no power to frame a Bill upon. He thought, therefore, the noble lord ought not to press the Bill without further consideration. When the Bill came from the Colonial Legislature it was an entire thing; and he did not think it was competent upon principle, or, if competent, he considered it would be extremely inconvenient, that the noble lord should introduce a Bill to enable the Crown to assent to the valid part of the Colonial Bill, and to reject the other.

Mr. LOWE said, it was not his intention to oppose the introduction of the Bill.

Mr. ADDERLEY said, he was quite opposed to the introduction of the Bill, as it was not the Bill of the Colonial Legislature, but a new Bill altogether.

Mr. J. BALL said, the Bill which the noble lord was about to introduce did not alter any portion of the Bill which had been passed by the Colonial Legislature. It was simply proposed that certain portions of the Colonial Bill should be omitted.

Leave *given*. Bill *ordered* to be brought in by Lord John Russell and Mr. John Ball.

Bill read 1°.

The House adjourned at half past One o'clock.

HOUSE OF LORDS,

Friday, May 11, 1855.

Minutes.] Public Bills.—1ª Leases and Sales of Settled Estates; Ecclesiastical Property (Ireland).

LEGAL MEASURES — TESTAMENTARY JURISDICTION BILL — TENANTS' COMPENSATION BILL.

Lord ST. LEONARDS rose to put some questions to his noble and learned

Friend on the woolsack relative to certain legal measures now before Parliament; and his first question would have reference to the Testamentary Jurisdiction Bill. Their Lordships were aware that the subject involved in that Bill, having been very fully considered before a Select Committee of that House, a measure was prepared last Session, which, after receiving the sanction of their Lordships, was sent down to the other House of Parliament. The House of Commons, however, did not pass the measure into law; it had, however, been introduced into that House in the present Session. It appeared to him that the proper course to have pursued this Session would have been to have reintroduced the Bill in their Lordships' House; but that not having been done, it became necessary to call upon his noble and learned Friend to state what were the intentions of the Government with respect to the other branches of the Ecclesiastical Courts. He wanted to know what was to become of the Arches' Court; and he hoped the noble Lord would be able to hold out to them an assurance that they would not be called upon to offer any opinion upon individual features in the proposed plan of legal reform until the whole plan had been submitted to them. A promise had been made that a general plan for reform of the Ecclesiastical Courts would be brought forward. Up to this time, however, that promise had not been fulfilled. Now, what he feared would take place was this, that the Testamentary Jurisdiction Bill would pass in some shape or other, without their having had an opportunity of considering the general scheme, unaffected by the decision of the other House of Parliament upon a most important part of it. No one could form a satisfactory opinion as to whether a measure was applicable to the whole jurisdiction without a knowledge of all its features. In reference to the Testamentary Jurisdiction Bill there was some reason to complain that no information had been given by Her Majesty's Government as to the amount of compensation to be paid under it. He had heard it, however, estimated at from 140,000*l.* to 150,000*l.* Now, that was a very large sum of money, and would have to be paid by the suitors from estimated savings in other directions. At the same time he could not help thinking that it required a great deal of sound argument to show how such a burden could be properly placed upon the suitors at all. He also wished to make a few remarks upon the subject of fees paid to solicitors to the Court of Chancery. When he had the honour of holding the seals of office, he had approved of a certain scale of fees for the solicitors practising in his Court. His noble and learned Friend behind him (Lord Lyndhurst) had, however, disapproved of that scale, and its revision was contemplated by the noble and learned Lord on the woolsack. Now, speaking generally on the subject, he would say that it was much easier to increase a scale of charges than to reduce one after it had subsisted for a certain period. The complaint—and no doubt the just complaint—of the solicitors, was, that while there was a great deal of unimportant and easily executed business for which they were too well remunerated, there was, on the other hand, a great deal of business well executed for which they were not adequately paid. The next question to which he wished to direct their Lordships' attention was the Tenants' Compensation (Ireland) Bill, which had been brought into the other House of Parliament, and which contained a retrospective clause, giving compensation for improvements effected within a certain period. A measure on that subject also had been before their Lordships, and referred to a Select Committee. Now, it had always been pointed at the Government of his noble Friend (the Earl of Derby) that they had introduced a measure embodying a retrospective clause. It certainly was impossible to deny the fact; and therefore in that respect the Government of that day and of this stood upon precisely the same footing. For himself, however, he might say, that he had been always opposed to the principle of such a clause, and that his opinion had never for a moment undergone any variation; still when he found that the Government of which he was a Member had adopted such a clause circumscribed and defined within certain narrow limits, he did not consider himself at liberty to stand in the way of that Bill being passed into law. That Bill, however, did not pass through the other House of Parliament. A Bill on the same subject and containing a retrospective clause had been during the present Session introduced into the other House of Parliament; and he hoped it would be explained whether the Government had come to any definite conclusion with reference to that Bill, and if they had, he hoped they would abide by them. He thought it might have been reasonably expected, holding the views which they did, that the Government itself would have come forward with a measure, and endeavoured to have carried it through. Instead of that they had left the matter in the hands of a private individual—an hon. and learned Gentleman—who was known to hold very strong opinions in favour of a retrospective allowance for the improvements of tenants in Ireland. The consequence was, that a measure had been introduced, which was now travelling up to their Lordships, and which, in all likelihood, would lead to a difference of opinion between the two Houses. At the same time, he was bound to add, that should the measure come up to their Lordships in the same form as that which had previously received their sanction, and limited and circumscribed as it was before, he could not feel justified in opposing, although he could not regard it even then with favour. But in the shape in which the Bill obtained a second reading from the House of Commons, he would state at once that it was one which he never could approve of, nor could any one that had retained the slightest regard for the rights of property. He would pledge himself to show, when the measure came before their Lordships, that there was not the slightest foundation for the assumption that any rule of equity had ever been propounded, or that there was any case in equity producible, sanctioning the principle contained in the clause in the Bill granting compensation for retrospective improvements. As for the subject of the Irish Court of Chancery, which had been taken up by an hon. and learned Friend of his, whose talents were very great, and for whom he entertained a great respect, he must say he could not at all agree with the Bills which had been introduced by him; and he most earnestly hoped that any measure to be introduced by Her Majesty's Government, altering the constitution of the Irish Court of Chancery, would not be based upon a supposed analogy of the Irish and English courts. He understood that it was proposed to create in Ireland three Vice Chancellors and to abolish the offices of the Masters. Now there could be no doubt that the creation of three Vice Chancellors was not called for by the state of business in Ireland. In England they were of necessity appointed, but not in lieu of the Masters, in whose place, and for the fulfilment of whose duties, it had only been deemed requisite to appoint a number of chief clerks. He had had some experience of equity business in Ireland—and there was no reason for believing that since then it was on the increase, except, perhaps, by the business of the Incumbered Estates Court; but when he was there he would venture to say that the judicial power was fully adequate to discharge all the business that came before it. He ventured to say that the Chancellor and the Master of the Rolls were quite competent to transact the whole judicial business of Ireland. He trusted, therefore, that any measure which the Government might have in contemplation to afford increased facilities for the transaction of equity business in Ireland, would not be incumbered by the appointment of judges who were not required. With regard to the Incumbered Estates Court, he would observe, that it was very unwise to make Ireland the subject either of experimental or exceptional legislation. Let her be governed by the law which was common to both countries. If the rule with regard to incumbered estates which was adopted in Ireland were a good one, let it be applied to England also; but whether such a court should be established for either country at all, involved, in his opinion, considerations relative to property the most momentous ever raised before Parliament; but he trusted that the Government would act with great caution in adopting the Incumbered Estates Court, with its present provisions, as a part of the Court of Chancery. Looking at all the measures to which he had referred, he contended that it was the duty of the Government to take them up, and to persevere with them until they became law.

Lord LYNDHURST wished to explain that his objections to the present scale of fees in the Court of Chancery was based upon this principle: that costs were taxed according to the length of the proceedings; so that a bounty was thus held out to solicitors to lengthen proceedings as much as possible, and their interests and the interests of the suitors became consequently opposed. What he desired to see brought about was, that the scale of remuneration should have regard not for the length of proceedings, but for the value of work done.

Lord ST. LEONARDS was very much afraid that result could not be brought about. It was easy to estimate quantity, but it was much more difficult to estimate quality.

THE LORD CHANCELLOR said, he had no right or inclination to complain of the questions which his noble and learned Friend had put to him, and he would endeavour to answer him with the same frankness with which he had asked them. The first question related to the Bill now pending in the other House, for the improvement of the Testamentary Courts. His noble and learned Friend had complained, as he understood, that the Bill ought to have been introduced in that House this Session as it had been last. The reason for the Government adopting their present course was, that the Bill having been passed by their Lordships last Session, and thrown out by the other House, it was thought more desirable it should be approved by that House before it was introduced for their Lordships' consideration. He had every reason to believe that in the form in which it now stood it would receive the sanction of the other House, and it could then be discussed by their Lordships with greater facility, inasmuch as its material points had been already fully considered in the last Session. The noble and learned Lord had inquired what was the amount of compensation. He (the Lord Chancellor) was not prepared to answer as to the exact amount. He certainly did not think it was so much as 140,000*l.*—he thought it was not more than 100,000*l.*—but, be it what it might, no additional charge upon the suitors would be imposed to meet it; because the fee, called the "proctor's fee," now paid upon every probate, would be continued until the compensation had been defrayed, and it was calculated—though calculations were sometimes deceptive—that they would be sufficient for that purpose. The only hardship on the suitors would be, that, instead of the fee being removed at once, it would be continued for a few years longer. A similar Bill to the present had been prepared for Ireland, with some slight modifications, but it had been thought advisable to postpone the introduction of that Bill until the other had been disposed of. He agreed, to a certain extent, that reforms in the other branches of the Ecclesiastical Courts, having reference to divorce and clergy discipline, ought, in order to make the reform of the Ecclesiastical Courts complete, to be dealt with at the same time; but still they were subjects which stood upon their own footing, irrespective of the other branches of reform. He had had the honour to introduce a Bill last Session upon the subject of divorces; but it was not considered expedient to carry it further at that time. The Testamentary Jurisdiction Bill not having passed the House of Commons, that Bill would be introduced in the present Session without any alterations. He next came to the Clergy Discipline Bill. In the first place, he contended that there was no necessary connection between that and the other two subjects. It was a subject of a purely ecclesiastical nature. It might be perfectly right to dispose of the two former, although the latter remained untouched; but that had not been the course followed by the Government. It had prepared a new Clergy Discipline Bill, which had been submitted to some of the Bishops, a portion of whom had approved of it, while others, he was bound to say, had expressed disapproval. Within the last few days he had been engaged—and should be engaged for the next few days—with the English Bishops to know the exact points of which they disapproved. The Bill would, no doubt, receive material modification from their suggestions, but it was in a state of forwardness which enabled him to state that it would be ready, when such modifications were made, to be laid upon the table of the House. The next question of his hon. and learned Friend related to the Irish Tenants' Compensation Bill. He quite agreed with his noble and learned Friend that the question was a most important one. He could assure him that neither himself, nor, he believed, any of his colleagues, had any greater sympathy with the doctrine, abstractedly considered, of retrospective compensation, than his noble and learned Friend had. If it were erroneously supposed that that was a principle that might be acted upon in the abstract, according to the ordinary rules of equity in this country, he (the Lord Chancellor) could not agree to such a principle, nor did he believe that such a principle had ever been enunciated by an hon. and learned Friend of his in the other House, to whom reference had been made. He (the Lord Chancellor) had never communicated with his hon. and learned Friend on the subject; but he was sure that what his hon. and learned Friend had said was, that analogies for retrospective compensation might be drawn from decisions of Lord Eldon and Sir William Grant, in the case of a person standing by and seeing another building upon, and making improvements upon land belonging to him, without taking means to prevent it. This analogy, very imperfect, was merely alluded to in the course of the debate. He (the Lord Chancellor) had quite as little sympathy as his noble and learned Friend with the doctrine of retrospective compensation; but he was of opinion that the case of the Irish tenant was an exceptional case, which, for the peace of society, it might be important to deal with in an exceptional manner. That being the case, what had taken place? An hon. and learned Gentleman in the other House had introduced a Bill framed upon that principle, and going further than he trusted the Government would be disposed to go. A debate ensued, and the Government had undertaken to take the Bill upon themselves, provided the hon. and learned Gentleman who introduced it would be satisfied with limiting the retrospective compensation to an extent below that which was fixed upon when the Bill passed that House two years ago. They proposed to confine it to houses built by the tenant, and to roads and external fences made by the tenant. They also proposed to limit it to a certain defined period, the exact extent of which he did not recollect; but it was necessary that the work should have been done within a certain limited time. It was also proposed to extend it to certain cases in which the landlord should turn the tenant out of possession. However contrary to abstract principle it might be, and always protesting that it was a most difficult doctrine to justify, even when carried only to that limited extent, as a matter of compromise, the Government were willing to accede to it. His noble and learned Friend had objected to the Court of Chancery being quoted as an authority on this subject; but he (the Lord Chancellor) did not think it was intended to be said that the Court of Chancery had done precisely the same thing, but merely, as he had already explained, that it afforded a sort of analogy for doing so. The doctrine was not the doctrine of the Court of Chancery only, but of the civil law and of common sense; because, if he stood by while a man was making improvements on his property, under circumstances which he knew must amount to a tacit encouragement on his part, that was held to be equivalent to an actual declaration that the person making the improvement might go on with them. He would not say that was the case of the Irish tenant, but it furnished an analogy that in the course of argument it was very reasonable to use. The next question of his noble and learned Friend had reference to six Bills which had been introduced into the other House by an hon. and learned Gentleman who had been the Irish Solicitor General under the Government of Lord Derby. Her Majesty's Government were sorry to see those Bills introduced by the hon. and learned Gentleman, not that they disapproved of the principles on which they were framed, but because they had issued a Commission to inquire into the state, impliedly, of the Court of Chancery in Ireland and of the Incumbered Estates Court, for the purpose of ascertaining whether the functions of that Court could be advantageously transferred to the Irish Court of Chancery. The Commission was directed to very learned persons in Ireland and England, and they had made very elaborate inquiries on the subject. Such of their Lordships as were connected with Ireland must know that the subject of their inquiry interested, in a vast degree, all the community in Ireland; for, unpopular as that Court, to some extent, had been in its inception, there was nothing to which a greater portion of the community would listen with more sorrow than to a proposal that the powers exercised by that Court should be abruptly brought to an end. That Commission, the members of which were very eminent men, and who were well acquainted with the subject, had made a very full inquiry, and had issued a report containing various recommendations; and he trusted that he should be soon able to lay a Bill on the table of the House to carry into effect a great portion, if not the whole, of those recommendations, and he could say that such Bill was in preparation. His noble and learned Friend asked if the Bill would extend to England, and he begged to inform him that it would not extend to England; but they ought not to stop short of a great reform because, in the first instance, it had happened accidentally to be forced upon their attention in Ireland. He was not able to say that they would be prepared to introduce such a Bill for England, neither would he say that they would not, but would only observe that a great deal of care and consideration was necessary before such a measure was introduced. Difficulties might present themselves with respect to England, requiring consideration; and, therefore, he could not undertake to make any pledge on the subject. He had thus disposed of all the questions asked by his noble and learned Friend, except the question of costs in the Court of Chancery. His noble and learned Friend was wrong in supposing that the object of the Commission was to increase fees already settled—the question of fees in the Court of Chancery had yet to be inquired into, and it was now under consideration.

Lord CAMPBELL thought that these desultory discussions, without any Motion being before the House, respecting measures that were pending, was very inconvenient. During the time he was connected with the Government the practice pursued was, before any important question was brought forward, to subject it to discussion by the leading Members of the Government who were likely to take a part in the debates for carrying that measure through. He did not think that that course had been pursued by the present Government, although he had no doubt of their sincerity in seeking to attain a sound and an enlightened measure of law reform. He had no doubt that the affairs of the country would be safe in their hands, and he was prepared to give them his sincere and disinterested support; but he questioned whether they could successfully carry out any great measure of law reform, unless there was full concert between all the Members of the Government before that measure was brought under discussion in Parliament. He would, therefore, advise the Government that, before any measure of law reform was proposed, they should be certain that all the Members of the Government were prepared to support the whole measure.

The Marquess of CLANRICARDE said, that not being acquainted with the merits of the legal measures generally, he would not express any opinion upon them; but with respect to the measures that related to Ireland, he wished to make a few observations. He had heard with great satisfaction that the Government were determined to act upon the Report presented, though not published, and to do away with the anomalous state of the law which now prevailed in Ireland in reference to the Incumbered Estates Court, and to transfer the business of that Court to the jurisdiction of the Court of Chancery. The grievance arising from the operations of the Incumbered Estates Court was very great indeed, not to those under its operation, but to all those outside of its operation. The value of real property throughout Ireland was affected by those operations, because the forced sales in that Court led to the depreciation of the whole rental and property of Ireland, and because by a sale under that Court a better title could be obtained from a person in debt than from a person who was perfectly solvent. It was a state of things that ought to be put an end to, and in altering the law no principle should be adopted with respect to Ireland that would not be equally applicable to real property in every other part of Her Majesty's dominions; because it was not fair or wise to say that property in Ireland should be treated in an exceptional manner. He wished he could feel confident that that principle would also be adopted with respect to the Tenants' Compensation Bill. He denied that Ireland now presented an exceptional case; and they should not apply a law to that country that was not applicable to England or any other part of Her Majesty's dominions. It had been said that extraordinary circumstances justified the application to Ireland of an exceptional principle. He did not admit that extraordinary circumstances would justify the adoption of such a principle for permanent legislation; but even if they did, the extraordinary circumstances that had been urged as a justification had totally disappeared in Ireland. He had given notice of a Motion for certain returns with regard to the relations of landlords and tenants in Ireland; and he was sure it would appear from those returns that there were no more disputes there than in any place else, that there was no litigation between landlord and tenant of any consequence in that country, and that there was the utmost confidence under the present state of the law on the part of the tenant who took land from a landlord. But there was not confidence amongst persons who wished to invest money in real property in Ireland in what might be the course of legislation. There was great doubt and apprehension entertained by persons who were going to purchase property in the Incumbered Estates Court in Ireland, or who desired to invest their money in property in Ireland, in consequence of the Bills that had been introduced into the House of Commons. He hoped the Government would be unanimous in adhering to sound principle, and that no principle would be entertained by them except one that could be thoroughly maintained. If there was any doubt entertained with respect to the condition of Ireland, the fair way was to appoint a Committee to inquire into the state of Ireland at the present moment; but he asked of their Lordships not to legislate now for Ireland as for an exceptional case.

THE MILITIA.

LORD BERNERS *moved*, That an humble Address be presented to Her Majesty for a Return of Regiments of Militia embodied in each month to the present time, stating the effective Force of each when embodied and at the present time; the Number who have volunteered from each Regiment previous to and since their last training; the Number re-attested within the month stated in circular, distinguishing those retained for future training; and Number of those discharged in consequence of their wives and families becoming chargeable to their parishes. The noble Lord said he was informed that those returns could be made out in a few hours. He thought it was only right that their Lordships should know not only the present effective force of the militia, but also the progress that had been made in the embodiment of that force since May last. He did not make the Motion in any hostile spirit to the Government, but only for the purpose of obtaining information. He found by the papers that from May to September there were eighteen regiments embodied, and from September to December, thirty-seven regiments, and since that time 20,000 men. He wished to call the attention of the noble Lord the Secretary of War to one or two measures that were prejudicial to enlistment. Since the order of the Minister of War had issued—the order that each private re-attested should receive a bounty of 1*l.*, a circular had been issued which limited the payment of the bounty to one month. It came within his knowledge that the privates considered that order a great grievance. The promulgation of that circular had virtually stopped the enlistment, and he hoped the noble Lord would be induced to extend the limit to four or six months, or remove the restriction altogether. The bounty, under the original Act, was to be given to the men after they had completed their twenty-eight or fifty-six days' training. That was looked upon as a nominal but not a real bounty. He was informed that 11*s.* of that bounty in some instances was held back until the men rejoined their regiments. Large deductions, too, were made for their kit and shell-jackets which was also a source of great dissatisfaction. A great many of the men offered their services in last January to go to any part of the world; but since then great discontent had been manifested at the deductions that were made from their pay. He hoped therefore the government would consider how far these causes of discontent could be removed.

LORD PANMURE had no objection whatever to the returns being made, but did not promise that it could be completed within the time the noble Lord anticipated. He was sorry to find that the noble Lord had thought it necessary to revive a subject that had been already submitted to the House, and by the introduction of which the ranks of the militia regiments had been to a certain extent depopulated. The period of a month had been fixed upon in the circular in consequence of a statement made to him by several officers of militia, that after a month's absence amongst their friends, many of the men, having spent their money, would voluntarily return, therefore he had fixed in the circular one month as the period during which, if they rejoined the force, the 1*l.* should be paid to them. In all arrangements of that kind some definite period must be fixed, but a circular of that kind was not to be considered as unalterable. In many instances the colonels of regiments had asked for a prolongation of the time, stating that it would be of great service in getting back a number of men, and he had at once consented to prolong the period for a fortnight. He had not been asked to grant a longer period than six weeks, though, if a longer period were necessary to get back men to the ranks of the militia, he should be very glad to give it, but that must depend upon the representations of officers commanding the regiments of militia. With regard to the deductions referred to, the same practice prevailed without complaint in the regular army, and as of course they could not alter the arrangement with regard to the militia without altering it also in regard to the army, he could hold out no prospect of any change being made, and it was not deemed desirable to make a change in the practice with respect to the militia.

Motion *agreed to.*

ESTATE BILLS.

The LORD CHANCELLOR said, he wished to call the attention of their Lordships to the subject of Estate Bills, and would conclude by laying on the table a Bill to provide for the cheaper and more expeditious granting of powers hitherto obtainable only through special Acts of Parliament. The noble and learned Lord said the necessity for the legislation he proposed arose from the fact—notorious to every one—that the greatest proportion of the landed estates in the country was held by persons who were not the absolute owners in fee simple, but who had only limited interests under marriage and other settlements;—the consequence of the general use of settlements being that the present possessors of property had only life interests in it. He would not stop to inquire whether it was a beneficial state of things, but he would take the facts as they stood; merely observing that he thought that, on the whole, the limitation of property by marriage and other settlements had been conducive to the welfare of individuals and beneficial to the community. Their Lordships need not, however, speculate on the policy of settlements of property; but he desired them to contemplate what had been the evil results from them. In consequence of the owner not being the absolute owner, he was not able to deal with his property in the most beneficial manner, sometimes for himself or his family, and in other instances for the community at large. It was usual in settlements to give a power to grant agricultural leases, but something more was wanted; settlements frequently omitted to provide for leases for the working of mines, &c.; sometimes the power of granting long building leases was wanting, and in other cases powers were required for exchanging or for selling a portion of the estate and investing the proceeds in land more advantageously situated. In well-drawn settlements these matters were generally provided for by anticipation, but it often happened, especially in small estates, that they were overlooked. How was this want at present remedied? By a very objectionable and expensive course—by the very objectionable mode of obtaining the required powers by private and special Acts of Parliament—by *privilegia* granted to meet each case. Although these Acts of special legislation were managed very ably by his noble Friend (Lord Redesdale) the Chairman of Committees, yet even he would admit that they were attended with great difficulties. Before such a Bill was allowed to pass, it was referred to two Judges by a standing order of their Lordships' House; that, he thought, involved the inconvenient course of mixing up judicial and legislative matters, and it was incumbent on their Lordships to make some better provision in regard to this class of Bills. Again, these private bills were attended with great expense. He had a list of sixteen cases of private bills taken at haphazard within the last five years, and he found that the average cost of each of these sixteen bills, which were for leasing, for sales in exchange, or for mining, was 1,270*l.* There were fourteen or fifteen of these bills every year brought in; so that from 17,000*l.* to 20,000*l.* a year was spent on this species of private legislation to enable parties to do what they ought to have the power of doing without an Act of Parliament. But that was not all; for though 1,200*l.* was the average cost, persons having small properties were absolutely debarred from obtaining the required powers, except at a ruinous cost, yet it was as important to the owner of a settled property of 200*l.* or 300*l.* a year to make the most of it, as to the owner of a property of 100,000*l.* a year. The expense was, in fact, a bar to such applications, and it was a mockery to tell the owner of a small property that he could get relief. That being the state of the case, what was the remedy to be found? He saw no difficulty in recommending one which experience had already approved in analogous cases, by enabling similar things to be done without the interference of the Legislature. By the Ecclesiastical Leases Bill, ecclesiastical persons requiring the power of leasing were enabled to do so. A similar power was given in the Charities Act of two years ago, and the Charity Commissioners had reported that these clauses had been exercised with great benefit. The Municipal Corporations Act gave similar powers. It might, of course, be said that these cases were not those of tenants for life, but they stood in the same category as the cases to which he now referred, and afforded an illustration of the kind of provision which those who had limited interests in property demanded. It was a rule with his noble friend the Chairman of Committees that, if an application for an Estate Bill came before him recommended by the Court of Chancery, it was adopted. [Lord Redesdale: That was not an absolute rule.] No, but that was the ordinary rule. He proposed that any person whose necessities required that powers should be given of leasing either agricultural or mining property, of granting building leases, or the sale or exchange of property, should apply at once in a summary manner in the Court of Chancery to one of the Judges at chambers. The Judge, if he approved, could give the requisite authority at once, and his authority would be just as good as if an Act of Parliament were passed. The result of this change would be a saving of some 20,000*l.* a year, besides the facilities which would be afforded for the advantage of property as well as the present possessors. The Bill which he proposed to lay on the table had one further object. He thought that a tenant for life should have the power of leasing without applying to the Court of Chancery. This was not new legislation, for it was so old as the time of Henry VIII., at which period tenants for life were empowered to grant leases for 21 years. He proposed by this Bill to enable tenants for life, unless where the settlement forbade such a power, to grant agricultural leases for a term, not of 21 years, as was done by the Act of Henry VIII., but for a term not exceeding 14 years. In the case of mining leases, he proposed that a certain portion of the rent should be retained for the benefit of the inheritance. The noble and learned Lord then *presented*, A Bill to facilitate leases and Sales of Settled Estates.

Lord LYNDHURST thought the country would be very much indebted to his noble and learned Friend for the introduction of this Bill. The expense of obtaining Acts of this kind, as stated by his noble Friend, was hardly credible, though he new of his own knowledge that in the case of a noble Lord in that House, who found it necessary to apply to Parliament for certain Acts granting him leasing and other powers, which he considered necessary, the cost of obtaining them exceeded, he believed, the sum of 5,000*l.*; while in another case the cost of passing the requisite Acts of Parliament amounted to something more than 6,000*l.* The observation of his noble and learned Friend was exceedingly just when he declared that the expense of these Bills was such that the owners of small estates, who might be equally entitled to obtain powers from Parliament, were excluded from privileges which the owners of larger estates obtained, so that the present system operated with the utmost injustice. His noble and learned Friend had also stated with great propriety that there could be no objection to give this power to the Court of Chancery instead of vesting it in the Legislature, because everybody knew that if a case was recommended by the Court of Chancery to this House it passed the Legislature almost as a matter of course. He thought, therefore, that giving the Court of Chancery the power of dealing with these applications instead of recommending proceedings to that and the other House, was a proper provision. The principle involved in the Bill had been over and over again recognized by Parliament, and he thought that their Lordships could have no objection to adopt it. As to the particular clauses, of course they had as yet no opportunity of judging of these, but he highly approved of the principle and objects of the Bill, and believed it would be hailed with the greatest satisfaction by the whole country.

Lord REDESDALE said, he did not think the whole expense of obtaining these Acts would be saved by the new scheme proposed. One great object which they would have to keep in view was that persons should retain the security they now had that the intentions expressed in their wills would be fairly and reasonably carried out. Under the present mode of procedure they certainly had that security, and no doubt the noble and learned Lord had taken care to provide that except where special and strong reasons existed for a different course, the arrangements contemplated by a testator should not be interfered with. As to the expense of obtaining these Acts it was unquestionably heavy in many instances, though he did not think, if the whole number were gone through, it would amount to anything like what the noble and learned Lord had stated. The heavy costs mentioned by the noble and learned Lord behind him (Lord Lyndhurst) must have been occasioned by many more than one Bill.

Lord LYNDHURST: Yes; in the one case there were five, and in the other six Bills; but in each instance they were applicable to one property.

Lord REDESDALE: That explanation set the matter in rather a different light. Many of these Acts were got for not more than 500*l.*, and, unless under special circumstances, he did not see why they should necessarily amount to so high a sum as had been alluded to.

Lord CAMPBELL rose to express his entire concurrence in the principle of this Bill. The object in view was a most laudable one, and he earnestly desired that that object should be gained:—it would tend to the better cultivation of the soil, and add to the general prosperity of the community. No doubt the measure was framed with great caution, so as to guard against an improper interference with settlements, and against the conferring of powers not contemplated by testators: has an example, he would refer to the Bill of Sir Thomas Wilson, as to which Parliament, by repeated decisions, had expressed its belief that Sir Thomas Wilson, by granting powers of leasing with respect to certain estates, and witholding them in other cases (although he did not expressly forbid them), really indicated his wish that they should not be granted. Would the powers of enclosure sought for by the heir of Sir Thomas Wilson be granted under this Bill? He hoped not. He hoped that the repeated decisions of the two Houses of Parliament upon the construction of the will would not be reversed, and that they should not unhappily live to see Hampstead-heath covered with houses, streets, and squares. He viewed with satisfaction the introduction of the Bill and trusted it would meet with the approbation of all their Lordships and the support of the Government in the other House of Parliament.

Bill read 1ª.

House adjourned till Monday next.

HOUSE OF COMMONS,

Friday, May 11, 1855.

Minutes.] Public Bills.—1° Thames Embankment and Railway.
2° Downing Street Public Offices Extension.
3° Newspaper Stamp Duties; Registration of Births, &c. (Scotland); Religious Worship.

MILITARY ADMINISTRATION IN FRANCE—QUESTION.

Mr. T. DUNCOMBE said, that he had lately asked whether there would be any objection to lay upon the table the Report of the Commissioners who had been appointed to inquire into the system of military administration in France; and he wished to know if the Government could now state whether that Report would be produced?

Viscount PALMERSTON stated, that Her Majesty's Government had applied to the French Government for permission to make inquiries into the detailed arrangements of the military departments in France, and their application had been received with the courtesy which might have been expected from a Government with whom our relations were of so friendly a character. He must say, however, that the inquiries which were made related to matters of so confidential a nature—to the internal arrangements and organisation of the French army—that Her Majesty's Government would not think themselves justified in laying the result of those inquiries before Parliament, without ascertaining whether the Government of France had any objection to such a course.

THE BOARD OF ORDNANCE—MILITARY INVENTIONS—QUESTION.

Mr. EWART wished to ask the Clerk of the Ordnance, what measures had been adopted by the Board of Ordnance for investigating and deciding on mechanical and other inventions laid before them for the more vigorous prosecution of the war, and what has, so far, been the working of such measures?

Mr. MONSELL replied that, until lately, such inventions as those to which the hon. Gentleman referred had been investigated by a Committee consisting of *ex officio* Members, and which did not comprise any Members who were appointed strictly on account of their scientific knowledge. The late Secretary of War, the Duke of Newcastle, seeing that the then existing state of things was not satisfactory, added very considerably to the numbers of the committee, and placed upon it many men who were eminent for their scientific attainments, including Mr. O'Brien, professor of mathematics; Mr. Abel, instructor in chemistry; Mr. Anderson, inspector of machinery; Captain Boxer, Professor Wheatstone, and Mr. Gregory. The committee had since been working very satisfactorily; they held meetings two days in the week; and a sub-committee had been appointed for the purpose of eliminating those inventions which were really worth considering from the enormous mass submitted to the committee. During the six months previous to the commencement of the present year, 221 inventions were submitted to the old committee. From the 30th of January to the 30th of April in the present year, 451 inventions had been submitted to the committee; there were now remaining for consideration, 181; the remainder had been disposed of.

TELEGRAPHIC DESPATCHES FROM THE EAST—QUESTION.

Mr. **GROGAN** asked whether the noble Lord at the head of the Government had any objection to state to the House the nature of a telegraphic despatch which was said to have been that day received from the East?

Viscount **PALMERSTON** said: I can assure the hon. Gentleman that there is no indisposition on the part of the Government to publish, so far as may be consistent with their public duty, any information which they may receive from the East, and which may be of public interest. I am informed that the substance of the telegraphic communication received to-day is in the evening papers. It refers to an attack which was made yesterday morning upon part of our lines by the Russians, and which was defeated with great gallantry and success by our troops. Before sitting down, I will suggest one consideration to the House. The telegraphic despatches from the Crimea necessarily come in cypher. Now, everybody who is conversant with these matters knows that if you have a cypher on one side, and a literal translation of it on the other, the cypher will very soon be of no use whatever. It is impossible, therefore, for the Government, in communicating intelligence which comes by telegraph in cypher, to give the exact words, or anything approaching to them.

LORD RAGLAN—QUESTION.

Lord **HOTHAM** said, it would be in the recollection of those hon. Members who saw day by day the accounts of what was supposed to pass in the Sebastopol Committee-room, that in the course of his examination, the Duke of Newcastle produced a despatch written by himself to Lord Raglan, containing the orders of the Government with respect to the expedition to the Crimea, and the siege of Sebastopol. The production of that despatch necessarily created a desire to see the answer returned by Lord Raglan to it. The Committee, however, did not call for the production of that reply, but simply instructed their Chairman to communicate with the Government as to the propriety of its being produced. He presumed the Chairman of the Committee (Mr. Roebuck) had had that communication with the Government, and that the result was the notice which stood on the paper for that evening. If the intention of the Government was to produce a copy of the despatch from Lord Raglan, he should not have a word to say; he should wait with patience and anxiety for the production of that despatch; but, looking to the terms of the notice which the hon. and learned Member for Sheffield had given, he inferred that the Government, in their view of the interests of the public service, could only consent to the publication of extracts from the despatch. Now, as a general principle, where it was considered necessary that a correspondence between two parties should be published, the whole of the correspondence should be given to the world. He was aware, however, that it was necessary in cases of this sort for the Government to exercise a considerable degree of reserve. That reserve he was prepared to respect; but the question arose whether the reserve thus imposed upon the Government would enable them to lay before the public such portions of the despatch as should embrace a full and fair answer to the communication addressed to Lord Raglan by the Duke of Newcastle? It was that feeling which induced him to ask the noble Lord at the head of the Government whether he could give the House an assurance that the extracts from the despatch, which he might think it consistent with his duty to lay on the table, would or would not materially alter the tenor and character of the despatch itself, and give a tolerably fair and accurate account of the views of Lord Raglan with regard to those important subjects to which the despatch referred? If the noble Lord could give that assurance, it would be satisfactory to every one; but if, on the other hand, the noble Lord, in his desire to comply with the wishes of the Committee, was so restrained by his sense of public duty, that he was able to give partial extracts only from the despatch, it was to be hoped that neither the Committee nor the House would call upon the Government to produce such portions of the despatch as would be considered by any one meagre and inconclusive. While, on the one hand, they ought to be careful not to wound the susceptibilities of one party, they ought, on the other, to be equally careful not to inflict an injustice upon another party; and, above all, they should take care not to publish important documents in such a shape as should create in the minds of the public nothing but dissatisfaction and disappointment, and possibly do a wrong to a distinguished servant of the Crown.

Viscount PALMERSTON: I have no doubt it will be in the power of the Government to give the despatch referred to in such a shape as will completely answer the object of the Committee, without doing the injustice the noble Lord seemed to fear.

MAYNOOTH REPORT—QUESTION.

Colonel GREVILLE rose to put a question which arose out of statements that had been made respecting the Report of the Maynooth Commission—statements to the effect that the Report had been sent to Rome without the permission of the Commissioners, and that there the Report was garbled. He wished to ask the Chief Secretary for Ireland whether it was true that Mr. O'Ferrall, one of the Commissioners for inquiring into the College of Maynooth, and the two secretaries to the Commission, had been summoned to London and examined as to the circumstances connected with the transmission of the evidence and Report to Rome, and the alleged additions and alteration in the evidence, without the knowledge or sanction of the Commissioners?

Mr. HORSMAN: It is quite true that the gentlemen referred to in the question of the hon. and gallant Member have arrived in London, and have been examined relative to the evidence taken before the Maynooth Commissioners. I will state as briefly as I can the results of the inquiry which has been made by the Government. When the hon. Member for North Warwickshire (Mr. Spooner) brought forward his charges, I could only state in reply, that those charges did not appear to me to rest upon sufficient evidence; the information of the hon. Gentleman being, as I understood, anonymous. Subsequently, however, in consequence of what took place here and elsewhere, I was led to the conclusion that a general impression prevailed that those charges were very important, and called for an inquiry on the part of the Government. Accordingly, on Monday last I told the hon. Member for North Warwickshire that if he would be so good as to give me an opportunity of seeing the documents upon which he founded his accusations, I would make them, if necessary, the subject of an investigation. I wrote the same day to Ireland, requesting that the two secretaries to the Commissioners would come to London, bringing with them all the documents in their possession, the evidence in proof, the original transcript of the shorthand writer's notes, and anything additional which they might be able to get from the printer. On Wednesday morning the hon. Member called on me, and showed me all the documents to which he had referred in his speech, and very fairly, fully, and candidly stated to me the whole of the case upon which he had founded his charges. After he left me I saw the secretaries to the Commissioners, and asked them for their explanation. Subsequently, Mr. O'Ferrall, one of the Commissioners, and Mr. Thom, the printer, also arrived in London; and I am, therefore, now able to state the result of the inquiry. The first charge made by the hon. Member for North Warwickshire was expressed in the following terms—

> "Was the noble Lord at the head of the Government aware that in the return of the priests educated at Maynooth, made by the officer of the College, and published in the appendix to the Report, the full territorial titles were given to the Archbishop of Armagh as the 'Primate of all Ireland,' and to Dr. Cullen as 'Apostolic Legate of the Pope,' both of which designations were in open defiance of the Act of Parliament passed by the noble Lord the Member for London a few years ago? The law had thus been trampled upon, apparently with the sanction of the Commissioners; but the sanction was only apparent, because he was authorised by Lord Harrowby, one of their number, to say that these territorial titles did not appear in the return when given in evidence before them, and must have been inserted afterwards."

In answer to that, I will state to the House the real facts as they occurred. In page 33 of their Report, the Commissioners say—

> "In order that we might learn the proportion of priests who had been educated at Maynooth, we sent to the president of the College a copy of *Battersby's Catholic Directory*, and requested him to mark off the names of those priests who had been educated at Maynooth."

I hold in my hand the original document sent to the President of the College, and as returned by him. The letter "M" is written after the names of the priests who were educated at Maynooth, and in the list I find that certain Roman Catholic dignitaries are designated by their territorial titles. I think, therefore, that the statement that the document when put before the Commissioners had not those territorial titles is not correct. The explanation which is given for the appearance of the territorial titles is this:—In *Battersby's Catholic Directory*, the catalogue of the hierarchy of the Roman Catholic Church takes up sixteen pages, and in the twenty-eight dioceses which exist in Ireland there are only two in which territorial titles were given to the dignitaries of the Church. Dr. Twiss, who was properly described by the hon. Member for North Warwickshire, being anxious that nothing objectionable should appear in the Report, turned over the pages of the *Directory*, and having satisfied himself by looking at fourteen and fifteen that territorial titles were not given to the Roman Catholic dignitaries, instead of continuing his examination through the whole list, he concluded that a territorial title was given to none. It was not until the return was printed in the appendix, and brought under the vigilant eye of the hon. Member for North Warwickshire, that it was discovered that in two cases territorial titles were given. In those two cases the entry in the appendix is a literal transcript of the titles, as given in the *Directory;* and I have told the House the manner in which the thing occurred. The second statement made by the hon. Member for North Warwickshire was—

> "That alterations had been made in the evidence, that the full territorial titles had been given on the third time of correction, while in the transcript of the shorthand writer's notes the Roman Catholic bishops were only designated by their legal titles of bishops, and that they were afterwards inserted."

I hold in my hand the original transcript of the shorthand writer's notes of the evidence of Dr. O'Hanlon—the evidence to which the hon. Member more particularly referred—and I find that every one of the ten Roman Catholic bishops who are mentioned are designated by their territorial titles. The explanation of the secretaries to the Commissioners is, that when a Roman Catholic came before the Commissioners and called a dignitary of his Church by his territorial title, they did not think they would be justified in refusing to let the witness give his evidence in his own words; but when a Protestant witness came forward and called a Roman Catholic bishop by a territorial title, they checked him at once. One of the witnesses examined was the Rev. Mr. Leahy, now a Protestant clergyman, but formerly a Roman Catholic priest. I hold in my hand the original transcript of the shorthand writer's notes of his evidence. During his examination he spoke of the Roman Catholic Bishop of Clonfert; but Mr. West, one of the secretaries, with his own hand struck out the territorial title, and the evidence was thus given to the printer. But Mr. Leahy, the Protestant clergyman, having received a proof of his evidence, himself reinserted the territorial title, which accordingly appears in the evidence as printed. The strangest part of the statement of the hon. Member for North Warwickshire was this—that he had the authority of the Earl of Harrowby, one of the Commissioners, for asserting that the territorial titles were inserted after the evidence was taken, without the authority of the Commissioners. I can state to the House that Lord Harrowby's recollection of what took place between the hon. Member and himself differs considerably from that of the hon. Gentleman. Lord Harrowby has written a letter to me on the subject. I showed it to-day to the hon. Member along with all the other documents in my possession, and he requested me to read it to the House. It is to the following effect—

> "My dear Sir—I find that a question is to be put to you to-night on the subject of some charges which have been brought by Mr. Spooner against the secretaries of the late Maynooth Commission, and as I have reason to believe that he supported those charges by reference to a conversation held with me, I am anxious that this opportunity should be taken for a clearer statement of the spirit at least of what passed between us than seems to have been conveyed. A few days before Mr. Spooner's Motion he called me out of the House of Lords and told me that he had discovered that the evidence given before the Commission had been tampered with; that the ecclesiastical titles which Parliament had forbidden parties to assume had been admitted into our Report and evidence; that it had been ascertained by the indisputable testimony of some of the original transcripts, which by some strange accident had fallen into his hands, that these titles had been subsequently introduced into the printed evidence; that it appeared also, by a comparison of the same papers, that other and large alterations had been introduced subsequently to our last revise. He asked me if the Commission had sanctioned the assumption of these titles. My answer was—Certainly not; that we had been very careful on the subject, and my learned colleague, Dr. Twiss, particularly vigilant, so that I thought no such assumption could have escaped his observation. I told him that, the evidence having been returned by some of the witnesses after we had left Ireland, we had given it in charge to the secretaries to compare the evidence so returned with the shorthand writer's notes, and to admit what appeared to be mere clerical corrections, reserving for our consideration any more material changes; that I had not read through the evidence as finally laid on the table of Parliament for the purpose of comparing it with the original transcript, and therefore could not deny off-hand his assertion, but that I had no reason to doubt the fidelity and honour of the secretaries on whom this care devolved; but that at any rate, I said, laughing, he

must admit we had ample security in Mr. West, one of the secretaries, a good strict Protestant, against any such operations as he had described. To the best of my recollection I warned my friend Mr. Spooner against mares' nests in general, telling him that my experience had led me to the conviction that they abounded everywhere, and not less than elsewhere in Ireland, and not less than elsewhere among my good friends the Irish Protestants. This part of our conversation I have not seen reported. If my authority has been quoted for the purpose of giving any other impression of the spirit of what passed between us than the above statement conveys, it must have been given under misapprehension of a few hasty words, listened to with strong previous impressions by the hearer. On other points you will be fully informed from other quarters; but I should have been sorry if you had not had from my own pen an authoritative disclaimer of imputations cast upon honest and upright men, who had discharged a responsible and laborious duty with zeal, ability, and faithfulness, and appearing to rest on my authority."

So far I think I may say that the assertion that the territorial titles were not in the original transcript, but were afterwards inserted without the authority of the Commissioners, is totally incorrect. The next and most important statement made by the hon. Member was, "That the evidence taken before Her Majesty's Commission was sent by Dr. Cullen to Rome without Her Majesty's consent, and without the knowledge of some of the Commissioners; and that the document remained in Rome for several weeks, if not months. This happened while Parliament and the country were anxiously awaiting the result of the inquiry; and the Report was being 'cooked' with the view of making things pleasant." Now, as to the fact of the evidence having been given by one of the Commissioners to Dr. Cullen, there is no doubt. That has been publicly admitted on more than one occasion by Lord Harrowby, who has given such an explanation as he could for what was undoubtedly a great irregularity and impropriety; and if the hon. Member for North Warwickshire chooses to use a stronger phrase I do not wish either to explain or to extenuate it. But the question is, did the evidence in consequence undergo an alteration? The hon. Member speaks of two witnesses—Dr. Flanagan and Dr. O'Hanlon—whose evidence, he says, has been greatly altered. The explanation is a very simple one. Dr. Flanagan and Dr. O'Hanlon were the first two witnesses examined by the Commissioners; and the secretaries, in accordance with what they believed to be the usual practice, permitted them to correct their evidence in print. At their very next meeting, however, the Commissioners, hearing of what had been done, gave directions that in future the printed evidence should not be given to the witnesses, but merely the original transcript from the shorthand writer's notes, and that I believe was ever afterwards done. Dr. Flanagan was the first witness. He was examined upon merely formal points connected with the college arrangements. He is a very old man, infirm, nervous, and deaf, and the Commissioners had great difficulty in making the examination intelligible. When it was concluded, he himself was annoyed at seeing the confused state in which his evidence was. He asked permission to revise it, and endeavoured to do so on the printed paper; but, finding there was not room to make all the corrections he wished, he was allowed to write out the whole of his evidence, and return it in manuscript. The House recollects, of course, that he was examined upon purely formal points. The other witness referred to by the hon. Member for North Warwickshire was Dr. O'Hanlon. He also endeavoured to correct his evidence on the printed paper; but, finding that impossible, he asked and obtained permission to write it out with his own hand. The instruction given by the Commissioners to their secretaries was, that whenever a witness gave in his evidence with nothing but clerical corrections, it should be allowed to pass without notice; but whenever material alterations were made, they were to be submitted to the Commissioners. That inspection was followed in the case of these two witnesses. In Dr. O'Hanlon's case the rewritten evidence was submitted to the Commissioners by the secretaries on the 9th of December, 1853, along with that of Dr. Flanagan; the former because it had been rewritten, though the secretaries at the same time expressed their opinion that no alterations had been made in it; the latter, because it had been corrected in a manner which appeared to them ought not to be allowed. In the former case Lord Harrowby, by a letter dated December 12, 1853, allowed the rewritten evidence of Dr. O'Hanlon to be inserted; in the latter case, where substantial corrections had been made, and evidence inserted which had not been given, they refused to receive them. I beg the particular attention of the House to the dates which I am about to bring under their notice. The above letter was written by Lord Harrowby on the 12th of December, 1853. On the 3rd of January, 1854, orders were given for the printing of the evidence, including that of Dr. Flanagan and Dr. O'Hanlon. On the 9th and 11th of the same month proofs of the evidence were delivered to the Commissioners. On the 24th the types were distributed. On the 25th of April a letter was written by Lord Harrowby desiring that the evidence might be sent down to him to his mansion in the country. On that day it was bound up in the form in which it now appeared before the House, and was despatched to Lord Harrowby. It was in the month of May that the evidence was given to Dr. Cullen. In the month of October following Dr. Cullen went to Rome; and the evidence as it appeared in the blue book now on the table of the House was word for word the same as the original transcript from the shorthand writer's notes in December, 1853. I am speaking on the authority of documents which are accessible to any hon. Member in this House, and which I showed to-day to the hon. Member for North Warwickshire. There is no doubt, therefore, of the fact that, with respect to that portion of the evidence from which he quoted in his speech on the Maynooth grant, the types were distributed in the month of January, 1854, four months before the evidence was given to Dr. Cullen, and eight months before Dr. Cullen went to Rome; and that, moreover, on comparing the original transcript of the shorthand writer's notes with the evidence, as printed in the blue book, neither alteration nor addition is discernible. There is only one other statement made by the hon. Member which I desire to notice. He said that to a question respecting the turbulent conduct of certain students at Maynooth, during periods of political excitement, the original reply was this:—"That such conduct was scarcely to be wondered at, when it was discovered that very many of those students were sent from dioceses such as that of Dr. M'Hale, and the students imagined that such ebullitions were tolerable because they were in unison with the avowed principles of their patrons." "This answer," added the hon. Member, "appeared in the shorthand writer's notes; but in the transcript where it appeared the word 'irrelevant' had been marked against it, and the question and answer were left out in the printed Report." Now, even if this were so, the evidence had only been struck out; just as many answers given before the Committees of that House by the

permission of the Committee when they seemed to the witnesses, on reading them over, to be irrelevant. But, the whole of the transcript from the shorthand writer's notes, which is now in London, has been examined; the shorthand writer himself has made a further examination of his original shorthand notes; and both he and the secretaries have assured me that they cannot find any trace of such an answer having been given by any witness—that they do not believe it was given—and that, therefore, it could not have been erased. I wish to state these facts to the House without comment. The only remark I intend to make is this, that whatever may be said of Lord Harrowby, of the Commissioners or of the Government, their position and character will sustain them; but it is far otherwise with the secretaries. Their good name is valuable to them, and when it has been insinuated, if not directly asserted, that they have been guilty of a gross and culpable neglect of duty, I do feel that the hon. Member for North Warwickshire will do them at least that justice to which they are entitled. If the hon. Member does not think, after the documents I have shown him, that he was mistaken in the charges he made the other night—if he thinks that further inquiry is necessary—I can only state that the Commissioners court that investigation, and the Government have not the slightest objection to grant it.

Mr. SPOONER hoped the House would grant him its indulgence after what had passed. His right hon. Friend, if he would still allow him to call him so, had placed him in a painful position. He was obliged to say, and he did it with great pain, that the letter of Lord Harrowby was full of inaccuracies, and he was now prepared to reassert in the strongest manner, that what he (Mr. Spooner) had stated on a former occasion, was exactly what passed between them. The noble Lord said, he merely gave the spirit of the conversation which passed; that, of course, was a matter of construction, but he (Mr. Spooner) had given, not the exact words, certainly—for that would be impossible, of any conversation which was not written down at the time—but the substance of what passed, and that substance differed very much from what Lord Harrowby represented to be the spirit. He did not mean to impute to the noble Lord any intentional misrepresentation, but he could show such inaccuracies in the letter, as to convince every one that the noble Lord was under a great mistake, and did not give a correct account of what had taken place. The noble Lord gave as one conversation that which was, in fact, two conversations—one in his own House, and one in the passage leading to the House of Lords. It was in the conversation which took place in his own House that the noble Lord had warned him (Mr. Spooner) against "mares' nests;" upon which occasion he (Mr. Spooner) answered that he would take good care before he took any steps in the matter. He (Mr. Spooner) informed the noble Lord that he had the facts of the case respecting the garbling of the evidence on the best authority. Then it was that the noble Lord warned him against "mares' nests." This was before the conversation in the House of Lords. The noble Lord, in his letter, admitted that "he called me out of the House of Lords, and told me that he had discovered that the evidence given before the Committee had been tampered with; that the ecclesiastical titles which Parliament had forbidden parties to assume had been admitted into our Report and evidence; that it had been ascertained by the indisputable testimony of some of the original transcripts, which, by some strange accident, had fallen into his hands as the printed evidence, that these titles had been subsequently introduced; that it appeared also by a comparison of the same papers, that other and large alterations had been introduced subsequently to our last revise. He asked me if the Commission had sanctioned the assumption of these titles? My answer was, certainly not." Now, on the honour of a Gentleman, and as a Member of that House, in his place in Parliament—a declaration he considered to be as binding as an oath—he must state that the noble Lord had left out a most material part of the conversation. The material part was the commencement. He (Mr. Spooner) had asked the noble Lord this—"Are you aware that in the appendix to the Report, the Commissioners have inserted the territorial titles of the Roman Catholic bishops?" The noble Lord's answer was—"I know nothing of it. If it was done, it was done without my knowledge." He (Mr. Spooner) replied, he made no doubt about that; but had he looked over the evidence? The noble Lord replied "No;" and the noble Lord gave him his unqualified authority to state that to the House, and to say, that the alterations made in the Report of the evidence laid before Parliament were made without his knowledge or authority. That was what he stated to the House the other evening on his honour, and that was what he again stated as the fact. He was ready to meet the noble Lord anywhere, and to assert the same thing in his presence; and he was sure the noble Lord, on recollection, would find, and would admit, that he the noble Lord had been inaccurate. He had had the honour of the noble Lord's acquaintance for many years, and he would fearlessly ask him, whether, from his personal knowledge of him, he thought that he (Mr. Spooner) was capable of wilful misrepresentation? The noble Lord should be his judge, and he was confident the noble Lord would, from his sense of truth, admit he had not misrepresented what took place. He again asserted he was not mistaken, and it was on that assertion he now acted. He spoke in the presence of hon. Friends to whom he could appeal—to whom he had made the same statement a few hours after he heard it, and who would say he used the very words to them he had used in that House. He must say that the noble Lord had not used that courtesy which one Gentleman ought to show to another. In his letter, the noble Lord says, "I have reason to believe that he (Mr. Spooner) supported his charge by reference to a conversation held with me." Reason to believe! Why, by that courtesy shown to Members of the other House, the noble Lord was himself present during the debate, and from that time to this he had never received from the noble Lord one word, either impugning what he said, or asking him to explain, on the subject. The first communication he (Mr. Spooner) received, was from the right hon. Gentleman the Secretary for Ireland, and he would put it to the House to say, whether the conduct of the noble Lord was courteous from one Gentleman to another? He would put it to the House to say whether, if Lord Harrowby considered that he had given an improper colour to what had passed between them, that noble Lord ought not to have addressed him personally on the subject. He could, however, account for the noble Lord's conduct in this way. The noble Lord was a kind, a compassionate man; he fancied some charge was fixed on the secretaries, and, feeling this, he wished to palliate and to weaken what he said. He would, however, again unequivocally declare the noble Lord said that the alterations had been done without his knowledge and authority. The noble Lord would not deny that he had used the words "you are authorised to state to the House, &c." What was he (Mr. Spooner) "authorised" to state, he would ask? Not that the ascription of territorial titles was made with the knowledge and consent of the noble Lord, for that appeared upon the face of the appendix of the Report which he had signed; but it must have been, as he (Mr. Spooner) stated, and again asserted, an "authority" to declare that it was done without his knowledge or consent. He felt deeply concerned at being obliged to impugn the statement of the noble Lord. Having thus shown the House that Lord Harrowby had mixed up two different conversations, and had omitted the commencement of the conversation which took place in the passage of the House of Lords, he confidently asked whether he had not proved that at least he (Mr. Spooner) had not been guilty of misrepresentation? The noble Lord would not deny that he had stated that the ultimate making-up of the Report for the press was left to the secretaries; the reason alleged for this being that there were so many delays and so much difficulty in getting in the evidence that the Commissioners were obliged to leave Dublin before it could be printed. He (Mr. Spooner) had never charged the secretaries of the Commissioners with any dereliction; he had only stated his inference that, from what had occurred, the secretaries ought to be required to account for the omissions and alterations that were proved to have been made in the evidence since it first appeared in the transcript of the shorthand writer's notes. It was confessed, both by the noble Lord and the Government, that the Report had gone to Rome. He had referred to an anonymous letter handed to him, though the writer was known to those who gave him the letter, in which the writer said he was ready to make oath that what he (Mr. Spooner) had stated was true—namely, that there were many things in the printed Report laid on the table of that House which did not appear in the original Report, and that many things that did appear in the Report were not to be found in the shorthand writer's notes. What he said at the time was that the secretary ought to account for this. He had heard who the Commissioner was who had given the evidence to Dr. Cullen, and as the evidence was altered and changed one of the secretaries, at least, must have been in communication with those who made the alterations. The inference

Mr. Spooner

was plain. He was justified in drawing that conclusion which every one who looked at the evidence impartially must draw. He was told that the alterations were made in the evidence of two only of the witnesses. It was true he only proved that two of the witnesses' evidence had been altered, because he had only documents relating to two witnesses, but he did not say that was all that had been altered. Lord Harrowby said that it was the Parliamentary practice to correct evidence before it was printed. But would any one in that House say that evidence was given out for correction before it was printed? Where did the noble Lord get his Parliamentary practice from? and, if the noble Lord was inaccurate in that statement, he might be equally so in others which he had made. He thanked the right hon. Gentleman for consenting to an inquiry, and he would appeal to the House to institute such an inquiry that should satisfy the House and the country. He had from the first told the House that the letter he had referred to was anonymous. He should not have paid attention to it, had not the parties who transmitted it to him been two gentlemen well known in Dublin—one of them had authorised him to use his name, the other was not at present in England. One of them was Dr. Gregg, a clergyman of the Church of England, a highly-respectable, able, honourable, and trustworthy man; he sent the letter with an assurance that he had seen and talked to the writer, that he knew him to be a hard-working man, and one that could be safely relied upon. The letter could, therefore, hardly be called anonymous; but be the letter what it might, it contained facts confirmed to him by Lord Harrowby in his conversation in the House of Lords—that the territorial titles in the evidence had been given without his knowledge or authority. He had shown so far that he had stated nothing but what was grounded on a sure foundation, and on a strong *primâ facie* proof. But he had made out more than this—he had made out a case which was unanswerable, and he felt convinced that the impression which must have remained on the minds of those he had the honour of addressing was, that the charges which he had brought forward were true, and that the evidence had been cooked. The right hon. Member had accused him of saying that the Report had been cooked, but he had not done so; and what he had said he would read from his speech on the former occasion, which had been furnished him by the right hon. Gentleman. His words were:—

> "The evidence remained in Rome for some weeks, if not months; and, while Parliament and the country had been waiting the result of the inquiry, it had been cooked to make things pleasant."

He had said the evidence had remained at Rome and had been cooked; but he had not made any charge as to the Report. He did not say that it had been tampered with. This evidence, as they had been told for the first time, was concluded in December, 1853, and was all printed in April, 1854, and when they were waiting for this Report the noble Lord at the head of the Government had told them that the delay in presenting it had arisen from part of the evidence having been sent to Dr. Cullen, as the Commissioners wished to have his opinion on some questions connected with the ecclesiastical discipline of the Church of Rome as applicable to Maynooth College. Was this consistent with the statement that had been made that the evidence had been completed? He had looked for Dr. Cullen's evidence in the Appendix, and could not find that a question had been asked, or that a communication had been made from that gentleman on the point which had caused so much delay. He was sure that this circumstance would convince all that the evidence had been delayed for some other purpose than that which had been alleged, and he considered it an insult to Her Majesty, the House, and the country that the Report should have been so bandied about, and parts of it published at Rome before it had been laid before Her Majesty. It was more than twelve months after the Report was not stated to have been finished that it was delayed for the opinion of Dr. Cullen. He did not charge the noble Lord (Viscount Palmerston) with having given an incorrect answer as to the cause of the delay, but those who had stated the cause to the noble Lord had done so incorrectly, and the Report must have been delayed for some hidden and mysterious reasons which had not been laid before Parliament. They ought to have a searching inquiry to ascertain who had dared to give the evidence to Dr. Cullen, and, if steps had not been taken to ascertain this, the Ministry had neglected their duty. Now, what had been the course taken by Gentlemen who had felt so much hurt, and who now preferred a claim to be heard. The statement of which they complained was made last Tuesday week, and would be in Dublin at the latest by Thursday; but no explanation was asked for, nor any complaint made until it was felt that the pressure from without was becoming too strong. Thus, these much-injured secretaries — these much-misrepresented Gentlemen—had remained silent and passive for a week until they were stirred up by the right hon. Gentleman opposite. [Mr. HORSMAN made a movement of dissent.] The right hon. Gentleman shook his head. Why, the right hon. Gentleman had told him (Mr. Spooner) so himself. But if the right hon. Gentleman stated distinctly that the secretaries had complained before he wrote, then he (Mr. Spooner) would withdraw that expression, and give them credit for the feeling which they professed to have entertained. But, unless the right hon. Gentleman made a statement to that effect, it could only be supposed that the secretaries had been perfectly content to remain under the heavy charges preferred against them until the remonstrances of the right hon. Gentleman, of the country, and of the press—which always came forward to unravel a mystery, expose a wrong, and bring discreditable tricks to light—compelled them to come forward with what they called a fair statement of the case. If the House would grant a Committee of Inquiry, it would soon be seen who was mistaken in the matter. The statement he had made to the House had been made after full examination and due deliberation, and in laying it before the House he had merely acted in the exercise of an undoubted privilege, and with no other view than to insure a complete investigation of the subject. With regard to Lord Harrowby, if that noble Lord had heard a statement made, which he knew to be incorrect and which impugned the conduct of those whose administration he had joined, charged them with negligence, with a dereliction of duty and with not having properly vindicated the honour of the Crown, he should have thought that the noble Lord, in his place in another House, would have asked for a Committee of Inquiry to examine into and thoroughly sift the matter. It was in the House of Lords, that the Committee ought to be formed, but no move had taken place. He was anxious that the Committee should be in the Lords. He would not ask witnesses from Maynooth College to be examined. He would not call Maynooth students. He would call witnesses, who would prove the allegations he had made, and who would be free from the trammels of the priests, by whom other witnesses had been surrounded. One remark more. The Commissioners appeared to think it was their duty to allow the Roman Catholics to use what titles they pleased, but denied this privilege to Protestants. How strange was this! In the name of the country at large, he implored the Government not to let this matter sleep. He had furnished documents and information, with the view that the whole question should be examined to the very bottom, and that the country should know whether we were to be governed by priests educated at Maynooth, or whether we should preserve our Protestant Constitution untainted and unimpaired. Keep up the dignity of Parliament —meet the wishes of the people, and vindicate the Crown from the gross insult which had inflicted upon it in consequence of evidence taken by a Royal Commission being altered and garbled to such a purpose. He hoped the noble Lord (Viscount Palmerston) would take means to have a full investigation in the House of Lords; but, if not in the other House, he (Mr. Spooner) would have no objection to its taking place in that. All he wished was a searching inquiry, and that witnesses should give evidence under the pains and penalties of perjury, by which means they should come at last to the truth, and make manifest the working of the system. He might be called uncharitable; but he was speaking of doctrines, not men, which were the result of such pernicious teaching, as that equivocation in a good cause was to be permitted, and the definition of what constituted a "good cause," was left to the priest. To his original statement he adhered. The original draft of the shorthand writer's notes could be referred to, and that would bear out his statements. He thanked the House for the attention it had afforded him. He was prepared to prove everything he had advanced, and he hoped the matter would have full investigation.

Mr. HORSMAN said, he wished to correct a false impression under which the hon. Gentleman was labouring. The secretaries had not remained passive and silent. He had himself had no communication with the secretaries, but he had learned that a letter had been addressed by those Gentlemen to the Chief Commissioner (the Earl of Harrowby), in which they referred to the statements of the hon.

Gentleman (Mr. Spooner), and they requested his Lordship to do an act of justice to them.

Mr. SPOONER said, that his right hon. Friend had never told him of that. What was the date of the note? [Mr. Horsman intimated that it was soon after Mr. Spooner's speech reached Dublin.] And yet Lord Harrowby had remained silent up to the present moment.

CONSOLIDATION OF THE MILITARY DEPARTMENTS—QUESTION.

Mr. FRENCH said, that the hon. and gallant Member (Major Reed) had a notice on the present state of public affairs, and as another hon. Member (Mr. Layard) had already occupied that ground, he would put it to him whether he would think it expedient to anticipate the discussion of the hon. Member for Aylesbury, upon the issue of which the fate of the Government might depend.

Major REED said, that, in answer to the question of the hon. Gentleman opposite, he could only say that he had no desire to violate any rule of the House. He, however, could not see that similarity between his Motion and that of the hon. Member for Aylesbury, which appeared to have made an impression upon the hon. Gentleman opposite. The Motion of the hon. Member for Aylesbury was a vote of censure upon the Government. His (Major Reed's) Motion was of an entirely different character. As an independent Member, neither desiring nor seeking office, he wished to give his cordial support to Her Majesty's Government in the critical circumstances in which the country was now placed. His object was to induce the noble Lord at the head of the Government to make such a general statement, consistent with his public duty, as would be satisfactory to the country at large. Under these circumstances, he did not feel it would be consistent with his position as a Member belonging to no particular party or faction, to acquiesce in the proposal of the hon. Gentleman; and he should accordingly proceed in the terms of his Motion—

"To call the attention of Her Majesty's Government to the highly critical position of public affairs, and to the increasing anxiety and dissatisfaction which at present pervades all classes of society, and to impress upon Her Majesty's Government the wisdom of immediately anticipating those consequences which are certain to arise from continual popular demonstrations, by at once introducing such reforms in every branch of the State as are consonant with the intelligence of the age and the just demands of the people."

In support of this Motion, he would only call the attention of the House to this important fact—that, after the Earl of Aberdeen had tendered his resignation, the noble Viscount (Viscount Palmerston) was entrusted with the formation of a new Administration, with the entire approbation of the people, who felt satisfied that he was equal to the emergency. But, he would ask, what had been the result of the good opinion which had been formed on that occasion? He regretted to say that the country had been wofully deceived. He regretted to say that the noble Viscount had not moved with the spirit of the times—that he had not introduced reform—that he had, in fact, only formed his Administration out of the same materials as the late Ministry. The taunts of the Opposition that the party to which the noble Lord belonged were democrats in opposition but oligarchs in office appeared to be well merited. As an independent Member, he called upon the noble Lord now to make such a declaration as to the future intentions of the Government as would satisfy the voice of public opinion in this country. He was inclined to give the Government his cordial support—he wished to do so in the circumstances in which they were placed, and he would give them that support if the noble Viscount now made a satisfactory declaration; but if he did not do so, he should oppose him. He could assure the noble Viscount that the seeds of discontent had already been sown broadcast throughout the land, and that those seeds were producing fruit—that they were daily watered by the tears of the thousands who had lost relatives and friends during the present war. He therefore called upon the noble Viscount to make such a statement as would give those who wished to support him a tolerable excuse for doing so. If the noble Lord would not do so, the days of his Government were numbered. He could no better conclude his observations than by addressing to the noble Viscount the words of the great poet, Milton—

> "Awake, arise, or be for ever fallen!"

Viscount PALMERSTON: Sir, the course which the hon. and gallant Member has taken is, in my opinion, perfectly justified by the present position of public affairs, and by the feeling of the House and of the country. I am not disposed, therefore, to find fault with the hon. and gallant Member on this ground, and I do full justice to the motives which have induced him to bring forward this subject. It is perfectly true, as he has stated, that when it was Her Majesty's pleasure to authorise me to form a Government, public expectation had risen high, and, if I may be allowed to say so, had overrun the bounds of reasonable and practicable realisation. It was my duty to endeavour to obtain the assistance of those persons whom I thought most capable, from their position in Parliament, of making a strong and efficient Government. I was actuated by none of those considerations which have, without cause, been imputed to me, of private partialities, of family connections, and of regard for rank; but my object was to look around me and see who were the men most eminent and distinguished in public life, who had shown themselves capable of governing by the part they had taken in public affairs, and whose opinions were most in conformity with my own. I apprehend that to be the duty of any man who may be called upon by his Sovereign to form an Administration for the conduct of public affairs. I know it has been frequently said, and felt by many, that instead of taking those men who had by their previous experience acquired knowledge, and to whom opportunities had been afforded of displaying their abilities in the management of public affairs, or who had hitherto devoted themselves to a public life, it was the duty of an individual placed in the situation in which I found myself, to go elsewhere, and select the Members of a Government principally from persons engaged in commercial and business transactions. My answer to that statement is plain and simple. Those persons who have devoted themselves to commercial and business-like pursuits, and who have been endowed by nature with eminent talents for such pursuits, have generally engaged themselves in transactions which make it imposible for them to abandon those pursuits and to accept a precarious political office. Why, does not everybody know that when Lord Derby was commanded to form a Government upon a former occasion, he was desirous of having as his Chancellor of the Exchequer an eminent hon. Member of this House, most fitted by his talents for that situation, and whom it would be an honour to any Government to have enlisted in its ranks—I mean the hon. Member for Huntingdon (Mr. Baring).

But that hon. Gentleman was obliged, being unable to give up the immense engagements in which he was concerned, to decline Lord Derby's offer. When I was forming the present Government I wished to obtain the assistance of the hon. Member for Wick (Mr. Laing). I wished that hon. Gentleman to represent in this House the commercial department of the Administration; but he told me, what was naturally, perhaps, to be feared—that his commercial engagements were such that he could not possibly abandon them and accept the duties of the office which I proposed that he should take charge. A person who is appointed to form a Government has not that entire freedom of choice which some Gentlemen imagine he possesses. He must look out, in the first place, for political experience; he must look out for men who, by their former conduct, have shown that they are capable of discharging political duties, and who are free from any of those private engagements which would prevent them from accepting temporary political appointments. Well, Sir, I cannot but think that the Government, as it stands, is composed of men who are entitled, from their former conduct, their known ability, and their political acquirements and sagacity, to command the confidence of this House and of the country. The hon. and gallant Officer has said that he wishes to know what are the views of Her Majesty's Government with regard to those administrative changes which the voice of the country has so loudly called for. Well, Sir, I am free to admit that considerable improvements are required, or have been required, in many of the departments of the State; and I can assure this House and the country that these matters have not escaped the attention of Her Majesty's Government. Much has been done, and I am happy to say that very successful results have already been achieved. If we take the army—that branch of the public service which has more peculiarly, from unfortunate circumstances, attracted general attention, I am happy to say that our army now in the Crimea is, by universal consent and admission, in as perfect a condition as any British army ever exhibited. I make this statement, not merely upon the testimony of officers who are friends to the Government—not merely on the evidence of official reports—but upon the unsuspected testimony of the Commander of our Allies, who has rendered honourable justice to the condition of the British forces in the Crimea. Now, Sir, I am asked what has been done, and what is going to be done? I will, in the first place, call attention to what has been done by Her Majesty's Government. It is vain to conceal or to deny that of which everybody is aware—that when, after a forty years' peace, we undertook an expedition upon an extensive scale and at a great distance, under circumstances of very considerable difficulty, great mischances in the way of detailed arrangements took place; and that those who were employed to execute arrangements with which they were not conversant, did, undoubtedly, make many mistakes. The result could hardly have been otherwise, though it might perhaps have been less severe; but certainly these mistakes did exist to a great degree, and were productive of consequences locally which we must all lament. With reference to the changes effected by Her Majesty's Government, I will begin with the Commissariat Department. That department was under the control of the Treasury, but by an arrangement made by the Government of Lord Aberdeen, and which has been continued by the present Administration, the Commissariat has been placed under the Secretary of State for the War Department. The Commissariat is a military department, and ought therefore, I think, to be under the command of the military chief; it ought to be administered by that officer of State to whom it belongs to arrange the military details of the public service. Sir John M'Neill, a most able man, has been sent out to organise and arrange the details of the Commissariat Department in the Crimea, and I believe that, under his superintendence, the Commissariat arrangements are as complete as the nature of such a service will admit of. Arrangements have been made for furnishing to the army an ample supply of all the articles which it is the duty of the Commissariat to provide. Great inconvenience arose, in connection with this department, from the combination of the duties of supply with the duties of distribution and transmission—that is to say, great inconvenience arose from the circumstance that the same Commissariat officers who were charged with providing the supplies for the army were also charged with the duty of providing the means of transport for carrying these supplies inland from place to place. The department of transport has now been separated from the department of supply, and, under the control of a very able officer, Colonel M'Murdo, the Transport Department is in a state of complete efficiency. We have, therefore, every reason to entertain a confident hope that, from henceforward, our army in the Crimea will not only be furnished with an ample supply of those articles which it is the duty of the Commissariat to provide, but that it will also possess an ample supply of the means of transport, consisting of animals and carriages. I will next refer to the Medical Department of the army, which is about to be immediately remodelled at home. New persons will be placed at the head of the department, a military man and a civilian, both under the immediate orders of the Secretary of State for the War Department, with whom it will rest to give all directions for the management of the Medical Department of the army, and to regulate the appointment and promotion of persons in it. Of course officers of this department on foreign service, being subject to military law, will, in point of discipline, be under the orders of the officer commanding the force with which they may serve. I am happy to state, with reference to this subject, that the hospital arrangements in the East have been placed in a most satisfactory condition. Not only have civilians been sent out to assist in some of the hospitals, but a commission purely civilian, consisting of men well versed in sanitary arrangements —Dr. Sutherland, Dr. Gavin—who unfortunately lost his life by a most painful accident—and Mr. Rawlinson, an engineer—have also been sent out for the sole purpose of placing the hospitals, the camps, and all the stations of troops in a condition as free from those influences which impair health as it is possible to do by any arrangements. I am glad to say that the arrangements of the Commissioners have been productive of the most beneficial results. Well, Sir, great complaints have been made of the want of sufficient arrangements with regard to naval transport. That department was formerly under the control of one person, who was charged with other duties, and the consequence undoubtedly was, that sometimes, from the pressure of business, the arrangements for this service were not carried out, either so promptly, or with so much perfection, as was desirable. My right hon. Friend the late First Lord of the Admiralty (Sir J. Graham) made an excellent arrangement, by which the naval transport service was placed on an official footing under a separate Board acting under the immediate orders of the Admiralty; and I believe that arrangement will produce the best results with regard to that most important branch of the public service. So far, then, with respect to the Commissariat, the Medical Department, and the transport service by land and by sea; and I trust the arrangements which have been made affecting these most important subsidiary branches of the military service have already produced good results, and will prevent the recurrence of those inconveniences from which the army suffered in the course of the autumn and winter of last year. Now, Sir, with regard to what the Government propose to do. It has struck everybody who has paid any attention to military matters, that that part of our military arrangements which separated a very important branch of our military service from the rest, and placed it under the control of the Board of Ordnance, was an arrangement which was highly inconvenient and which it was most desirable to change. My noble Friend (Lord Panmure) has given his anxious attention to the subject of effecting an improved arrangement in regard to that department, and I will now proceed to explain what Her Majesty's Government propose to do, in order to effect this object. I am sure the House will feel that there must be far more difficulty in remodelling any of the public departments, while they are engaged in carrying on important services, than there would be at a period when there was, comparatively speaking, less pressure upon the time and attention of those who have to remodel such department. That difficulty must be especially felt at a period when every hour of the day, and even of the night, scarcely affords sufficient time for transacting the daily and current business which presses upon the heads of departments; for, under such circumstances, not only is it difficult to mature the necessary arrangements, but also to carry them into operation, without in some degree interfering with the despatch of current affairs. In the first place, we propose to remodel the Board of Ordnance, to abolish the office of Master General of the Ordnance, and to abolish also the Board of Ordnance as a separate establishment. The corps of Artillery and Engineers will, as military bodies, in point of discipline, be placed under the same authority which governs the discipline of the army at large. I certainly never could understand the principle — the result of ancient arrangements — upon which the forces of the line were placed under one military chief, and the artillery and engineers under another. I believe such a regulation does not exist in any other army in the world. It was, however, the result of ancient arrangements, and was allowed to continue for a long period of years. Great advantage will accrue to the service from placing the Artillery and Engineers, as military bodies, under the same head as the rest of the army. It will be of advantage to the service at home—it will be of greater advantage abroad. There will be no longer a sort of distinction between the Ordnance corps and the army in general, a distinction that does not exist in any other army, and which on many occasions has been attended with inconvenience to the public service. The Board of Ordnance being abolished as a separate establishment, together with the office of Master General and Lieutenant General, and the discipline of the Artillery and Engineers being intrusted to the Commander in Chief, the civil department of the Ordnance will be placed under the Secretary of State for the War Department. Our object has been to centralise as much as possible—to give unity of direction in all matters in which there is unity of nature—and to bring as far as possible all the military departments under one supreme and directing control. Therefore, the preparation of stores, ordnance manufactures, the manufacture of arms, of cannon, of ammunition, all things connected with the construction of fortifications and barracks, and all that belongs to the civil branches of the Ordnance, will be put under the direct control of the Secretary of State for the War Department. He will, of course, have under him subordinate heads in all these different branches. The House will see, then, that the Commissariat, the Medical Department, and the Ordnance Department, will henceforward be under the immediate control of the Minister for War. There then remains a branch of the military service, the business of which has hitherto been transacted by the Secretary at War—that is to say, the examination of the accounts of the army. That is a department of great importance, in which much business is done, and which must be done under some responsible head. The office of Secretary at War and Secretary of State for War having been united in the person of Lord Panmure, he will be also the head of the department which examines the accounts of the army. The House will see that in so far as public expectation goes in favour of the consolidation of the military departments under one head—giving unity of action and promptitude of execution—the arrangements we propose, those which we have partially effected, and those which are about to be completed will, as far as possible, meet that desire; because there will be one official head who will have under him all those matters, both departmental and political, that appertain to our military system. By political, I mean the distribution of the troops, the direction of expeditions, and everything connected with the political relations of the country. He will also have all those duties which have hitherto been performed by the Secretary at War. He will also have the direction of the Commissariat, of the Land Transport, of the Naval Transport, and of the Medical and Ordnance Departments:—all these departments will hereafter be brought under one head. Some persons, I am aware, have thought that the system of consolidation should be carried still further. They think that the Minister of War ought also to be what the Ministers of War in some other countries are—the Commander in Chief, and to have the discipline of the army as well as the direction of the political relations and civil branches of the army. I confess, that for one, I am not of that opinion. There are great objections to such a consolidation—objections belonging to the interests of the service, and also objections belonging to other matters connected with the working of our constitution. This country is under Parliamentary Government. Its Governments are liable to change from time to time, and the Government must be composed of men of a political character. If the Minister of War were to be also the director of the discipline of the army, I say he must in that case be a military man. It would be fatal to the character and spirit of the army to commit its discipline to a mere civilian. I cannot believe that any army would feel that respect that it ought to feel for a chief who was not a soldier. His praise would have no value, and his censure would command no respect. It is absolutely necessary, in my opinion, that the commander of the army, in order to insure its excellence and superiority, and to be able to judge of the merits and demerits of the officers, should be a military man. It would be impossible, however, amid all the changes to which Governments are exposed, always to find a military man who had so devoted himself to political matters as to be, by that circumstance, pointed out the representative of the army in the Cabinet. Therefore, with regard to the interests of the army, I think it is undesirable that such a change should be made. But I am also of opinion that if all the patronage of the army were to be dispensed by a Member of the Government of the day, it would be an arrangement open to great and serious objections. I think, therefore, the present arrangement is one that ought to be continued. There is great advantage in having the discipline of the army directed by a military man rather than by a citizen; and there are very weighty reasons why the patronage of the army should not be dispensed by a man connected with the political party which may at the moment be at the head of affairs. It is very well for persons to talk of abuses in the patronage of the army, and to point to individual cases in which they think due attention has not been paid to particular merits and services by the Commander in Chief at the head of the army. It is impossible for any man, however pure his motives, or however correct his judgment, to avoid reflections like these, or to meet with universal assent in whatever way he may exercise his choice. Complaints, therefore, must always be expected when the army is governed by a military man; but how much greater, I ask, would the outcry be, and how much multiplied would be the number of complaints if the patronage of the army were dispensed by a man who sat on the Treasury bench in the House of Commons or in the other House of Parliament? He would be open to every kind of imputation—and, of course, men are naturally governed by motives; and it is quite clear that the inducements to allow favour and partiality to overpower his judgment of merit would be tenfold greater on the part of a person belonging to a Government than they could be in the breast of a man who has no other object than the character and officering of the army, at the head of which it is his good fortune to be placed. I have stated to the House what has been done, and what we propose to do. I think these arrangements will accomplish great and important results, and be greatly to the advantage of the military branch of the public service. These are, however, matters that cannot be made perfect at once. It is very probable that experience and the working of those arrangements which we have made may lead to further improvements. We have done all that, in the meantime, we think the nature of things will admit of, and that the interests of the public service require; but we are ready to reconsider any of these arrangements, and, if it is found by experience that improvements can be made in what we are going to carry into execution, we shall be ready to do so. I can assure the hon. and gallant Gentleman (Major Reed) and the House that the great object the Government have at heart—and I do not pretend to claim any particular merit for these desires, because the object of any persons who stand in the position of Ministers of the Crown must be the same—is to render all the departments of the public service as efficient as it is possible for us to make them. We can have no other motive than that of discharging our duty to the best of our abilities, because it is only by a successful administration—by correcting errors where errors have been committed, and remedying defects where defects are found to exist—by introducing into every branch of the public service the utmost vigour, and activity, and the most successful energy which it is in the power of the Government to infuse—it is only by that means that it is possible to carry the country through the great war in which we are now engaged; it is only by a successful prosecution of that war by improvements in the public service;—it is only by these means that any Government that may be honoured with the confidence of the Crown, and supported by the confidence of Parliament, can expect to render themselves worthy of either that service or of that confidence, and can expect to earn the approbation of their Sovereign and their country. I trust, therefore, that if the country, from an impatient but very natural desire of seeing these improvements carried out, has shown itself desirous to go rather ahead of the Government in carrying out these changes in our military institutions, they will not ascribe any delay that has taken place to apathy on our part, or to indifference to those interests which it is our duty to promote, but will believe that what to them may appear delay has simply arisen from those difficulties that are inherent in the arrangements which we are about to carry into effect, and which it would have been unbefiting for us to launch forth until by mature deliberation and examination we were satisfied we were taking that course which was the best we could for the moment devise, and which would be attended with the greatest advantage to the country. I admit that this House has given generously and largely its assistance to the Government in respect to all matters in which the public service was concerned; I am bound to say that the way in which this House has afforded to the Government all the means they required has presented a most gratifying spectacle to the world, for we have seen no party feeling and no strife of different sections interfering with the interests of the public service; I am bound to make the most handsome acknowledgment to all in that respect; and I say, if that has been the case, and if the country has also been willing to wait to see what changes and improvements we were able to make, I trust this House and the country will think that those changes which have already been made, and those which we are about to make, and that great and marked improvement already effected in the condition of our army abroad, will justify the forbearance which this House has shown, and will entitle us to at least a continuance of the confidence of the country. We are now engaged in a great struggle. It is not, depend on it, simply a question of this condition or of that, or merely a question of those points which have lately been discussed, but all Europe, all the world, all the human race have their eyes fixed on the contest now carrying on by two great Powers on the one side against a gigantic and colossal Power on the other. On the issue of that contest depends not the question of minute arrangements or conditions, but whether England and France shall continue to hold the high position which they have hitherto occupied among the nations of the world, or whether, on the other hand, we and France shall sink down to the condition of inferior and secondary States, and whether the enemy with whom we contend shall henceforth be the dictator and dominant Power in the world.

Mr. DISRAELI: Sir, on Friday night a Secretary of State, on a similar motion to that which is now in your hands, read a lecture to the House on the great inconvenience of making that motion, by an abuse, the opportunity for indulging in desultory discussions. I believe the Secretary of State even intimated that if the abuse was persevered in, it was not impossible that steps might be taken to restrain and restrict the privileges of Members of this House. Well, Sir, remembering what occurred last Friday night, upon speaking on motions for adjournment, I am rather surprised that the First Minister should, notwithstanding that warning, have taken advantage of that same machinery, and in a manner so unexpected by the House, to make what all must acknowledge to be a communication of some importance, and to express sentiments which, coming from an individual of his great position, are no doubt calculated to arrest the attention of Parliament and the country. I cannot help thinking, Sir, that if the Minister had to make a communication to the House relative to changes which we may consider considerable in public departments, and in those departments especially connected with the conduct of the war, there would have been no surplusage of courtesy if some notice had been given to us that a communication of this kind was to be made. I think it would have been more appropriate, far more convenient to the House, and I think much more dignified in the noble Lord, if a communication of this kind had been made with due notice, and had not been introduced in the very strange manner in which this communication has been made. Sir, when I entered the House to-night, and took up the paper of business, I confess I was much surprised by a sort of portentous announcement to be introduced to our notice. Perhaps I might have been better prepared for what was to follow, if some gentleman of great experience, "the Father of the House," for example, and not one of its youngest Members, had given such a notice. We are told here that the condition of public affairs is not only critical, but highly critical—that an "increasing anxiety and dissatisfaction at present pervades all classes of society," and I find by the notice that there is a gifted individual anxious to "impress upon her Majesty's Government the wisdom of immediately anticipating those consequences which are certain to arise from continual popular demonstrations, by at once introducing such reforms in every branch of the state as are consonant with the intelligence of the age and the just demands of the people." Now, I should have thought a subject of that kind would certainly, after the general opinion of the House upon the inconvenience of desultory debates on Friday night, have been brought forward with a little more ceremony than it has been on the present occasion. Although at first perplexed to discover what was the real occasion of this enormous notice, in examining its language, there seems some clue as to the real author of this proposition. We had a discussion the other night as to whether the first edition of the *Essay on Man* was anonymous or not; and having the first edition of the essay in my possession, I had good authority for stating that it was anonymous; and it is a curious circumstance in connection with it that Mr. Pope, when he issued the first edition of that Essay, put in some false rhymes in order to draw off the scent from himself; because everybody would feel immediately, "This cannot be Pope, because Pope never would have made a bad rhyme;" and so I suppose the flagrant violation of grammar I find in this notice, when we are assured that "increasing anxiety and dissatisfaction at present pervades all classes of society," was introduced by the noble Lord to draw the scent off himself, so that everybody must see this "cannot be Pope," or that other name which begins with the same initial, but which it would not be Parliamentary to pronounce in this House. Well, what is the answer of the noble Lord to this interesting inquiry put by the hon. Member for Abingdon? Here we are told that we must have reform in every branch of the State, and certainly, considering "the highly critical position of public affairs, and the increasing anxiety and dissatisfaction which pervades all classes of society," I must think the noble Lord has offered to the House and the country to-night but a meagre and frigid programme. I think it would have been just as well if the noble Lord had informed the House what are the intentions of the Government with respect to the state of the country, which the notice so pointedly refers to. Why, what has the noble Lord done? The only information of importance which he has communicated to us to-night we had had notice was to have been communicated in another place. A strange way of carrying on public business! A notice has been given in another place, that great changes and reforms are to be made in the departments connected with the conduct of the war. Observe, the notice is given in another place; but the communication is not made. Here we have the communication, without any notice. And, Sir, what has the noble Lord announced to-night? I need not touch upon what the noble Lord thinks should induce us to have confidence in Her Majesty's Government—namely, the improved state of the army. It is gratifying intelligence, no doubt, and I hope events will prove that the noble Lord has some foundation for his confidence. I shall not touch upon the simple but necessary sanitary measures which the noble Lord says his colleagues have adopted for improving the condition of the army in the field and in hospital, and things of that kind—no doubt of the utmost importance—no doubt of urgent necessity—but not, I think, of sufficient importance to communicate in the manner in which the noble Lord has communicated them to-night, in order to induce the Parliament and people of England not to lose heart in the struggle we are now involved in. I come, then, to the more important announcement of the noble Lord—the only real announcement in fact—and what is that? It is that Government are about to introduce measures for the consolidation of the military departments. Now, Sir, there is nothing profoundly original in that plan, because the subject has long been before Parliament, and long been submitted to the scrutiny of our Committees. I approve of the general principles upon which such a change is contemplated; but of course, until we have the measures in detail before us, we can form no opinion of the prudence and adroitness by which these principles may be brought into practice. It was not merely, however, the mind of Parliament that has been long bent on this consolidation; but the labours of our Committees have been brought to bear upon it, and their recommendations must be familiar to us all. These were changes, then, which ought to have taken place, even supposing we were not involved in a great and, I am almost afraid, I must say, disastrous war, because this is a subject which has occupied the attention of previous Ministers, and which, we believed, was on the point of almost immediate solution. Why, it was only last year that we were called upon to deal with the office of the Minister at War. You told us, then, you were about to recommend Her Majesty to appoint a new Secretary of State to preside over the Department of War; and we pressed upon you the necessity, not only of appointing a Secretary of War, but of at once defining its duties, and of at once taking steps which would place under his immediate supervision and control all these departments. You, however, refused to follow our advice—you refused to adopt that course, and much of the disgrace, much of the disaster, much of the misery, which has since occurred, is to be attributed to your neglect in that respect. I shall not be told, of course, that the noble Lord is not responsible for the Government of Lord Aberdeen; that would be a shabby excuse, and I hope it will not be adopted. The noble Lord was highly connected with that Government, holding, as he did, one of the highest posts in the Cabinet. He was a Secretary of State, who exercises some control over the military affairs of the country, and it is mainly owing to the neglect of the noble Lord that the militia of this country is in the state we now unfortunately find it. I say, the noble Lord who comes forward now with this proposition for consolidating the military departments as the great panacea which is to cure all the evils of our administration, which is to extricate this country from increasing and abounding difficulties with which we have to contend, is proposing measures which, enlightened as they may be, are recommended by no novelty, and which he himself rejected last year, when they were pressed on the attention and the acceptance of the Cabinet. I reserve for the proper occasion the task of entering into the details of the plans of the Government—if they have plans—I will only say that to the changes which they may propose, if salutary, I shall give my support:—but, if on the other hand, I find they have taken up the matter crudely, hastily, that they are measures which are not well considered, or which are not adapted to meet the emergencies of the case, I shall, of course, oppose them. If they are neither bold in their conception nor well matured in their details, I shall not be afraid to oppose them, whatever may be the motives attributed to me for doing so. I have not risen to-night, to enter into any discussion on these subjects—they are not before us in sufficient detail to enable me to take anything but a very general review of them. I have only risen to express my surprise that the noble Lord should have taken this means of communicating the intentions of the Government upon a subject which is, no doubt, of great interest in the House of Commons, and

my regret that the noble Lord, instead of candidly, manfully, and openly giving notice to the House, that upon a certain day he would express the views of the Government on the subject of the consolidation of the military offices, or on such other plans as they might deem necessary for the public good—that the noble Lord should have availed himself of means and an opportunity which may certainly be Parliamentary, but which his own colleagues had themselves, only a short week ago, regarded as embarrassing to the proceedings of the House.

THE TRANSPORT SERVICE—THE "SERINGAPATAM."

Mr. BELLEW, in rising to draw attention to the state of the transport service, observed that unless he brought forward the subject in its present form, the whole session might pass over before he could have an opportunity of referring to it. The hon. Gentleman then proceeded to allude to the case of the *Seringapatam*, premising that a gentleman who had served in the navy was cautioned by an old messmate before taking his passage in her, for that she was not seaworthy. He mentioned this circumstance to show that, with a very little inquiry, the Government might have found out that the *Seringapatam* ought to have been looked into before being intrusted with the conveyance of troops. The plea of the great scarcity of shipping could hardly be adopted in the present case, because a fortnight after the accident to the *Seringapatam* one of Mr. Bligh's A 1 ships sailed, which was perfectly capable of conveying troops. The hon. Gentleman then quoted General Sutherland's report, dated October 12, 1854, from which it appeared that the *Seringapatam* was in a dangerous and unseaworthy state, and that the troops on board were exposed to imminent peril. She was a ship of 17 years' standing, lettered "*Æ." A few weeks before leaving England she had returned from Bombay, and although then, it would appear, in a leaky and shaken condition, received only trifling repairs. On getting to sea, Major Simmons, the commander of the troops on board, observed that the deck and sides of the ship leaked unusually; but although the evil increased, and in rough weather the deck was literally inundated, the captain informed Major Simmons that nothing could be done to remedy the defect. The leak at length became dangerous, and it was found necessary to throw overboard the deck-guns and some 200 tons of cargo. The soldiers worked at the pumps like galley-slaves, while the crew scarcely ever assisted in pumping, but became insubordinate, got drunk, and plundered the cargo. Although no really very bad weather was experienced during the voyage, the whole frame of the vessel was dislocated, the iron fastenings were generally loose, the copper was worked off in many places, butt-ends were started, and the oakum was worked out of the seams. "Indeed," added the Major, "had we met with any very bad weather the ship must have been broken up." The report of the harbourmaster of Port Louis, Lieutenant Kelly, entirely confirmed the report of Major Simmons, except that it stated the weather to have been fairer than Major Simmons represented, and also that the soldiers had run very considerable danger from the improper stowage of a cargo of large masses of corn, though there was not sufficient on board to have done any damage to the vessel during her voyage, had it been properly stowed. On receiving these reports, General Sutherland issued a general order in which the conduct of Major Simmons and the soldiers of the detachment was spoken of in the highest terms. The reports of the professional man employed to survey her, showed that she was in a very unseaworthy state, and that very extensive repairs were necessary before she could be fit to carry cargo. This was certainly not a proper vessel to be taken up for the conveyance of Her Majesty's troops. By a letter which he had received that day from a gentleman who was a stranger to him, he was informed that the *Seringapatam* had not been surveyed since her return from India, when she was sent for repairs into Mr. Green's private dockyard. This letter was signed "Henry Bell." He had now shown that a grievous act of negligence had been committed in sending out these troops in such a vessel as the *Seringapatam*. He had brought this subject forward from no factious motive, and nothing was further from his wish than to embarrass the Government in carrying on the war; but when officers like Major Simmons and Lieutenant-General Sutherland sent home reports, of which no notice appeared to have been taken, it was the duty of some private Member of that House to afford the Government an opportunity of making such explanations as it might have to offer, and of showing to the officers of the army that it might rely upon it that their reports would not be treated as mere waste paper, and that our soldiers would be as much cared for as the poorest emigrant who left this country without a sixpence in his pocket.

Sir CHARLES WOOD could assure the hon. Gentleman that he did not object to this case being brought forward, but he should have been glad to have had a more specific notice of what case was to be discussed, for he could not gather from the notice of Motion what particular case was to be brought forward.

Mr. BELLEW said, his reason for not giving a more specific notice was, that as the Secretary of War had signed the papers connected with the case, he supposed that he had submitted so gross a case to the proper authorities, and he was not aware that he would be answered by the First Lord of the Admiralty.

Sir CHARLES WOOD did not make it a subject of complaint, but all he wished was, to show that unless some sort of notice of what was to be asked of the Government was given, it was difficult to give a proper explanation, and he hoped the House would not impute to him want of care in not being acquainted with the details of a particular case, when the notice was only "to call attention to the transport service." He could state that a reform had been made in the transport service; a Board had been constituted of three gentlemen—a captain in the navy, an experienced captain in the transport service, and an officer in the army—all of whom were the most competent persons that could be found, and he had every reason to hope that the service would be efficiently performed. With regard to the particular case of the *Seringapatam*, he was glad that these papers had been brought forward, for they showed how great had been the skill and gallantry of the officers on board this vessel, and how creditable to them their conduct was. He was sorry that anything of the kind had happened; but he was glad that an opportunity of explanation had been given, which enabled him to show that no care or precaution had been omitted before the vessel left this country to ensure her being in a proper state. There was a survey, and there was no reason to suppose that she was not in a fit state for the voyage. He happened to have with him one or two documents relating to the *Seringapatam*;

for when the report of General Sutherland was received, the Admiralty called on the proper officers to report on what had been done. It used to be a complaint against the Transport Board that they did not take up ships from the best owners. In this case, out of eight ships which were tendered, six belonged to owners who were said to be favoured, while two, of which the *Seringapatam* was one, belonged to Messrs. Green, one of the first ship-building firms on the Thames, and their high character might fairly have been considered presumptive evidence that she had been offered for the voyage in seaworthy condition, but besides that, she was warranted by them. It appeared that the vessel was built in 1837, and was classed "A 1" at Lloyd's for twelve years; at the end of that time—in 1849—she was re-surveyed by Lloyd's, and was found in so good a state that she was continued in the same class for four years more. In 1850 she was again surveyed by Lloyd's, and placed in the second class, or "*Æ," which was next to the first class, or "A 1." It was stated by Messrs. Green that before she was taken up, the vessel was put into thorough repair. She was also surveyed by the transport officers before she was taken up, which was indispensable, and the report of the surveying officers was that she was in thorough repair. When General Sutherland's report was sent in, these officers were called on for an explanation, and they sent in a report dated January, 1855, [which the right hon. Gentleman read]. It therefore appeared, whatever the vessel might have suffered in the course of her voyage, that there had been no negligence on the part of the surveying officers, or the persons taking up the vessel, in ascertaining whether she was seaworthy. If there had been an improper stowage of heavy iron which caused her to labour, that did not show that she was not properly looked to before she sailed.

ADMIRAL WALCOTT said, he was glad to find that the First Lord of the Admiralty was in a position to state that the proper measures had been taken to test the condition of the ship, and was able to deny the statement, so discreditable to the authorities, which had been made. He (Admiral Walcott) did not, however, consider the explanation of the right hon. Baronet quite satisfactory, for he doubted whether the improper stowage of the iron was sufficient to account for the dangerous state of the vessel when at sea, a state so critical that it was evident that, had she met with a heavy sea or bad weather, our gallant troops must have gone down in her. He gave every praise to Captain Milne, the head officer of the transport service, than whom no one performed his duties more zealously or indefatigably; but, looking at the magnitude of that service, it was impossible for him to give sufficient attention to minor details, and therefore he (Admiral Walcott) suggested that there should be a naval officer, in whom the Government could put the utmost confidence, appointed at every port from which transports sailed with troops, who should inspect them previous to their sailing and be responsible for their seaworthiness.

COLONEL NORTH said, it appeared from the report of Major Simmons, that the vessel was not provided with a fire-engine, pumps, or fire-annihilators, and had only eighteen buckets on board; and he did not think that those officials whose duty it was to carry into execution the orders of the First Lord of the Admiralty had performed their duty in a satisfactory manner. He wished to know if they had made a report on that point, and also on the manner in which the ship was loaded? It was reported that the circumstance was brought under the notice of Mr. Green at the time, but that he said he could not afford to have the cargo moved.

SIR CHARLES WOOD said, as he was altogether unprepared with documents, it was impossible for him to enter into any detailed statement. If the hon. and gallant Member would call at the Admiralty, he should be glad to afford him every information on the subject.

CAPTAIN SCOBELL said, there was either a deficiency in the survey or in the qualifications of the vessel. He held that a Transport Board composed of three persons of equal authority could never prove efficient. If they wished to fix responsibility on a department, they should place one man over it as its head, giving to him assistants and advisers, but that his voice should be supreme; but when they made a Board consist of three members of equal authority, one a soldier, another a sailor, and the third a civilian—it was impossible that those members could agree on any knotty point, as each saw from opposite points of view. He believed that, under the conduct of so efficient an officer as Captain Milne, the transport service might have gone on very well as it was, without the revival of the Transport

Board, after it had been some years ago abolished by the right hon. Gentleman the late First Lord of the Admiralty. He was sure that, as it was at present constituted, it would not go on satisfactorily, and he supposed they would next hear of the revival of the old Navy Board.

Motion (that the House at its rising do adjourn to *Monday* next) *agreed to.*

NEWSPAPER STAMP DUTIES BILL—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question [7th May], "That the Bill be now read the third time," and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. PACKE said, that he could not allow the House to go to a division on this Motion without entering his protest against this Bill, which he considered was as unfair, unequal, and unjust a measure, as regarded taxation, as had ever been proposed to the House of Commons. One portion of this Bill provided for the transmission of periodical publications by post; but there was no occasion for any such provision, as, under the present law, newspapers circulated alike in town and country on the payment of the stamp. The present measure would give to the metropolis, and the large towns throughout the kingdom, newspapers free of expense; but what would be its effect in the agricultural districts? Hon. Members were aware that newspapers were sent forth every morning at six o'clock by means of the railways—they could not go by post—they would continue to be so sent, and all persons in the metropolis and large towns would receive their commercial intelligence free of any charge of duty; but *The Mark Lane Express* and other agricultural papers could not be so conveyed to the rural districts, which would therefore be taxed while the towns were free. At present, every man who took in a paper, paid his portion towards the revenue. To this he did not object; but he protested against this measure, which was brought forward to benefit one class at the expense of another. They had seen, from the budget of the Chancellor of the Exchequer, that there would be a loss to the revenue on this measure of a quarter of a million; and what would be the effect of this on the towns? It had been found necessary to levy an additional tax on tea, sugar, and coffee. The large towns would get an equivalent for that tax in the abolition of the newspaper stamp; but the rural districts would have to pay the additional tax on these necessary articles of consumption without any equivalent whatever. Looking at this as a matter of revenue, he thought it unworthy of the House to pass a measure which would operate so unfairly on one body of the community as this Bill undoubtedly would. On these grounds he should feel it his duty to vote for the rejection of the Bill.

MR. MAGUIRE said, he had hitherto refrained from saying anything on this measure, because he had a direct personal interest in it; but the question was now no longer one of personal interest to him after the decisions which had been come to, and he had no feelings of delicacy as to speaking on it. He was anxious to make a few observations to the Chancellor of the Exchequer in order to cause him to reconsider a proposition which would stand as a barrier against the complete success of his measure. He understood that the principle on which the right hon. Member for Manchester (Mr. Milner Gibson) had pushed this measure before the House, and the principle on which the Chancellor of the Exchequer and his colleagues had proceeded, was from a desire to give to the public the largest amount of political intelligence through the best channels, and not to benefit individual newspaper proprietors, but to give the largest amount of advantage to the public. He went entirely with the Government and the right hon. Gentleman on this question. A proposition had been put before the House for the introduction of a copyright clause, but this had been withdrawn on account of strong expressions of disapproval from all sides of the House. One newspaper, he believed, asked for a copyright for a certain number of hours, in order to protect itself from the piracy of other journals, and especially of the cheap newspapers. The House was against this proposal, and, had it been put as a substantive amendment, he should have voted against it, no matter how great might be the inconvenience to one newspaper of the refusal of such a copyright. He considered that the adoption of such a restrictive law would have been the means of injuring not only the London evening papers, but the papers in all parts of the kingdom, for they would have been dwarfed into mere insignificance, as they would only have contained local news and the stalest foreign intelligence. One journal had been aimed at by this Bill—he was sorry to say this of any measure promoted by the right hon. Member for Manchester—but it was his belief that the Government had aimed at one journal. He was in the, perhaps, unenviable position of a provincial newspaper proprietor, and he knew the value to the provincial newspapers of the London journals, especially of—he did not wish to say it invidiously—the foremost journal of the day. The London newspapers furnished the country papers with the most important foreign intelligence which they obtained at a great expense from all parts of the world. They derived from all sources information which was valuable to every class in society, and especially to the Government itself, whose despatches were often anticipated by the energy, vigour, and enterprise of the London press. He would not stop to ask whether the denial of that protection which was originally proposed by the Chancellor of the Exchequer himself was a denial of justice; he certainly thought it went to the very verge of injustice. Still, so great, in his opinion, would have been the inconvenience to the public press and to the public generally, had a copyright been established, that he thought the House was wise in coming to the determination not to adopt the copyright clauses. No doubt, it was perfectly right to resist that proposition; but when the House refused to recognise a copyright to the journals, and particularly *The Times*, what by that very denial were they at the same time doing? They immediately offered up *The Times* as a prey to a set of adventurous speculators, by removing the barrier from their path, and enabling them to start cheap publications filled with news pirated from the columns of that journal, and circulated within a few hours after the issuing of that paper, by the plundering of which they would contrive to live and prosper. If it was right, as a matter of public benefit, and with a view to give a *bonus*, as it were, to the starting of cheap newspapers, to inflict this injury upon the morning journals, and especially upon *The Times*, still they ought not to do anything that would injure that journal which the paramount interest of the public did not demand. But the limitation of a right of transmission by post, at a charge of 1*d.*, to the weight of four ounces, was in direct violation of the very principle which they were endeavouring to carry out. Now, with respect to *The Times* newspaper, against which this enactment was most unquestionably aimed, he had no hesitation in saying that he entertained a strong personal feeling against that journal; nevertheless, he was in common honesty bound to admit that *The Times* gave the public a larger amount of intelligence than any other journal in the world; that there was no journal so eagerly sought after, nor any that exercised so influential a control over the public mind. In arguing this question as a matter of policy he would submit to the House that the extra tax which would be imposed on *The Times* was calculated to be ultimately highly detrimental to the public interest, because *The Times* newspaper derived no profit upon the supplement; it did not demand any additional price for that portion of the paper. If an extra charge were made for the supplement, *The Times* would then have no peculiar claim upon the consideration of the House. But it was well known that the publication of a supplement was pecuniarily injurious to *The Times*, while it was highly beneficial to the public. By the publication of a supplement *The Times* was able to give to the public in the principal sheet itself a larger amount of general intelligence, of foreign news, of Parliamentary debate and of local information than it otherwise could do. But, supposing the advertisements were printed in the ordinary sheet, the important intelligence that would otherwise appear would be compressed and the paper itself, in proportion, deteriorated. It was a necessary consequence, therefore, that the public generally were immediately benefited by the publication of a supplement. But there were peculiar interests to which the publication of a supplement was of essential importance. The commercial public particularly required the intelligence which the supplement conveyed. This consideration reminded him of a point to which he begged to call the attention of the Chancellor of the Exchequer. A Bill was introduced into Parliament, with the universal sanction of the nation, to do away with the advertisement duty. Was that measure adopted for the benefit of newspaper proprietors? Certainly not. It was for the benefit of the commercial public. Why, then, if you would act on the same principle throughout; would you place a restriction on the circulation of the journal containing those advertisements, such circulation being of the utmost importance to the advertising, and therefore to the commercial public? His own feelings with respect to *The Times* was one of hostility; he had often cursed that journal; he believed that many Irish gentlemen had at different times expressed the strongest feeling of opposition to that paper on account of the course it had pursued with regard to Ireland; but he was, nevertheless, bound to say that no journal in Europe had ever done more service to the public interest than *The Times* had done. He admitted that it was rather in disfavour with the treasury benches whatever the Government might happen to be—whether presided over by Lord Derby, Lord Aberdeen, or the noble Lord now at the head of the Treasury. *The Times* lashed with terrible severity all kinds of humbug. It exposed abuses, and often by its timely interposition and censure stopped disreputable jobs, which the Minister of the day would have been too ready to have sanctioned. All this, no doubt, gave grave offence to the Administration for the time being, but that was no reason why that journal should be marked out as an object of oppression. A comparison had been made between the transmission of a newspaper and of a letter; but it was the idlest thing in the world to attempt to institute any such comparison. A letter was merely a communication from one private individual to another private individual, and concerning themselves only; but the transmission of a newspaper by post was an act by which matter of the greatest public utility was communicated to the whole world. He would not then, on public grounds, say to *The Times*, as the Chancellor of the Exchequer did, "You shall not transmit your paper by the post on equal terms because you give a larger amount of intelligence than any other paper does." But such was the principle of this measure. It gave a preference to the journal which employed inferior talent and embarked less capital in its management. It was, in fact, imposing a penalty on industry, energy, and intellect. It placed an unjust restrain upon the enterprise of talent, and, commercially speaking, it exacted the heaviest duty from the very best article. But the whole evil of this partial spirit of legislation did not rest there. It was not only saying to *The Times* newspaper, "Because you, by the great efforts you have made, have placed yourselves in the foremost rank, we will therefore impose an extra tax upon you," but it was saying to all the other London journals, to *The Herald*, *The Post*, *The Chronicle*, *The Daily News*, and *The Advertiser*, "if you imitate the activity and energy of *The Times*, and raise as much capital, and increase your circulation to the same extent as that journal, and if in consequence you are obliged to extend your space and increase your bulk, the moment you do so you must submit to be additionally taxed." A more unfair or unjust principle he could not conceive, and he really could not understand how such a principle could be acted upon by the right hon. and hon. Gentlemen opposite (Mr. M. Gibson and Mr. Bright) who were the professed advocates of the utmost freedom in all commercial transactions. He would ask, in all fairness, what was the object in imposing this restriction on a paper which was of the utmost value to the whole empire? He had heard of no reason, unless it was that it would be inconvenient to the Post Office. Now he did not think it would be. What inconvenience would there be in carrying a weight of six ounces instead of a weight of four ounces? It was true there was a difference of two ounces, but what reason was there to restrict the weight to four ounces? If to four, why not restrict it to two, or to three, or three and a half? He could only imagine one reason for assigning the specific weight to four ounces. All other papers came within that weight—*The Times* only exceeded it. But why this hostility to *The Times*? The truth was, that *The Times* newspaper, from its boldness, its vigour, and some said, its audacity, was marked out as an object of indignation by all classes in that House. But was it possible that the two hon. Gentlemen the Members for Manchester could seriously advocate this unjust restriction? Suppose *The Manchester Examiner*, an admirable journal, and, what was more, one which had great success, should ultimately attain to the circulation and the size of *The Times*, would those hon. Gentlemen say that the provincial proprietors of that paper ought not to have the benefit of postal transmission? Why not as well as the journal that weighed a quarter of an ounce, or one, two, three, or four ounces? After reviewing the whole matter, he could not help feeling that this was a most unjust attack upon one particular journal; and he attributed that attack to the circumstance that that paper was considered dangerous. That it often exercised a power dangerous to the Government of the day could not be denied, but it was equally true that it at the same time did great good to the public. If *The Times* in years gone by had done wrong, it had since done one great and important service which would wipe out all its faults. The noble Lord at the head of the Government spoke of certain reforms having recently taken place in the army; but he (Mr. Maguire) would ask whether those reforms were owing to those hon. Members who were occupying the Treasury benches, or to the remonstrances of *The Times?* He believed that *The Times* had done more towards the salvation of the British army in the Crimea than any Government could have done. It had shown how much that army had suffered, and how men filling public offices were incompetent to discharge the duties required of them. It had done more—it had evoked the strongest manifestation of public sympathy for those men who had shown themselves greater heroes in the hour of suffering and of patient endurance than in the hour of the bloodiest conflict. If *The Times* had only done that, it ought to have been treated with liberality, and in a spirit of generosity, rather than have been made an exception in a fiscal arrangement by which it became subjected to an extra and unjust tax. As to the limitation of the period of retransmission to a fortnight, in his opinion a month should be the smallest limit. Very few newspaper proprietors had any personal interest in the question, though some postmasters might take advantage of the provision to annoy them. But that was a very minor consideration. It was the interest of the poorer classes, which demanded an extension of time. The hon. Member for Manchester, who unfortunately for his own credit, was anxious for the limitation, might glance over a newspaper and gather the contents of it in an hour. Some gentlemen with more rapid eyes and more comprehensive research might do it in half an hour; but the poor man who purchased a newspaper might only be able to read a portion of it one night and another portion the next, and so on, till the whole limit of time was consumed; and because he had less capacity and less leisure without trenching on the important duties due to his employer and his family, he was to be subjected to a penalty in having to pay another penny for postage. Such a provision was neither generous nor fair, and he hoped the Chancellor of the Exchequer would not insist upon retaining it. Upon the other question he would only remark, in conclusion, that if it were intended to make the press free for the benefit of the public, they should give the public every possible advantage, and, conscious as he was of the value of that organ, of which the country had every reason to be proud, he did say it was not right to make the industry of that journal penal, and to mark it out for the vengeance of Ministers, who either were incapable or suspected themselves to be so.

Sir JOSHUA WALMSLEY said, he agreed with much that had fallen from the hon. Gentleman who had spoken in opposition to the Bill, but he objected to making it a personal question. As a Member of the Committee appointed to consider the removal of the stamp and advertisement duty, he agreed with those who held that great advantage would arise to the community from the freest possible communication between the press and the public. Still he could not consider that it was necessary to give to the newspaper press any particular monopoly. He would carry out the principle of free trade in newspapers as in everything else, for it did not appear to him that newspaper proprietors required such a monopoly. He thought he was well advised, when he said that a newspaper would cost three times as much as a letter in its carriage. A newspaper weighed four ounces at least, while an ordinary letter weighed only half an ounce, and the House was now called upon to allow four ounces to pass through the post eight or ten times while an ordinary half-ounce letter could pass only once. He did not for a moment believe that the press would call upon the House to do such an act of injustice, inasmuch as newspaper proprietors had the privilege of one transmission for a penny, which was quite as much as they required. He must protest against the statement that newspaper proprietors required any such privilege.

Mr. BARROW contended that injustice was, by this measure, inflicted on provincial newspapers, because, while they were of less weight and passed through the Post Office less frequently than the London papers, they would have to pay the same for transmission. He believed the Post Office could carry all newspapers at a profit for a halfpenny, and that if they did not do so, private enterprise would take the circulation of papers, especially those in the provinces, entirely out of their hands. On behalf of the general tax-payers of the country, he objected to any extraordinary privilege as to weight being granted to any newspaper of any description, and, considering the measure as unfair and unjust, he should certainly vote against the third reading.

MR. MONTAGU CHAMBERS thought it a very unusual course for Gentlemen to object to the third reading of a Bill, every point of which had been thoroughly discussed and investigated, and on the principle of which they themselves had voted. As he understood the objection, it was this—they objected to the third reading of this Bill, because they thought a particular newspaper was about to be injured by it. He liked that little persons should be considered by that House. He did not like that persons of great importance, weight, and authority, should alone be considered by them, and, as he understood it, this was a question (he would not shrink from saying it) between *The Times* newspaper and the House of Commons. He thought they were bound to meet this question. He understood that those who objected to the third reading of this Bill, did so, because they thought that there was to be an additional stamp to enable newspapers beyond a certain weight to pass through the Post Office. This, then, was a discussion between a particular newspaper and an important measure, and he should state why he would vote for the third reading of the Bill. He believed it was unusual to oppose a Bill on the third reading. [*Cries of* "No."] It was true that in late times such things had happened, but it was not very customary to oppose the third reading after there had been a full discussion on the previous stages. He contended, the postal arrangement now proposed was not unjust as far as the particular newspaper was concerned when it published a supplement, because that supplement earned to the parties circulating it a considerable sum of money. If he had stated correctly the ground on which the opposition to this Bill was based, he could not encourage such a course of argument; and he should vote for the third reading of the Bill.

MR. BENTINCK could not but regard, among the various objections to this Bill, the manner in which it had originated. He did not believe that it was a spontaneous act on the part of the Government, for if it were possible to take the individual opinion of a large number of the Members of the Government, and of those hon. Members who usually supported them, he believed the Bill would be rejected by a considerable majority of the House. The measure originated not in the pressure from without, but in the pressure below the gangway. It originated in the ability, eloquence, and perseverance of his right hon. Friend the Member for Manchester (Mr. Milner Gibson) who had applied the "screw" to the last Chancellor of the Exchequer, and had compelled his successor, who was similarly circumstanced, to yield to the same powerful pressure. No advocate of the character of the press of this country could support this measure. He had never yet heard it argued that the press, able and enlightened as it was, was not in want of some check and safeguard against the ebullitions of party and personal feeling. Nothing could be more injurious to the character of the press, or of the public whom it served, than to take away the restrictions that had prevented not the liberty, but the licence of the press, and the want of which would cause the country to be inundated with publications that would not only lead to the destruction of the character of the press, but would be attended by the most mischievous results in all large and populous communities.

Question put.

The House *divided*:—Ayes 138; Noes 60: Majority 78.

Main Question put and *agreed to*:—Bill read 3°.

MR. NAPIER, in the absence of his hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), then moved that the following clause be added to the Bill:—

"Every periodical publication that shall be printed and published at intervals not exceeding seven days between the two consecutive parts or numbers of such publication, and the weight of which shall not on the whole exceed six ounces, shall be entitled to the said privileges of transmission and retransmission by the post, if duly stamped with the appropriate die of one penny."

Clause *brought up* and read 1°.

Motion made and Question proposed, "That the said Clause be now read a second time."

THE CHANCELLOR OF THE EXCHEQUER said, it was substantially identical with a clause which had been moved by his hon. Friend the Member for Pontefract

(Mr. Milnes), and had been fully considered by the House, and negatived by a large majority. One alteration, however, had been made by the hon. and learned Gentleman who had framed the present clause, the effect of which was to render it more complex and more difficult to work. It was proposed by his hon. Friend in Committee that a limit of superficial inches should be taken according to the existing law, whereas it was now proposed to substitute the limit of weight for that of superficial inches. The effect of such a provision would be, that up to six ounces the Post Office would have to determine by weight, while beyond six ounces it would have to ascertain the measure of superficial inches with respect to all periodicals published at intervals of less than seven days. With regard to those published at greater intervals, the existing law as to superficial inches would apply both to periodicals of greater and of less weight than six ounces. Such was the state of the law which would be the result of this clause. The House would hardly expect him again to go over ground which had been so fully examined upon previous nights, and he would only state that his proposal, by the present Bill, was to leave the existing law unchanged with the single exception of making the stamp upon newspapers optional instead of compulsory. The only change which this measure would produce would be in favour of newspapers publishing a supplement. One of the principal arguments used in support of an increase in the limit of weight was that hardship was at present inflicted upon newspapers publishing a supplement, inasmuch as they did not make an additional charge to their customers, whereas they were obliged to pay a halfpenny stamp for it. When this Bill became law, a newspaper would pay the stamp upon its supplement only for that portion of the impression which was circulated through the post. The whole of that portion of its impression which was distributed in the place where it was published would be free from the stamp duty ; there would be no compulsory stamp upon it, and, therefore, it would not be subject to that disadvantage which was at present found to constitute the chief element of its loss. Thus the operation of the measure would be favourable, not detrimental, to newspapers publishing a supplement. In other respects the present law was left wholly unchanged, and it would be in the power of parliament at any future time, if they should think that newspapers did not enjoy sufficient privileges and advantages by that law to increase their privileges and advantages. But he hoped it would not escape the attention of the House that at present the privileges enjoyed by newspapers were large, beyond what they could reasonably expect, compared with those of letters and other printed matter conveyed through the post.

Mr. MALINS said, the effect of the Bill, as he understood it, was to expose the public to the great inconvenience of not being able to send *The Times* in the way they had hitherto been accustomed to send it, by post. It had become so much the habit of the people of this country to take in *The Times* newspaper, and after they had read it, to send it to their friends in the country, that anything which would restrict their right to do so would be a serious interference with public convenience. He believed that the weight of *The Times* averaged 4½ ounces, and he wished to know if he was right in supposing that after the passing of this Bill, he was not to have the privilege of sending it to a friend in the country without paying for an extra stamp.

THE CHANCELLOR OF THE EXCHEQUER said, that the present Bill made on alteration with respect to the limit of superficial inches which had hitherto been permitted to be conveyed in the first instance for 1*d.*, and afterwards for a halfpenny. It imposed no limit whatever as to weight.

MR. MALINS thought the explanation was not sufficiently distinct. The public knew nothing about superficial inches, what they knew was—*The Times* newspaper. There was now no such thing as a supplement, for the advertisement sheet, containing the births, deaths, and marriages, taken together with the other sheets, constituted one newspaper. He thought it important that the House should know whether, after the Bill passed, they would be able to send *The Times* newspaper by post with as much freedom as at present. ("Yes.") Then what was the limit as to weight? ("There is none.") If *The Times* would still go by post for a penny stamp, there could be no necessity for pressing this clause, because he understood the object of his hon. Friend to be to fix a limit of six ounces, in order that *The Times*—which after all, was the paper of the country—might go free without any further restriction than existed at present. If the Government gave their assurance that that was the meaning of the Bill, then he for one would raise no further objection to it. The real question for consideration was not a question with regard to any particular newspaper, but a question of public convenience. If the House once interfered with the freedom of transmitting a newspaper, they would interfere with the daily enjoyment of large classes of the people, and he, therefore, trusted that the Chancellor of the Exchequer was quite right in the understanding he had given that the transmission of newspapers would be as free as at present.

MR. CAYLEY thought that, after the statement of the Chancellor of the Exchequer, his hon. Friend would act wisely in not pressing his clause. He wished, however, to ask the Chancellor of the Exchequer whether he was willing to consent to an extension of the period for retransmitting newspapers through the post? The ostensible object of the Bill was to extend the circulation of news, but if the limit at present proposed to the retransmission of newspapers were not extended, the circulation of news would be considerably curtailed.

MR. MAGUIRE remarked, that the power of retransmission was no advantage to the newspaper proprietor, but was a great advantage to the public.

MR. NAPIER was not present when his hon. Friend brought forward his clause, but it occurred to him that it was a reasonable proposition, because otherwise an additional tax might be placed upon the circulation of advertisements, and it was of great importance to the community generally that every facility should be given to the circulation of advertisements. As, however, the feelings of the House was in favour of the Bill as it now stood, he thought his hon. Friend would not feel inclined to press the clause.

Question put and *negatived*:—Amendment made; Bill *passed*.

SPIRIT DUTIES (SCOTLAND AND IRELAND) BILL.

Order for Committee read.

MR. GROGAN said, he had put amendments of a serious nature on the paper, but he understood that there had been an arrangement entered into with the parties interested to pass another Bill to obviate certain grievances. When would it be introduced?

THE CHANCELLOR OF THE EXCHEQUER said, it was in preparation.

MR. VANCE trusted that the right hon. Gentleman would consult the interests of the trade in allowing the Bill to come into operation on the 1st of October.

House in Committee.

MR. GROGAN, in consequence of the arrangement alluded to, withdrew his amendments. But he trusted the Bill would come into operation on the 1st of October, otherwise great injury would result to the trade.

THE CHANCELLOR OF THE EXCHEQUER said, he was aware of the wish of the trade, and had promised to consider it, but could not pledge himself.

The several clauses were then considered, and agreed to *seriatim*.

CAPTAIN JONES said, that much injustice would be done to the distiller in Ireland if the same amount of drawback were not allowed upon spirits already distilled from malt and now in bond, as was proposed to be allowed upon spirits hereafter distilled. He proposed, therefore, to insert in Schedule B the words "or bonded under the Exportation Act of the 17th and 18th *Vict.* chap. 27, and mashed on and after the 8th day of May, 1854."

THE CHANCELLOR OF THE EXCHEQUER suggested that if the hon. and gallant Member would withdraw his amendment for the present he would consider it in the interval before the third reading of the Bill.

Amendment *withdrawn*.

On the motion of the CHANCELLOR of the EXCHEQUER various clauses and amendments were introduced into the Bill.

House resumed; Bill *reported* as amended.

CUSTOMS DUTIES BILL.

Bill, as amended, *considered*.

MR. BLACKBURN moved that, instead of a duty of 12*s.* 9*d.* per cwt. being levied upon yellow Muscovado and brown clayed sugar, or sugar rendered by any process equal in quality to yellow muscovado or brown clayed, and not equal to white clayed, for the year following the 5th day of April, which shall first happen after the end of twelve months, from the date of a definitive treaty of peace with Russia, the duty be fixed at 12*s.* 3*d.*, and for subsequent years at 10*s.* instead of 10*s.* 6*d.*, and that during the same period the duty upon brown Muscovado or any other sugar, not being equal in quality to yellow Muscovado or brown clayed sugar, be fixed at 11*s.* 5½*d.* and 9*s.* 2*d.* respectively, instead of at 11*s.* 8*d.* and 9*s.* 6*d.* per cwt.

Amendment proposed, in page 2, line 40,

To leave out "12*s.* 9*d.* | 10*s.* 6*d.*,
And to insert "12*s.* 3*d.* | 10*s.* 0*d.*"

Question proposed, "That '12*s.* 9*d.*' stand part of the Bill."

THE CHANCELLOR OF THE EXCHEQUER said, that the scale had been established in accordance with what had appeared to him to be the express desire of the House upon the second reading of the Bill. He still adhered to the opinion which he had then expressed, that it would have been better for the House not to predetermine the decision of the House before the period at which the proposed scale of duties would come into operation should have arrived. In framing the prospective scale of duties, he had endeavoured to bring back the duties to the amount at which they stood before they were increased in consequence of the war. The question before the House depended upon a small consideration. One class of sugar upon which the duty had been 10*s.* per cwt. had, for certain reasons, been divided into two classes, the duties upon which were different, and in the two columns of duties which he had drawn up he proposed that when the increased duties should be reduced those two classes should respectively pay 9*s.* 6*d*, and 10*s.* 6*d.* per cwt., instead of being amalgamated into one class, paying a duty of 10*s.*

MR. HANKEY said, it was agreed last year that the whole of these duties should be laid down at a minimum price; and the late Chancellor of the Exchequer feeling, when he increased these duties 20 per cent, that an injustice would be done to a certain description of sugar, he created another class with a reduced duty. All the West India interest was to be put on the same footing as the East India interest, and he (Mr. Hankey) was surprised to hear the right hon. Gentleman regret that he had assented to this arrangement.

Amendment, by leave, *withdrawn.*

Bill to be read 3° on *Monday* next.

STAMP DUTIES (DRAFTS ON BANKERS) BILL.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER said, the House might recollect that he stated, on a former occasion, that he should submit to their consideration a proposal for extending the present penny stamp on bankers' cheques to all cheques which were drawn within a distance of less than fifteen miles from the Bank. As soon as his proposition was made public, he received various communications from bankers and others who would be especially affected by the proposed duty. It was represented to him that the operation of the duty would be to discourage, to a great extent, the banking trade, by preventing customers from drawing cheques of small amount; and he learnt that the practice of making small payments by cheque had increased of late years, and that it had been found beneficial to traders, more especially to small traders, who were thus enabled to economise their payments and to keep their accounts in a more regular manner. He confessed that before he received the communications to which he had referred, he was under the impression that the average amount of the cheques drawn upon bankers was considerably above 5*l.*, or even 10*l.*; but from the evidence laid before him he could not doubt that in London, particularly, the practice of drawing cheques for small sums prevailed to a very great extent, and that it was on the increase. It had been stated to him by gentlemen with whom he had had an interview, that the number of cheques paid by the London and Westminster Bank, and the National Provincial Bank of England, not exceeding 10*l.*, was 33 per cent of the whole. It could scarcely be doubted that the imposition of a penny stamp in the case of cheques of that description would operate as a discouragement, and it had therefore been suggested to him to exempt from the proposed duty cheques below 10*l.* Now, if this suggestion were adopted, a very complex state of the law would arise. With regard to the cheques drawn more than fifteen miles from the Bank, there would be a stamp duty of a penny, whatever might be their amount. On the other hand, with regard to cheques drawn within that distance, there would be a double class; there would be cheques above 10*l.* with a stamp, and cheques below that sum without one; and this distinction would create great inconvenience, and would be sure to raise the question, whether cheques ought to be subject to a stamp at all. Moreover, a difference with respect to amount would open an easy means of evasion, and persons who were influenced by a desire to save even the small sum of a penny on a cheque might draw several cheques under

10*l.* in order to evade the duty. He thought the House would agree with him that in imposing new charges on the public, it was most important to avoid, if possible, doing anything which would interfere with the operations of trade, or in any way check the production of wealth. Having given the best consideration in his power to the facts and arguments which had been presented to his mind with respect to the probable operation of this small stamp duty on cheques—looking to the present state of the finances, and to the fact that in estimating the Ways and Means to meet the expenditure of the next year, he deemed it prudent to leave a sufficient margin for contingencies, he had come to the conclusion that for the present, at least, it was not desirable that he should persist in his proposition. He had estimated the amount to be derived from the new duty at 200,000*l.* There were very different opinions on that subject. On the one hand he had been told that his estimate was greatly under the truth, and that the duty would produce 600,000*l.* or 700,000*l.* Gentlemen who took that view of course did not concur in the opinion that it would discourage the practice of drawing small cheques. On the other hand, he had been told that, inasmuch as cheques would be payable, to a great extent, to bearer and not to order, the cheque would, by a simple process, be converted into a receipt, and the public would lose the benefit of the proposed duty—that he should lose in receipts to a greater amount than he should gain in cheques. On the whole, he did not think the present state of the finances of the country made it incumbent on the Government to urge this proposition any further.

MR. ALEXANDER HASTIE had heard with great regret the announcement of the right hon. Gentleman. He could see no reason why the same rule should not be followed in the case of cheques drawn within sixteen miles of London, as in those drawn beyond that distance. Perhaps the right hon. Gentleman would afford some explanation of the reasons for this exceptional legislation.

Order of the Day *discharged.*

CONSOLIDATION OF THE STATUTES.

MR. LOCKE KING moved the following Resolutions:—

> "That it is the opinion of this House that a new, complete, and systematic edition of the Statutes now in force, omitting all such enactments as are repealed, obsolete, or expired, would be more accessible and intelligible to Members of Parliament and to the generality of Her Majesty's subjects than the present Statute Book, and ought to be undertaken under the authority of this House."
>
> "That a Select Committee be appointed to inquire into the best mode of making a new, complete, and systematic edition of the statutes now in force, omitting all such enactments as are repealed, obsolete, or expired."

The hon. Member observed that his object was to substitute a living law, as it were, for a dead one. There were some 17,000 statutes scattered over 100 volumes of the 8vo. edition in existence, only 2,500 of which were in force. His object was, to substitute those 2,500 for the 17,000, and when that should be done he thought that there would be the raw material for the consolidation of the statutes hereafter.

MR. APSLEY PELLATT seconded the Motion.

SIR GEORGE GREY said, that Her Majesty's Government were not prepared to assent to the Motion. The object of the hon. Member, the consolidation of the statutes, was a very important one; but there was a Statute Law Commission actually sitting, and if the statute law was to be consolidated at all, it could be much better done by a Commission than by a Committee. If the hon. and learned Gentleman thought that the Statute Law Commission was not properly discharging its duty, he should bring that question formally before the House.

MR. NAPIER said, that the practical object of the Motion appeared to him to be a most desirable one. With regard to the Commission that was actually sitting it was proposed to include Ireland, and a communication was made to him soon after he was appointed a Member of that Commission, requesting him to make suggestions as to the course that should be adopted with respect to Irish law. He made a number of suggestions accordingly; but up to this time was not aware that they had produced any effect. They were going on every day in that House increasing, by the passing of new Acts, the anomaly that existed with regard to statute law of the Empire. The plan he suggested was, that the Commission should take up by degrees the subjects that were of immediate and pressing importance, and that they should pay a number of gentlemen of experience to frame statutes to be submitted to the decision of practical men, and thus they should in time get the statute law reduced into shape; but the keeping up a Statute Law Commission merely to be consulted as to the form of new statutes to be passed was a totally futile proceeding. They were getting no good at all from the labours of the Commission, though the object for which that Commission was appointed was considered a most important one, so far back as the time of Bacon. He would earnestly press upon the Government the necessity for having our statute law put into proper shape. If proper means were taken to get competent persons to give their attention to different departments of the law, the task of consolidation, though a Herculean one, might be accomplished. He should certainly support the Motion for a Committee, if for no better purpose than that that Committee should inquire what the Commission were doing.

MR. G. BUTT would wish to leave things as they were at the present moment, if he could think that the Commission was doing any real good; but neither from experience nor from inquiry had he learned that that Commission had yet consolidated any branch of the law. The state of our statute law was a disgrace, and subject of universal ridicule and contempt both in this and in foreign countries; and the injury caused by its condition, not only to English lawyers, but to the public, was very great. He would suggest that they should re-instruct the Commission—not in the terms of the hon. Gentleman's Motion, but taking great branches of the law, and consolidating the statutes upon those great heads.

THE LORD ADVOCATE said, he was a Member of the Statute Law Commission, though he must say he had not had an opportunity of attending many of their meetings; but he had sufficient knowledge of their procedure to be able to say that it was by no means fair to represent their labours as being so fruitless as hon. Members had stated. The task that Commission had to perform was one of the most difficult that could be imagined, and if a Committee of the House took upon themselves to decide what statutes were repealed, obsolete, or expired, they would very soon find they had undertaken a task far beyond their powers. He knew this—that upon various subjects of the law there had been drafted consolidation statutes, not final, but to be referred to the deliberation of the Commission; and it would be very impolitic to supersede those labours in the manner proposed. If the hon. and learned Gentleman desired to have full information as to the labours of the Commission, such information would be at once afforded him.

MR. MALINS said, he was one of those who did not expect much from the labours of any Commission which was not empowered to say that the statutes which it drew should be the only ones necessary to be referred to. People talked about consolidating the statute law as though there was not already in existence a collection of the statutes by Sir W. D. Evans, from the earliest period down to the time of George IV., which, in eight small octavo volumes, contained everything that was required for ordinary purposes; and even a professional man would scarcely have occasion to refer to anything else above once a year. With regard to this motion, he was not very much impressed with the idea that a Committee would be of any great utility. The consolidation of the statutes must be a labour of years. It could not be done in one Parliament, and it was a task which a Committee could not be expected to undertake, and which, even if it did undertake it, it could not satisfactorily perform.

VISCOUNT PALMERSTON said, that what had passed showed two things, namely the great importance of the subject, and the extreme difficulty of accomplishing the object in view. If the Committee which his hon. Friend proposed to appoint was to be expected to perform itself any part of the work to which the Resolution applied, what fell from the hon. and learned Gentleman opposite was quite conclusive that the Committee was not the instrument by which it would be possible in any degree whatever to accomplish so great and arduous an undertaking. He concluded that the object of his hon. Friend was, not that the Committee should proceed itself to effect a consolidation of the statutes, but to inquire into the proceedings of the Commission. With all deference to his hon. Friend, he thought that was rather the duty of the Government than of a Committee of that House, and he was sure that the Government had better means than a Committee to go into the examination. He agreed in the statement that should the Committee begin by taking evidence, the proceedings would be of great length, and after all they might not come to a clear and definite conclusion. Many persons thought that the duty of the Commission was to pick out the statutes which were in force, and to separate them from those that were obsolete or had expired, or been repealed, and that the Commission could present a volume which would be a guide to those who wanted to seek what the law was; but he apprehended that was by no means the function of the Commission any more than of a Committee. When a Commission had consolidated the law on any particular subject, it must rest with Parliament to pass a new law founded upon their report, because they could not entrust to any Commission the powers of legislation. They might embody in a Bill the laws which they thought should be retained in existence, but they must go to Parliament to give that compilation the force of law. Therefore the particular process which the Resolution pointed out was not a process which the Commission could, of its own authority, by any means or possibility accomplish. He thought, undoubtedly, that this was a subject which required the most earnest and early attention, and he could only say that it would be the duty of the Government to inquire what was the state of the Commission, whether it required augmentation, or strengthening, or spurring on. They should undoubtedly inquire into the matter; and he trusted if there should be wanting in the Commission sufficient force to carry on its labours with adequate expedition, they would be able to give it that additional force; but what had fallen from the hon. and learned Gentleman opposite should be borne in mind was that the task was one of immense magnitude. Nobody must expect that the most able and learned men, and in the greatest numbers, could accomplish that task of which they were talking within any short period of time, for the very importance of the subject and its magnitude would necessarily require that a considerable period of time should be devoted to it. He could assure his hon. Friend that it would be the duty of the Government to inquire into the subject, and take every possible means for accelerating the object he had in view.

Sir HENRY WILLOUGHBY understood that the object of the Motion was not—as had been alleged—that a Committee should undertake the work of consolidating the statutes, but that it should simply consider the best mode of effecting that task. It was impossible that the Government, with so much already on its hands, could accomplish this additional task; and, as for the Commission that had been appointed to execute it, immense sums of money had been expended upon it, and a great deal of labour thrown away with but little result. That the task was a feasible one was evident from the example of the excellent work of Sir W. D. Evans, referred to by the hon. and learned Member (Mr. Malins), and, believing that the appointment of a Committee would have the effect of advancing the object which the hon. Mover had in view, he (Sir H. Willoughby) should give him his cordial support.

Mr. HADFIELD said, that he did not think the task would be so difficult as the noble Lord had stated. The admirable work of Sir D. W. Evans was produced during his intervals of leisure from professional business in Manchester; and if a competent person were appointed to continue and complete the same work, it would no doubt be executed in a much more satisfactory manner than it ever could be by the Commission of which the Lord Advocate was an ornament. The matter would only be cushioned for many a long year to come by being referred back to the Government.

Mr. I. BUTT said, if the House undertook the duty set forth in the hon. Member's Resolution it would be unprecedented. What was the authority of the House to compile a second edition of the statutes? A publication of that kind would have no more weight than the compilation which had been referred to. What would be the use of sending out a volume which would have no weight in the courts of law, or be any guide to lawyers? He was anxious at all times to uphold the dignity of the House, and therefore he was reluctant to see the House deal with matters which it was unfit to deal with, and could not execute properly.

Lord JOHN RUSSELL observed, that any work which consolidated the statutes might, as a literary work, be very useful to lawyers and to the country generally, and might be undertaken by any lawyer; but as the hon. Gentleman who had just sat down had pointed out, it would be a work of no authority, and if questions came before the Judges they could take no notice of such a compilation, but would decide upon the statutes as they existed; neither could the authority of the House of Commons give any weight to the omission in such work of particular statutes. But there was another task which the Resolution before the House contemplated—

that of revising the statutes. That was a work which could not be done by the House of Commons alone, by itself; it must be effected by Parliament, and the Crown and the House of Lords must concur in the revision. He thought the assurance of his noble Friend that, as there was a Commission sitting on the subject, steps would be taken to expedite the work, ought to be sufficient, and Bills would probably be brought in, from time to time, for the consolidation of the statutes.

MR. HENLEY had no doubt that the present discussion would be productive of beneficial results, inasmuch as it would show that attention was directed to the subject. At the same time, people would deceive themselves if they imagined the consolidation of the statutes could be very speedily effected.

MR. HEYWOOD expressed a fear that, if the Commission went on at its present tardy pace, they would all be dead and buried before the consolidation of the statutes was completed. There would be no greater blessing, in his opinion, than such a consolidation as would do away with those obsolete enactments which now disfigured the statute book.

MR. ATHERTON opposed the Motion. It was very probable that the Committee asked for would recommend the very gentlemen who now edited the statutes to do the work which the hon. Member for West Surrey desired to be executed, and which they, in fact, already did to the satisfaction of the legal profession and the public. If the Commission which was now in force properly performed its duty, it would recommend to the Government such a plan as ought to be the foundation of a Bill to be passed by Parliament on the subject. He therefore hoped that the House would not render useless the labours of the Commission now in force by agreeing to the Motion.

THE ATTORNEY GENERAL observed that, although the Royal Commission for consolidating the statutes did not at first get into the right track, yet they had done so now, and he believed that great benefit would be derived from their labours. Under these circumstances he thought it would be idle for the House to enter upon the task which the hon. Member for Surrey wished them to assume.

MR. LOCKE KING said, that he would omit from the Motion the words, "ought to be undertaken on the authority of this House;" but he thought the House ought to accede to his Motion in order to prove to the country that they were in earnest on a subject which had been trifled with for twenty-five years.

Motion made, and Question put—

"That it is the opinion of this House, that a new, complete, and systematic edition of the Statutes now in force, omitting all such enactments as are repealed, obsolete, or expired, would be more accessible and intelligible to Members of Parliament, and to the generality of Her Majesty's subjects, than the present Statute Book."

The House *divided:*—Ayes 38; Noes 47: Majority 9.

Motion made, and Question put—

"That a Select Committee be appointed to inquire into the best mode of making a new, complete, and systematic edition of the Statutes now in force, omitting all such enactments as are repealed, obsolete, or expired."

Motion *negatived.*

The House adjourned at half-after Twelve o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, May 14, 1855.

MINUTE.] *Sat First in Parliament.*—The Lord Kenyon, after the Death of his Father.

PUBLIC BILLS.—1ª Religious Worship; Registration of Births, &c. (Scotland); Newspaper Stamp Duties; Church-Rates.

3ª Fisheries (British Islands and France).

MAYNOOTH COMMISSION—EVIDENCE—QUESTION.

THE EARL OF WINCHILSEA, having *presented* petitions from Gretton and Tonbridge, praying for the repeal of the Maynooth College (Ireland) Act, begged to ask the noble Earl the head of the late Commission of Inquiry, whether it was true that alterations had been made in the evidence, and that a copy of it had been sent to Rome, and allowed to remain there for some months.

THE EARL OF HARROWBY said that, in the first place, as regarded the evidence taken before this Commission, the facts were these:—The last meeting of the Commissioners was held in January last, at which time the Commissioners met at London for the purpose of preparing their report. After they had conferred with that object, they received a protest from several of the professors of the College of Maynooth, stating that it had come to their knowledge that a copy of the evidence had been put into the hands of Dr. Cullen, and that Dr. Cullen had communicated it to Rome, having translated certain passages, for the purpose of placing it before the Irish Secretary to the Propaganda for the purpose of ascertaining how far the teaching at Maynooth was at variance with the interests of the Roman Church. That was the whole of the information he received on the subject. His answer was that it certainly had been an understanding that no evidence should be passed, before it was published, into other hands than those who were engaged in conducting the inquiry; that if any indiscretion had been committed in this respect (of which he was not aware) he regretted it; but that he had the consolation of knowing that nothing could have been communicated to Rome, which was not about to be communicated to the whole world in the course of a very short time; and that any detrimental effect which might be produced at Rome by the transmission there of partially selected portions of the evidence would be soon corrected by the publication of the entire evidence and the Report. The whole amount of evil occasioned was, that there had existed for a short period of time an opportunity of exciting a prejudice at Rome against some of the professors of Maynooth, that they were not sufficiently ultramontane in their opinions. So far regarding the evidence which had been sent to Rome. With regard to the Report of the Commission, it had never been sent to Rome, and had not been tampered with by any party whatever. It was drawn up in January last, and he could take upon himself to answer for it, that it was drawn up solely in regard to the matters in which the general public took an especial interest, and which related to the political and social character of Maynooth. It was drawn up in his own handwriting, and hardly a word of it was altered by the other members of the Commission. That Report could not, of course, affect the objection which many parties had to the maintenance of the College of Maynooth, as being the endowment of a religion which they held in abhorrence; but he hoped that on all the other points of investigation as to the actual management of the college, their Lordships and the country would rest satisfied that they now had in their hands a fair statement upon that subject, and that both evidence and Report were untouched in every way by communication with Rome. He would not enter into details which had been referred to in another place, because all the objections raised had been fully answered. With regard to territorial titles having been applied to Roman Catholic bishops, in the case of certain Roman Catholic witnesses, the refusal so to address them would not, it was considered, lead to any good results, but the Commissioners had not used those titles in their Report.

WAR WITH RUSSIA—RESOLUTIONS.

THE EARL OF ELLENBOROUGH: My Lords, it is now more than a year that we have been at war—a period somewhat longer, I believe, than the war itself was expected to last by the Ministry which entered into it—and during that period we have brought forward the whole military force of the country, such as it is, and also the whole of its naval force. We have had no reason to be dissatisfied with the conduct either of our soldiers or our seamen; on the contrary, they have rivalled the great actions of those who have preceded them in former wars, and have been led on all occasions by English gentlemen with their accustomed spirit and self-devotion. We have been allied with the greatest military Power in Europe—a Power, too, almost our equal in naval strength. There has existed the most cordial union between the forces of the two Powers; and yet, my Lords, obtaining, as we have obtained, so much glory, by the side of that glory we have seen unusual suffering, and, notwithstanding all our strength, united to that of France, notwithstanding all the devotion of our troops, we have not as yet obtained any decisive success, nor can any man say that at the present moment, there is any expectation of obtaining it. This alone, my Lords, would justify me in calling your Lordships' attention to the subject, and in asking you to consider what may be the causes from which this failure has originated, and what are the remedies which it may be expedient to apply. Very recently too, another event has taken place which gives even a graver character to the war. The negotiations at Vienna have failed, and they have failed in such a manner—that is, by the presentation on the part of Russia of proposals which were perfectly inadmissible—as to afford the apprehension of a protracted war as well as of a great contest. My Lords, under these circumstances I feel that if any apology be necessary for now calling your Lordships' attention to the subject, it is an apology for not having brought forward this question at an earlier period. But, my Lords, since the accession of Lord Palmerston to office there has been a sort of torpor in Parliament; there has been nothing to induce any man to bring forward a great public question. If it had rested with that noble Lord, the torpor which has existed in Parliament would have been extended to the public mind; for the very first measure which he attempted to carry was a measure for the purpose of stifling the Committee of Inquiry into the State of the Army before Sebastopol, a Committee voted by a great majority of the House of Commons, and supported almost unanimously by the people. Strange and singular was the course adopted by the noble Lord for the purpose of inducing the House of Commons to rescind the Resolution it had passed. He desired to be permitted to appear in the world's masquerade in the historical character of Richard II., a prince who fell, as history informs us, because he exercised undue private partiality, instead of a desire for the public good, in the appointments of persons to office, and because he utterly disregarded the opinions of the public. But, my Lords, it was represented that Lord Palmerston was above all men the fittest to conduct the affairs of the country in time of war on account of his military experience. Now, certainly, that noble Lord has during his political life, now extended over a considerable portion of a century, for some time held the office of Secretary at War. But that office is not by any means connected with the direction of war, it has only to deal with the financial affairs of the army, nevertheless, he has been represented, because he so long held that office, as possessing great military experience. We have recently found that Mr. Sidney Herbert, who lately occupied the position of Secretary at War, very properly, as I think, in the discharge not only of offices of friendship, but of duties of a public nature, assisted the noble Duke who was then at the head of the War Department; but that was by no means done by him in the character of Secretary at War, nor had the Secretary at War, as such, anything to do with the direction of the war. If Lord Palmerston, holding that office, acquired great military experience and established a great military reputation, that circumstance must have been known to the late Duke of Wellington, and would have certainly tended to raise his opinion of his abilities and make him desire to retain him in the Administration of which he was the head. I do not mean to say that the Duke of Wellington did not entertain a high opinion of Lord Palmerston's military capacity, but I recollect one circumstance which leads me to infer that such was not the opinion of the Duke. I recollect sitting by the side of the Duke of Wellington in this House during the unfortunate difficulty between himself and Mr. Huskisson, which led to the resignation of a portion of the gentlemen who then formed the Coalition Government. The Duke of Wellington was called out of the House on the occasion to which I refer, and on his return he said to me, "That was Palmerston who wanted to see me, in order to tell me that if Huskisson went out he must go too. I said nothing. It was not for me to fire great guns at small birds." Such, at that time, was the opinion of the Duke of Wellington. Now, I will not pretend to say that the small bird may not in subsequent times have attained to the dimensions, and, perhaps, the character of the eagle; still, at the period referred to, such as I have stated appeared to be the opinion of the Duke of Wellington. But a short time ago the public instructors of the country informed the people that the man of all others whom it was necessary to place in the position of Minister was Lord Palmerston. He was, to use the phrase in vogue, "the man of the situation." Nations will sometimes indulge in that unfortunate weakness which occasionally afflicts individuals; they will gratify a fancy. This weakness was indulged in by the people on this occasion, and that happened to the people which occasionally happens to individuals who indulge in like weaknesses—namely, repentance soon followed on the indulgence. I believe that there is hardly any people so ready as the people of this country to give themselves up to the admiration of an individual for a short period. For a short period—but for a very short period—nothing can exceed the warmth of affection and admiration which they exhibit towards him. But a change soon comes over them, and that warmth of affection is soon followed by a frigid indifference, more than equal to the intensity of the admiration before entertained. I fear that at the present moment the feeling of the people is in that cold state, and that they have become gradually disappointed at the results of the elevation of the man whom they shortly ago desired to see at the head of the Government.

But while Parliament has been in this state of torpor the public has been thinking, and the public has come to certain conclusions, which appear to be just, as to the conduct of the war, and as to the means to be adopted in future for the purpose of avoiding similar disappointments to those they have experienced. The people have arrived at this conclusion—that it is necessary, in the selection of individuals for public employments, to regard their fitness, and not to be guided by favour. I am not a convert to that opinion; for it has been at all times the principle upon which I have acted whenever for a short time I have been in possession of power; and I can speak from experience of its advantages and its dangers. Its advantages are all for the public, and its dangers are for the individual who adopts that as his principle of Government. I have myself seen disaster converted into victory, and discouragement into enthusiasm. I have seen public confidence re-established; I have seen public prosperity carried to an unexampled extent, beyond the point which at any previous period it had been known to attain; and I have been able, in a very great measure, to trace all these improvements in the condition of the State to the adoption of the principle of regarding solely the fitness of individuals in their selection for public employments. But I am enabled, at the same time, to inform your Lordships that there is this danger to the individual who acts on that principle, that he is surrounded by disappointed jobbers, and by little-minded men, depending for their promotion on patronage and favour, who, urged by the most unscrupulous animosity, join together for the purpose of overwhelming his Government. And if, in consequence of the present feeling of the people, any Government should be established in this country determined to act uniformly on the principle I have mentioned, I feel assured that it would be in danger from the same hostility, unless it received the constant, uniform, and vigilant support of the people, on whom it could alone depend.

I have, my Lords, been not unobservant of the events which have taken place in this country during a very considerable period of my life; and I have conversed with many who have equally regarded those events with vigilant observation; and it is certainly in accordance with my observation, and with that of others, that a very great, and, as I think, very dangerous change has come over the practice of the constitution. The time was when speeches in Parliament directed public opinion—when, whatever might have been the feeling during the recess, whatever might have been the success of agitators during the period while Parliament was not sitting, the meeting of Parliament, and the announcement of the opinions of those who were in the habit of leading parties in Parliament, at once gave a direction to public opinion and brought it into a right and safe course. I fear there has been growing up a very material change in this respect. Public opinion now is, I fear, more generally formed out of doors, and, being there formed, it acts on the conduct of Parliament. I look with great apprehension to a state of things in which persons, however able, yet wholly irresponsible, possess power greater, perhaps, than that of those who lead parties in Parliament. I look with apprehension to a state of things in which those whom I may call "the gentlemen of the platform" have more influence by their speeches than "the Gentlemen of the House of Commons." That state of things has been growing up in this country. It fills me with considerable alarm. I know the importance of watching public opinion—I know the importance of endeavouring to direct it. It appears to me that public opinion, if I may so express myself, in a manner resembles a great river between two dykes. The waters rise gradually, slowly, imperceptibly, and without danger, apparently, in the eyes of those unaccustomed to their progress; but at last they increase to such a height that they overtop and destroy the dyke, and, pouring down on the plain, desolate everything before them. The same waters, however, if distributed by prudent and judicious management into streamlets running through the fields, would fertilize and beautify the land. It is with the conviction, then, that it is essential to the good working of the constitution that Parliament should direct, as far as possible, public opinion, that I make this Motion. I make it for the purpose of enabling your Lordships to place this House in the front of the people. I make it for the purpose of inducing you to go to the foot of the Throne as the faithful interpreters of public opinion, to state respectfully to Her Majesty the extent of public dissatisfaction and the extent of public complaint; to state your determination and that of the people to assist Her

Majesty with all the resources of the country in the prosecution of a just and necessary war; but at the same time to state your opinion that the Government must be conducted on the true public principle of selecting men for employment without considering anything but their means of serving the State.

My Lords, before I enter upon the conduct of the war, to which it will be necessary for me to direct your Lordships' attention, allow me to draw distinctly the line which appears to me to separate the functions of the Government from the functions of the general. It is the duty of the Government to form a plan for the campaign, and it is the duty of the Government to place in the hands of the general to whom they confide the conduct of the campaign the most perfect instrument they can prepare for the purpose of obtaining success—a perfectly well-equipped army. It is for the general to carry into execution the plans of the Government. We, as a Parliament, it appears to me, have only to deal with the conduct of the Government. Your Lordships may possibly recollect that at the very commencement of this war I, in the most earnest manner, cautioned the House and the public against looking too closely into the conduct of the officers in the command of the fleets and armies. I reminded your Lordships of the extreme sensitiveness of military men, and of the necessity of leaving their minds on all occasions perfectly free to exert all their energies for the public service. I assured your Lordships that the hope of public approbation and the apprehension of public displeasure would always be sufficient to animate those officers to the utmost extent in their exertions for the public service. I propose to adhere now to the reserve I recommended to others; I wish it to be understood that in all I say I deal only with the Government by whom this war has been conducted. My Lords, for the purpose of conducting the war I apprehend it will be admitted that it is necessary that a State should have at its disposal a sufficient number of men aided by animals. Unfortunately, the war has not been conducted in that manner; and very little exertion appears to have been made for the purpose of providing either armies of sufficient strength, or the means of movement for such army as we had. According to my recollection, it was not in the first instance that the standard of height was reduced, nor was it at an early period that the bounty was increased, yet it was by lowering the standard and by increasing the bounty that the army was to be augmented. On a recent occasion the noble Lord the Minister of War very properly issued a circular respecting the militia, which relieved from service those men who had not entered that force with the understanding that they were to be embodied, and who did not choose again to volunteer in consideration of the bounty offered to them; but he accompanied that measure by the offer of a bounty so extremely small as not only to endanger the success of the measure, but almost to secure its failure; and I believe that we have lost the services of from 16,000 to 20,000 men for the purpose of saving some 50,000*l.* or 60,000*l.* There has been no real economy—there has hardly been even an attempt at it—except in those branches of the service in which parsimony was most to be avoided, and in which liberality was most to be adopted—namely, in the obtaining of men for the army and navy, and in providing the army with the means of movement in the field. My Lords, I ventured at a very early period to represent to this House the absolute necessity of taking the most extensive measures for the purpose of providing the army with the means of movement; but it is only within the last three months that any effectual measures have been taken for that purpose, and at this moment the army cannot move, and it never has been able to move. This immovability, in consequence of the want of animals, has been the cause of many of the failures which have pervaded the campaign. My Lords, early in the last year it was decided, I think most properly, to separate the Colonial Department from the Department of War; but when that division took place, no measures were adopted—as should have been the case at the same moment—for the purpose of strengthening the hands of the Minister of War. I entirely object to the plan of pulling to pieces great departments in the midst of a war. I am sure that such a measure was totally unnecessary. The only thing absolutely necessary was to give the Minister of War full power over all the subordinate departments, to make his orders run through them, and to give him the power of compelling the execution of any measures he might direct. Had that power been distinctly given to my noble Friend (the Duke of Newcastle)—had he surrounded himself, as I think he should have done, with a military staff, instead of depending upon civil clerks—had it been thoroughly understood in the Government that the noble Duke's orders were at once to be executed in all departments, I firmly believe that many of the disasters which have occurred would have been prevented. But I fear the noble Duke has had to fight a battle here as well as in the Crimea—I fear that he has had to wrest the Commissariat from Sir Charles Trevelyan—that he has had to wrest the Land Transport Corps from the Commissariat—that there have been difficulties here as well as in the Crimea—and that those difficulties have to a very great extent led to the failures we have experienced.

My Lords, at the commencement of the war the manner in which our forces should act was a matter for the most careful and anxious consideration on the part of Her Majesty's Government—whether our army should act as a separate body, or unite with the army of France — whether the British troops should conduct separate operations from those undertaken by the troops of France. The objection to the union of the armies was obvious—the existence of divided command, an inconvenience which no extent of cordiality and good sense on the part of the generals could by possibility altogether obviate. It is almost impossible for any two men, however able they may be, to conduct difficult military operations with success under the principle of a divided command. Napoleon said, with perfect truth, when it was proposed by the Directory to send two commanders to Italy, that it was better to appoint one general of ordinary abilities to the command of an army than two men of superior abilities having a divided command; and depend upon it, unity of command is that which most contributes to success. We had the opportunity of employing our troops to a certain extent, perhaps, in the Black Sea, on a separate expedition; but we had before us the Baltic, the true sphere of our operations. However, it was decided otherwise. I can quite understand that Her Majesty's Government might have been desirous that the armies and navies of the two countries should be combined so that they might appear together wherever operations were carried on; and I do not deny that there was considerable advantage in that unity of operations; but it was an advantage dearly purchased by the absence of unity of command. It was decided that the war should be carried on in the Baltic, and also in the Black Sea. Now, my Lords, any one who takes the trouble of looking carefully through the charts of the Baltic will have seen that, while the Russians had taken every precaution, by the erection of defences, to prevent ships of large draught of water from entering their ports and from coming near their dockyards, the same precautions had not been taken against the attacks of vessels of a smaller class, that there were no fortifications on the land side, and that both at Sweaborg and at Cronstadt there were opportunities of turning the dockyards, and of burning them, by employing a class of vessels of small draught but heavily armed. It was obvious that, in the case of such an operation, it would be most advisable to have at hand a body of troops to cooperate in the attack, because if the marines were landed from the ships for employment on shore, the strength of the fleet would of course be materially diminished, and its efficiency for action would be considerably impaired. Neither of these considerations appear, however, to have occurred to Her Majesty's Government. They sent a fleet to the Baltic without gunboats and without troops. They rendered it impossible to obtain success with the means which they placed in the hands of the Admiral. The Admiral did as much as he could do with the means which were intrusted to him. I deeply regret that the public expectations were so highly raised at the commencement of the war; that the people were led to suppose that some extraordinary service would at once be performed by that fleet. For those exaggerated expectations two Members of Her Majesty's Government were particularly responsible. It is, my Lords, a serious thing to disappoint public expectation in a matter of this magnitude, and it is a cruel thing towards the officer in command. I will venture to say this—that while I do not question the right of a First Lord of the Admiralty—whether he thinks fit to state the grounds of the proceeding or not—to direct an officer to haul down his flag, I do think it is proper that the feelings of an officer so directed to give up his command should be to the last extent carefully considered and consulted; and I do deeply regret that Sir C. Napier is not the only officer employed in the fleet who has had reason to complain of the manner in which he has been treated at the Admiralty. I consider it to be a public duty, my Lords, to consult the feelings of every officer who is employed under the Crown. Well, so much for the Baltic. But it was determined to send an army to the Mediterranean—and accordingly the troops were despatched first to Malta, then to Gallipoli, and then to Constantinople. I do not object either to the advance of the army to Malta, or from Malta to Gallipoli, or from Gallipoli to Constantinople. I think the last two movements were correct under the then circumstances of the war. I think the formation of the intrenchments at Gallipoli was requisite under the circumstances then existing; but when these troops arrived at Constantinople it was the duty of Her Majesty's Government to take a general view of the war which was then being carried on by Turkey against Russia. The war existed upon the shores of the Black Sea, in Asia, as well as upon the banks of the Danube. Up to the present moment the war in Asia, which is almost as important as that upon the banks of the Danube, has been altogether neglected. I say "as important," because I can recollect the apprehensions which were entertained in 1829 of the advance of Prince Paskiewitch from Erzeroum to Constantinople. The dangers of Constantinople are almost as great on the Asiatic as on the European shore. More than that—the whole vital strength of Turkey is not so much in Europe as in Asia, and any blow struck against Turkey in Asia paralyzes the Turkish empire. Moreover, the whole commerce between Turkey and Persia is carried on by Trebizond, Erzeroum, and Bayazid, and the occupation of those places by Russia puts an end to that trade, insulates Persia, and most materially affects her policy. But, further, we had not to carry on the war in Asia as we must in Europe, only with army against army. We have in Asia nations at our disposal. We have nations conquered, but yet disposed to throw off the yoke. We had still more—a gallant nation which has been for years in arms, successfully defending its independence. It is with their arms that we should make war, as well as by the troops we may detach for their assistance. But this mode of action has been altogether neglected, and, as far as I can recollect, the appointment of Colonel Williams, who was sent out as a Commissioner, appeared about the same time that news was received of the defeat of the Turks in front of Kars, which appeared to threaten Erzeroum—a most serious blow had it fallen, for Erzeroum, once entered by the Russians, would never be surrendered by them. The Turks were only saved by the advance of Schamyl—but for that advance the Russians would have been in Erzeroum. I say then, it being the duty of the Government to look, not to isolated points, but to take a general view of the whole war, it is a most material and serious defect in the conduct of the war, that nothing should have been done for the purpose of acting in Asia. But it was determined to act only in Europe, and to send the troops to Varna. I entirely approved that movement, and I thank my noble Friend the noble Earl, late at the head of Her Majesty's Government (the Earl of Aberdeen), for having pressed that course upon his colleagues. I think that he did rightly, and for the reasons which he assigned. Not only was it an excellent military position—the best which could be selected at the time—but it "gave the hand" to Austria. That was the expression of the noble Earl, and the view which he entertained was perfectly just and correct. That army, placed at Varna, while it supported the Turks at Shumla, threatened Odessa, threatened Sebastopol, threatened Anapa, threatened every Russian station upon the Black Sea, and it gave support to the army acting in its front. It was an excellent position in itself; but no sooner was the army placed there, and about to give the hand to Austria—no sooner was Austria about to rest upon that hand—than we withdrew it, and sent the army to the Crimea. My Lords, I think that to withdraw the hand we had so offered, and send the expedition to the Crimea after Austria had invited our co-operation in the Principalities, was as great an error in diplomacy as it was in war. I ventured to caution the Government at the time as to the effect which it must have upon the policy of Austria. We have never to this day been in the same position with respect to Austria in which we were when that offer of co-operation was made. What did Austria say when she was informed of the intention of sending the expedition to the Crimea? She said—"That alters my position. I cannot venture to fight Russia by myself; and you have withdrawn the force which might have assisted me." And, my Lords, what is it that we have done very recently? Almost at the moment when we were entering upon negotiations, and it was of the utmost importance that we should have the cordial assistance of Austria, you withdrew the Turkish army from the Principalities and sent it to Eupatoria. The only extraneous assistance which the Austrian army could have in a military operation you withdrew at the very moment when it was most necessary that it should have something to rely upon. You denuded her altogether of any extraneous assistance, and you left the Austrian army with its line extended from the Pruth to the north of Galicia—exposed along her whole line to the attack of the Russian army, with Germany uncertain behind her. How, then, can you complain of the conduct of Austria? If you say that Austria has acted with undue timidity, impute it rather to your own mistakes—the mistake of the expedition to Sebastopol, and the mistake of the expedition to Eupatoria. Those two mistakes have compromised the military position of Austria, and until your army is in a position to give assistance to the Austrian army, you may depend upon it that Austria never can venture to give you the alliance and co-operation which she might otherwise cordially give. The treaty between Austria and Turkey is dated the 14th of June. That treaty was the real cause of the raising of the siege of Silistria. Had your army at Varna had the means of movement, can it be doubted that you would have attempted, before the raising of the siege of Silistria, to march to the assistance of the Turks? Was it consistent with your interest or your honour —was it not, on the contrary, adverse to every consideration both of interest and honour—to allow a place, which was the great defence of the Danube, to be taken under your very eyes? But you could not prevent it—the negligence of the Government had left your army motionless, and, for the purposes of active hostility, helpless. You could not advance to the relief of Silistria or the assistance of Austria; and when the Russians, compelled by the advance of Austria, retired from the Principalities—when any general in command of an army that could move would have pressed upon their rear, have forced them, if possible, to an action at disadvantage, and have prevented them taking away the plunder of the Principalities, and retiring by easy marches into Bessabaria — your army was unable to move. Why was it unable to move? Because the Government had not provided it with the means—it had not provided it with means of moving its artillery and stores—it had not even provided it with an adequate force of cavalry. It was no fault of the General; it was the fault of the Government. Nothing sufficient was done for the purpose of making those troops really an army; for troops are not an army unless they can move into the field. Consider only for a moment what would have been our position had the proper means been taken to make that army moveable, and had it advanced. You would have had united more than 120,000 men of allies and Turks, in conjunction with, and supported by, an Austrian army. What would have been the effect of such a movement? You would have had Bessarabia, and would have commenced this campaign from the Dniester; and the first victory would have placed Odessa, Nicoliev, and the Crimea itself at your feet.

It was determined, however, to send the expedition to Sebastopol. That expedition involved two conditions, both fatal to the efficiency of an army. The first was that there could not be a sufficient force of cavalry,—the second, that there could not be a sufficient number of animals to move the army. It could, therefore, never gain a decisive victory, or move in the field so as to destroy the enemy. Had we had cavalry enough, the success obtained by our matchless infantry at the battle of the Alma would have led to the ruin of the Russian army; had we had the means of movement when Prince Menchikoff drew off to Backshi-serai he never would have been allowed to return to Sebastopol. As it is, that army is immovable between Sebastopol and the sea. It is now beleagured, and it cannot move in any direction. It has the sea open to it, but it cannot advance. It is placed in a position in which it cannot obtain decisive success; and it is placed there by the act of the Government. It is the Government, therefore, that I accuse of the position in which that army is placed. I say nothing of the discretion of sending a great army across the sea at the time of the equinox, in 400 vessels, without having sufficiently reconnoitred the place, or having ascertained by information from any quarter what the amount of the defences might be, or what force the enemy might be able to bring into the town. If any general had ventured to do, of his own authority, in the field, that which you compelled our general to do—that is, had he ventured to attack a place, and had he failed in the attack in consequence of his not having sufficient force, of not having had information, and not having reconnoitred the place, so as to know something of its situation and strength, he would have been taken before a court-martial and would have been dismissed from his post. You, the Government, are answerable for having attempted the operation without reasonable grounds for anticipating success. I will not say much as to the military impolicy of it. If you had taken the place and come away, it gave you no security for peace, and in a few years it would have been just as strong as ever; if you had determined during the remainder of the war to occupy it, you were throwing away a great army in the most inconvenient position in which it could have been stationed with a view to effecting the great objects of the contest in which we find ourselves involved. A blockade is sufficient for the purpose of neutralising it; an inland fortified place might be valuable, with a view to carry on operations in advance of it, but this place is in a district accessible only by sea. I say, therefore, that the Government have not conducted the war well, and that they have placed the army in a position in which it cannot obtain a decisive success.

And now, my Lords, as regards a third point, the exposure of the troops to sufferings which forethought might have avoided. Is there, I ask, one man in this House or in the country who does not believe that the want of forethought on the part of Government was the great cause of the direful calamities we have witnessed? Hear Dr. Andrew Smith, the gentleman who very properly advised the Government at a very early period of the war. He tells you that the lives of hundreds and the miseries of thousands have been the consequence of not doing that which might have been done by forethought for the purpose of preventing the disasters which have occurred. Ask your Admiral, and he will tell you that he received no instructions for the preparation of transports fit to convey the sick and wounded. That is a new mode of carrying on a great expedition. I recollect I was for a short time engaged with the Duke of Wellington and Sir George Cockburn in preparing a small expedition against China. We did not on that occasion forget the sick and wounded. A large ship, a seventy-four, was fitted out from this country for the purpose of receiving them on board, though we were in that case making war at a distance of 24,000 miles, instead of, as in the present instance, 3,000. My Lords, I will not go into the melancholy details of all the inextricable confusion that prevailed with regard to the conveyance and distribution of supplies and ammunition, the mismanagement as to Ordnance stores, the tardiness in despatching them as they were wanted from this country, so that they did not arrive almost until the occasions for them had passed away —three months being the usual period that elapsed between the requisition for stores and their arrival. Nor will I attempt to harrow your Lordships' minds by describing the transport of the sick and wounded from the camp to Balaklava on mules lent by the humanity of our allies, or their state of extreme destitution on the shore, or the horrors of the middle passage, or the abominations of Scutari. All these things will be chronicled by the truthful pen of history; they are fresh in the minds of every one, and it is unnecessary for me to occupy your Lordships' time further by dwelling upon them. We all of us have read the statements made with respect to the calamities by which the army has been overtaken, and I think the opinion of all men is this, that however defective may have been the system, it is not the system alone that is to be impugned, but the conduct of the men by whom that system has been carried on. My Lords, to attribute everything to the defect of system is the subterfuge of convicted mediocrity. Mediocrity succumbs to system; ability dominates system, and forces men to its purposes. Public zeal combined with public ability will drive almost any system into a right course. But that combination has not existed here, and one of the most distressing circumstances in the contemplation of all that has been elicited before the Committee of Inquiry is not so much the fault of the system, which may be remedied, as the extent of mediocrity which pervades the service. It is this feeling, I apprehend, which has led very generally the people of this country to the conviction that it is absolutely necessary for the future to adopt a new principle in the selection of officers for public employment. My Lords, I entirely accede to that view. It is my belief that the best of all Governments is the Government which affords the greatest facilities for obtaining the assistance of the ablest men for the public service. It was upon that principle that I opposed the Reform Bill. I said it was not calculated to produce in the House of Commons the ablest men. Was I right? Is the House of Commons now more distinguished by ability than it was in former times? Have we not been compelled to use up all the old men in the House of Commons, because the regenerated House of Commons has not been capable of producing young men of equal ability? My Lords, I say I am in favour of administrative reform precisely on the same principle. I desire to see the ablest men in the public service. I can recollect well, many years ago, being much struck by the observation of a great philosophical historian who, treating of the success and grandeur of the Roman Republic, compared the whole circumstances of that republic with the circumstances of other States which appeared to have had greater chances of progress: "The cause of the success of the Roman Republic has been this—the great virtue and the great ability of a few great men." It is, therefore, for the object of bringing able men into the public service, that I altogether adopt the principle generally received at the present time, of administrative reform. I recollect having heard that Mr. Pitt once said, that in the whole course of his life he had hardly been able to give more than three or four situations to the persons whom he would have preferred to fill them. Yet he was a most powerful Minister, a man of a very bold, a man of a very proud mind. I do not condemn his pride. There is no better security for the proper discharge of public duties than to place supreme power in the hands of a man of a proud mind; yet so encompassed was Mr. Pitt by the trammels of Parliamentary Government that, with all his strength, such was the result of his experience. And what was the result of his policy? Failure in war. Notwithstanding all his ability—notwithstanding all the sacrifices of the country and all the courage of the troops, the general character of the military operations of Mr. Pitt was failure, and that failure very greatly to be attributed to the action of that necessity which did not permit him to look abroad for the ablest men. How different were the character and conduct of his great father? He disdained those trammels; he acted independently of them: he selected the fittest man wherever he was to be found; he restored confidence to the people; he restored victory to our arms; and are we who eulogise his character, who admire his genius, who glory in his success—are we to shrink from applying to our own times his principle of Government, as involving too great a sacrifice to be endured by the weakness of modern virtue? How much more powerful would be the position of a Minister able to select the men best fitted for the public service? How much more dignified the possession of office if he had the boldness so to act? He would then feel, whatever might happen, whatever might be the success of his Government, he had at least discharged the moral obligations he had incurred. But, my Lords, how can we, sitting here by the hereditary right, conferred, for the most part, upon our ancestors for their services to the State, for their fitness for public employment—how can we refuse to adopt that principle? It is the principle of our own origin. Why am I here? Because my father was a great lawyer. He was selected on account of fitness for a great office — that of Chief Justice of England. He had no family, no wealth, or connections to aid him; he rose altogether by his fitness. It was not favour; it was fitness that made Mr. Yorke Lord Chancellor and an Earl. It was not favour, it was fitness, that made Sir James Harris, the great diplomatist, Earl of Malmesbury. It was not favour which raised the father of the noble Lord opposite (Viscount Canning) to that office the reward for which was the peerage which the noble Viscount now holds. It was not favour which raised the brothers Cecil to be the Ministers of Elizabeth and James, and the founders of two great families. We are here by the services of our ancestors. Is it for us, then, who sit here by that right, and enjoy dignity and honour by reason of their services and their fitness for public employment—is it for us to turn round and say, "It is true our ancestors rose by fitness, but our relatives shall rise by favour." No! I trust your Lordships will adopt a different view of the interest and honour of this House. I trust you will, on this occasion, place yourselves in the front of the people and go to the foot of the Throne to state their complaints and their dissatisfaction. I trust you are fully impressed with the greatness of the crisis in which we stand, and that you feel all the dangers of the contest in which we are engaged. I feel myself that during this contest, protracted as it will be, we shall often have need of the support of the people. I desire to secure that support by identifying this House with public opinion. I desire to place the country on our side. I desire that we should present to the enemy we have to encounter the aspect of a united people, and that we should obtain a secure and honourable peace by acting together—Parliament supported by the general affection and co-operation of the country.

The noble Earl then *Moved*,

"That an humble Address be presented to Her Majesty.

"To assure Her Majesty of our continued Support in the Prosecution of the just and necessary War in which Her Majesty is engaged:

"To declare the sincere Gratification with which we have regarded the perfect Community of Counsels between Her Majesty and the Emperor of the French, and have seen Friendliness established and increasing between the French People and our own; Events full of Hope for the future to other Nations as well as to ourselves:

"To express our Admiration of the many Deeds of Valour by which the allied Forces in the East have illustrated their Brotherhood in Arms, and our Satisfaction that the brave Army of Piedmont is now called to participate in their Actions and in their Fame:

"To declare our Persuasion that, amidst all their Disappointments, the People of this Country still retain the generous Feelings which led them at the Commencement of the War willingly to place all the Means required from them at Her Majesty's Disposal—that they will still protect the weak against the Aggression of the strong—and that they are not prepared to consent that Russia shall, by her increasing Preponderance, so control the Turkish Government as practically to hold Constantinople within her Grasp:

"To acquaint Her Majesty that, while we admit and lament the Privations to which War necessarily subjects all Classes of the People, we yet venture to assure Her Majesty that they would in so just a Cause bear those Privations without Complaint, if they could feel that the War had been well conducted—that the Troops had not been exposed to any Hardships which could have been avoided by Forethought—and that everything had been done to enable them to achieve decisive Success:

"Humbly to represent to Her Majesty that Her People, suffering Privations on account of this War, have as yet had no such Consolation; that, on the contrary, we cannot withhold from Her Majesty the Avowal of our Conviction that the Conduct of the War has occasioned general Dissatisfaction, and given rise to just Complaints; and that we most humbly lay before Her Majesty our deliberate Opinion that it is only through the Selection of Men for Public Employment, without regard to anything but the Public Service, that the Country can hope to prosecute the War successfully, and to obtain its only legitimate Object, a secure and honourable Peace."

LORD **PANMURE**: My Lords, after the very grandiloquent notice given to the Address to which your Lordships' concurrence is now asked, I certainly did expect that we should have heard it commended to your Lordships' acceptance by a speech of somewhat more substance and force than that which has just been delivered by the noble Earl. I have studied this address, and I must confess that it has rarely fallen to my lot to read such a concoction of assurances as those which are proposed for your Lordships' adoption. They commence with truisms which no man can contradict; they continue with congratulations in which every man must unite; and they proceed to accusations as to the misconduct of the war in which the parties accused are most indistinctly portrayed; and, my Lords, they conclude with a representation—which I think the noble Earl, according to his own admission, has gathered from public meetings lately held in the City—that until the proper men are placed in the proper offices, the hopes of the country for an honourable peace will never be effectually realised. For, my Lords, to use the quaint expression of my friend Mr. Drummond, until the square men shall be put into the square holes, and the round men into the round holes, or, as may still further be gathered from the tenor and the tone of this Address, until that party with which the noble Earl has now permanently associated himself shall turn out this Government and occupy their places, nothing will go right in the conduct of the war, and no honourable or lasting peace can be had. Looking to this Resolution, I perceive that, without exposing myself to the misrepresentation which I am certain will follow, I cannot propose to your Lordships to meet it with a direct negative. To a great part of it I give my cordial approval; and the noble Earl must know that though with a great portion of it Her Majesty's Government must be satisfied, yet that from the whole design and object of that Address the Government must dissent, because they cannot but recognise in it also a censure to which they cannot submit. It will therefore be my duty, my lords, to move that this Question be not put. I do not ask you to give to the Motion of the noble Earl a direct negative, but I move that you receive it in that shape which will prove that your Lordships appreciate the character it is intended to bear, and give to it your disapprobation. I shall now call your Lordships' attention to the character of this Address. Who would venture for a moment to deny the justice of the phrases used by the noble Earl with reference to those gallant heroes, both of the naval and military services, who have distinguished themselves in their country's cause during the present war? Who would venture to undervalue the patience with which our army have undergone the sufferings and hardships to which they have been exposed? Who will venture to underrate the gallantry with which both officers and men have performed every duty to which they have been called? There is no one, my Lords, who regrets more deeply than I do the sufferings which have attended the army in the East; but I do not admit that all this suffering has arisen from the misconduct of the Government at home. I do not admit that all those sufferings have pressed upon the army because the Government at home have neglected to adopt means to assist them. We must recollect that when the army took the field, England had been at peace for upwards of forty years. We must remember that during these forty years, Government after Government have vied with each other, not in extending the military education of the army of England, but in economising the finances that were voted for that purpose. We must remember that it was only the other day the Commander in Chief of the army stated in evidence before a Committee of the House of Commons that during the Government of the noble Earl opposite (the Earl of Derby) the artillery had been reduced by that false economy. [The Earl of HARDWICKE and other noble Lords: No, no!] If the noble Earl will be pleased to listen, probably he will find that what I am saying rather demands from him "yes, yes," than "no, no." I was not going to fix a charge upon the noble Earl's Government. I was about to say what was stated by the noble Viscount (Viscount Hardinge) that during the noble Earl's Government, from the false economy previously practised, the artillery had been reduced to an inefficient state, from which the Commander in Chief, then Master General of the Ordnance during the noble Earl's Government, raised it to the condition in which it was found immediately upon the opening of the war. And so it was with all our military establishments. What little we had was regimentally perfect in every way, but was not calculated to undertake great operations; and I am sure the people of this country will be ready to make the allowances that are necessary for an army that was sent into the field under the circumstances in which that army was placed. The noble Earl has attached great blame to the Government because that army was sent into the field incapable of movement. It is quite true that there was no land transport service attached at that time to the army. The old waggon train had been abandoned, and nothing had been set up in its place by any Government, and when the army was called upon to take the field it was natural to suppose that its means of transport would not be sufficient; but I am bound to say that every means was taken to make that transport service as complete as possible, and I do not believe that it was from the want of means of moving forward from Varna that the army did not advance, as the noble Earl stated, to the relief of Silistria.

I must say that in these resolutions I recognize, not, as the noble Earl would have us to suppose by his speech, a mere desire that the Government should be carried on by the selection of the best men of the country, without reference to their condition or party connexion, but I recognize in it a general censure on the Government for their conduct of the war. I recognize the resolution of the noble Earl as putting upon Her Majesty's Government the full and entire responsibility for the whole sufferings which the army have endured, for the position in which it is placed, and for the state in which, according to the noble Earl, it is placed at the present moment. Now, my Lords, there has been much said as to the state and condition of the army, and I have already said that it is quite true that that army during the winter season suffered extremely in its position before Sebastopol. I have also stated, my Lords, that from circumstances over which the Government of that day had little or no control, there was a deficiency of housing and of supplies of clothing and food, which, during the last four months, have been entirely remedied, and at this moment I am entitled to say that that army is in as good a condition as it was when it left this country, and as prepared to take the field, and to carry on any operations which may be confided to it, as it has ever been since the commencement of the war. I see the noble Earl has doubts upon that subject—he knows perfectly well the strength of his own position, and the weakness of mine; he knows he may make safely, and without refutation, assertions respecting the strength and power of the army, because he knows that I am unable by document to give them that detailed contradiction, which I say upon my character as a Minister and a gentleman, I am quite prepared to give to them. But, my Lords, with reference to that army—from the beginning of the month of February, owing in a great measure to the means which had been previously taken by my noble Friend who preceded me (the Duke of Newcastle), and owing to the steps that had been taken by the Government who were in office previous to the present, that army began gradually to resume its condition, and to gain increased efficiency—from the early part of February the army began to shake itself clear of the effects of sickness, and its provisions and supplies began to arrive with more correctness as to the time of their delivery and the quantity that was delivered. And, my Lords, it will be hardly believed, when the noble Earl talks as he has done of the state and condition of the army, that not only has it been increased in point of efficiency, but that regularly since the beginning of March, that army has received reinforcements from this country and from the Mediterranean, which have put it in the position I have stated, namely, that it is at this moment as fit for external operations as it was at the beginning of the war.

But, my Lords, the noble Earl delivered us a speech mainly upon the question of the selection for proper places of the fittest men that are to be found; but during the whole of the speech, or at the conclusion of it, I have not gathered that the noble Earl put his hand on a single instance in which we have put an unfit man in an unfit place. The noble Earl has not convicted the Government of making any such selection, at least he has not thought it worth his while to mention it. Whether the noble Earl originally intended to charge the Government with having selected unfit men for the places in the military direction of the war, but has since changed his opinion, I am unable to say; but I do most heartily congratulate the noble Earl, and I do most heartily congratulate your Lordships' House that you are not called upon to look at the question in this light, for I know that no more unpatriotic course could be taken—no course more dangerous to the favourable prosecution of the war, than that your Lordships should, by any vote or act of yours, lead the commanders of our armies—nay, even the lowest grades of the army—to suppose that Parliament would be disposed to do them an injustice, and to reflect upon their actions whilst they were devoting their best energies to the service of the country. Well, my Lords, does the noble Earl say that it is in any civil employment that improper men have been selected? I think, when the noble Earl advanced such a charge, it was his duty at least to have pointed out some instances in support of it, in order that we might know the direction to which the noble Earl's complaint points. But the noble Earl has laid his hand upon no particular instance. It is sufficient for him to disparage all public men by a vague and universal assertion, leaving everybody to select for himself the instances which the noble Earl might have pointed out, but which, in his speech to-night, he has utterly failed to do. The noble Earl did proceed to advance some opinions in connection with a subject to which I, at least, cannot give my assent. He said he opposed the Reform Bill because he supposed it would have the effect of limiting the choice of the best men for the public service. [The Earl of ELLENBOROUGH: No, no.] He said that according to the old constitution of Parliament we had men in Parliament who were fit to carry on the business of the State; but that since the Reformed Parliament had been established it had not drawn out men equal to those who had preceded them—that the public expectation had been disappointed, and that that reform, which was a matter obnoxious to him when it was originated, had been a failure in producing men fit for the public service. Now, my Lords, I cannot say that the Reform Bill has proved any such failure. I think that there have been many men returned to Parliament since the passing of the Reform Bill who have taken a part in the administration of the country which has done them great credit. I believe that the Reformed Parliament is still capable of furnishing the country with men well qualified for undertaking the administration of public affairs, and so far as that part of his argument goes, I am afraid the noble Earl would find little sympathy amongst those with whom he wishes to associate himself on this occasion. But if I mistake not, the noble Earl went further, and talked of the contrast which now exists between public men in Parliament and public men on the platforms in this country. The noble Earl seemed to think that Parliament formerly led public opinion in this country, and that now public opinion too much leads Parliament. My Lords, I am one of those who think that public opinion is right in leading both Parliaments and Governments. To a certain extent, no doubt, Governments and Parliaments ought so far to understand public opinion as in some cases to forerun it; but, in my opinion, according to the constitution of the country, public opinion, wholesomely formed, ought to lead both Government and Parliament; but I should be sorry to see that public opinion taking its cue from the suggestions of the Government of the day, or even from the dictation of Parliament itself.

My Lords, I now come to the part of the Resolutions that seems intended to pass a censure upon Her Majesty's Government. The effect of that censure upon the Government, if carried into effect by a vote of your Lordships' House, cannot but be too apparent. Now, my Lords, I think this is worthy of the most serious consideration. Three months have scarcely elapsed since we had a political crisis of, perhaps, the most extraordinary description that ever occurred in this country. During that crisis, the opportunity of forming a Government was offered to no less, I think, than four distinct persons; and amongst others to the noble Earl opposite (the Earl of Derby) of whose party the noble Earl who moved the Address then formed one for the first time—at least by public annunciation. Three months ago, affairs, so far as the Motion of the noble Earl touches them, were exactly in the same state as they are now. The policy of the preceding Government with regard to the whole management and conduct of the war—the neglect to follow up the views of the noble Earl in the Baltic—the expedition to Gallipoli, to Constantinople, to Varna, and subsequently to Sebastopol itself, stood exactly in the same position as it does at this moment. The neglect to carry the war into Asia was exactly the same as it is now. And yet, at that time, when the Government was offered to the noble Earl opposite, and when the noble Earl who moved this Resolution was to have filled a post that would have enabled him to correct those errors, or at all events to try to remedy them, the task of forming an Administration was, nevertheless, deliberately declined by the noble Earl's leader. And I hardly think it is fair now that the noble Earl should pour his censure upon the present Ministry in consequence of a position of affairs which he had himself an opportunity of grappling with and remedying, by being called upon to assist the noble Earl who had received authority from the Crown to form a Government. But, my Lords, is it, I ask, for the good of the country—is it for the advantage of the conduct of the war—is it safe, even in a constitutional point of view, to be recurring again, within the space of three short months, to fresh changes in the Government, and to agitate the country for that purpose from one end of it to the other? My Lords, this is a serious question, and you would do well to deliberate upon it before you agree to the Address of the noble Earl. I must say that, so far as this is a matter of personal consideration to myself or to my colleagues, we would put that entirely out of the question. The public must by this time know that it is no bed of roses to undertake the administration of the affairs of this country at any time, but more especially during the present most responsible and eventful crisis. So far, therefore, as personal considerations are concerned in our retention of office, they are of a secondary nature altogether; but I must take leave to warn your Lordships against these frequent changes in the Administration of public affairs. I must warn your Lordships that it is not upon any slight or any mere party grounds those changes ought at such a time to take place. It is not because one party would put out another that these changes ought to occur, because, if they be made on such grounds as that the public will soon cry out, "a plague upon all your parties," and put an end to constitutional Government altogether. I warn your Lordships seriously against consequences of this kind. I think it is a sufficient argument against the Motion to point to the recent changes that have taken place, and to the dangers that may be incurred by further changes of the same nature. I would therefore ask your Lordships to pause before you commit yourselves to the adoption of this Address; and that you will rather seek, by preventing its adoption, to calm down the minds of the people on the subject of change, and enable the Executive Government to carry out the plans which it has in view in reference to the war, and thus enabling the commanders of your armies to rest with confidence on the instructions they receive from a Government that has had time to mature its plans. Above all, I ask of you, on no trivial grounds, in such a juncture as this, to give effect to a vote the result of which can only be to settle nothing. The noble Earl proposes no settlement of anything, but seeks to disturb the existing state of things, to unsettle public affairs, and to jeopardise the result of the great war in which we are now engaged. The noble Lord concluded by moving, "the previous question."

THE EARL OF HARDWICKE said, that, in rising at that early stage of the debate, he felt his own incompetence to deal with the question before their Lordships in a manner befitting its gravity and importance; but, at the same time, having from the beginning been impressed with strong opinions, which he had never concealed, as to the manner in which the war had been conducted, he was desirous of availing himself of that opportunity of laying before the House his views somewhat more in succession and detail than he had yet been able to do. Omitting from the Resolutions now under discussion that portion which touched upon out-door agitation, or any topic of that description, he was disposed distinctly to agree with the noble Earl who had just sat down, that the latter part of the Motion expressed disapproval of the conduct of the war. With that expression of disapproval he entirely concurred. Everything, he thought, had not been done to enable the country to achieve success in the war in which it was now engaged. These opinions might be disagreeable to the Government and to noble Lords opposite, but he would address a few observations to their Lordships in support of them. In the first place, as he had stated on former occasions, he felt convinced that the war never need have been necessitated if a different line of policy in regard to the Danubian Provinces had been adopted before the Russians crossed the Pruth. If the Government had announced to the Emperor of Russia that a cordial understanding existed between France and this country, and that we were determined to form an alliance offensive and defensive with France for the purpose of preventing the overthrow of the Ottoman Empire; and if our fleets had then entered the sea which the Emperor of Russia considered his own, the war might altogether have been avoided. If, too, after the war had begun, a more vigorous line of action had been taken, and if, instead of indulging in bravado and braggadocio, and unduly exciting public expectation if, instead of raising up a party spirit in the breasts of the military profession by declaring, as had been declared by a great Minister of the Crown—that he rejoiced that the war was in the hands of the reformers of the country—the Government had shown greater judgment in the fitting out of our fleets, much of the disappointment now existing out of doors would have been avoided. If the Government had conducted the war upon the principles upon which they professed to enter into it—for the defence of the integrity of the Turkish Empire—if, remembering that we were a great maritime and not a great Military Power, they had determined to exhibit the might of England in that manner in which it could be exhibited with the greatest effect—if they had despatched a combined force of 10,000 British and 20,000 French soldiers to assist the Turkish army on the Danube; and if, above all, they had completely blockaded the Baltic and Black Seas, equipping our fleets in such a way as would enable them to carry on a flotilla warfare on the coasts, the Congress of Vienna would have had a better chance of arriving at a sucsessful termination, and our army would not have been placed in the position in which it now was; our fleets would have been really more useful, and there would have been a better prospect of bringing the war to a successful conclusion than could possibly be the case from running our heads, as we had done, against one of the strongest fortresses in the world. To institute a blockade of the enemy's ports was one of the most successful modes of waging warfare which a maritime country like this could adopt; and yet, with great naval resources at their command, the Government had failed to do this in a complete and efficient manner. In the case of the White Sea, the Government certainly had a very good answer in the manner in which the trade was carried on between this country and that part of the Russian dominions, because it appeared that remittances were sent out from this country one year, and the cargoes sent thence in return in the following year, and there was every reason, therefore, why no blockade should be instituted until those cargoes had been despatched for which the money had been paid. In the Baltic a thorough blockade had certainly been established, though the result of it had been to throw the whole commerce of Russia in that quarter into the hands of Prussia—just as the management of our armies in the seat of war had resulted in throwing two of the finest provinces of the Turkish Empire into the hands of Austria; so that the general consequence attained had been to hold out to these two German Powers every inducement to keep themselves neutral, and to give them every inducement to maintain a state of things so advantageous to them. When he came, however, to look at what had been done in the Black Sea, where it was of the greatest importance that our maritime power should be put forth to its greatest extent in destroying the commerce of the enemy, he found nothing but what was calculated to create dissatisfaction with the conduct of the war. The Government, indeed, never seemed to have made up their minds what they should do in reference to the blockade in that quarter; for, on the 13th of June, 1854, the First Lord of the Admiralty stated in the other House, in answer to Mr. Horsfall, that orders had been given to the Admirals, both in the Baltic and the Black Sea, to institute and enforce strick blockades, and that there was every reason to believe that those blockades had been instituted. Well, he would leave it to their Lordships to determine what must have been the influence of such a statement as that upon the mercantile transactions of the country, the trade with those parts of the globe was entirely put an end to, and yet nearly a year after in that House his noble Friend opposite (Earl Granville), in answer to a question from the Earl of Airlie, gave their Lordships to understand that a blockade had not been enforced in the Black Sea, but that the attention of the Admiral had been directed to the subject, and there was every reason to believe that his measures for that purpose would be successful. Such conflicting statements as these were calculated to mislead the mercantile community, to induce them to take steps which the actual circumstances of the case did not warrant, and finally to throw them into a state of doubt and uncertainty which entirely put an end to all commercial operations. The consequence was, that the trade of the foreigner had been conducted with facility, while it was impossible for our own countrymen to carry on their mercantile transactions. Now, the trade of the Black Sea and the Sea of Azoff, together, was of very considerable magnitude, consisting, as it did, of articles which peculiarly belonged to the trade of this country—of wool, linseed, and corn. In 1854 there arrived at Constantinople, from Russian ports in the Black Sea, 453 vessels with linseed, containing 770,000 quarters, exclusive of ships containing other cargoes. It was a singular fact, that this trade was continually increasing; for, in 1852, only 445,000 quarters arrived at Constantinople, and in 1853 640,000, while in 1854, as he had stated, there arrived 770,000. Out of the 453 vessels which conveyed these cargoes, no less than 333 passed the Straits of Kertch, coming from the Sea of Azoff. Now, he was sure that if the navy of England in the Black Sea had not been made subservient to the use of the army, it would have been enabled to perform the great and important duty not only of carrying out an effective blockade, but of conducting upon the shores of the Euxine and of the Sea of Azoff a system of guerilla warfare which would have tended to harass the enemy and to create an important diversion, and, at the same time, to have improved the position of this country in the settlement of the question of peace. Having remarked upon the unsatisfactory character of the blockade, he would now venture to say something as to the manner in which the war had been conducted. Our system of blockade had failed from reasons which he had yet to learn, and which appeared to him, in some degree, mysterious; and he would next proceed to consider what, in his opinion, ought to have been, but had not been, the mode of conducting our maritime warfare. His noble Friend who first addressed the House had remarked upon the manner in which the English fleets were equipped, in the first instance, for service in the Baltic, and had stated, most truly, that, although from the nature of the Russian fortresses in the Baltic it became impossible for the allied navies to attack them successfully, yet that there were points which were tangible, and places where the maritime power of this country might be brought to bear with the desired effect. Any one who had been at the Russian capital would remember that between the island of Cronstadt and St. Petersburg on the one hand, and the island of Cronstadt and Peterhoff Palace on the other, there was an area of water in which a vessel drawing five or six feet might navigate with perfect freedom. At the commencement of the war, those persons who were acquainted with these waters knew that there was no impediment to an attack upon St. Petersburgh by vessels of such a class, and he believed that at that period the Russian capital was as much at the feet of any Power possessing the maritime force of England, as Brighton or other unfortified towns upon our coast would be at the mercy of an attacking fleet.

That opportunity, however, had now passed away; but he had always thought, having been in those seas himself, that a severe blow might have been struck at the heart of Russia, by directing our sword to her capital, and if the attention of our Government had been directed to fitting out the proper description of vessels for that service, which would have proved much more valuable than those great fleets which they had fitted out at such great cost, and which had done so little service. In the Black Sea the field for such a class of vessels was even wider, yet not a single vessel of the class that was necessary had been sent out, and the same thing was attempted in the Euxine with our large ships that had failed in the Baltic. Up to this moment we had never sent a single vessel into the Sea of Azoff. He agreed that if this country had been prepared for such an invasion, if its army had been thorougly equipped, and if the army and the fleet could have co-operated with one another, the expedition to the Crimea was a bold, and might have been a successful measure. Owing, however, to the manner in which the war had been conducted, our naval forces had to be made entirely subservient to the army before Sebastopol, without performing a single operation by which that army could have been assisted—namely, by calling off the forces of the enemy; and they had also failed to prevent the constant receipt of supplies by the Russians. Their Lordships would probably be aware that there was a road that extended along a narrow strip of land between the Putrid Sea and the Sea of Azoff; this was one of the second class roads of Russia, but on which guns, troops, and cavalry might be conveyed. That road, at certain points, might be approached by vessels of light draught within gunshot, and if we had had there a sufficient force and sufficient activity, we should have taken care that that road should not have supplied troops and ammunition as it had done to the Russian army. Again, he considered that Odessa, at the early part of the war, instead of being attacked upon the excuse that the garrison had fired upon a flag of truce, ought to have been attacked because it was the great emporium of that portion of the Russian empire, and was of the utmost value in a military point of view. From a statement which appeared in *The Times* of February 19th, it appeared that immense supplies were forwarded from the interior to Odessa, and thence by Perekop to the Crimea. It appeared from Lord Raglan's despatches, that large convoys of waggons were frequently entering Sebastopol, and there could be no doubt that some of those convoys came from Odessa, and others by the Sea of Azoff. For these reasons he thought that the war had not been conducted in an efficient manner on the part of the maritime force of the country, and the fault did not rest with the officers of the navy, but with her Majesty's Government. Their Lordships had done honour to those officers by according them a Vote of Thanks, and it would be inconsistent, by another vote, to abrogate the thanks which, in his opinion, they justly deserved. It was the fault of the Government that an effective blockade of the Sea of Azoff had not been maintained. Admiral Dundas was asked, when he gave evidence before the Sebastopol Committee, if he had received any orders to establish a blockade in the Euxine; and he replied that he had received such orders, but he did not say one word about the Sea of Azof; and, upon being asked if any complaints had been made as to the way in which that blockade had been maintained, he replied in the negative. In answer to another question as to the blockade, the gallant Admiral replied, "If you come to that I must speak of the French, and then you blockade me." He could not understand what that expression could mean. It could not mean that the French had interfered with the blockade. Surely, they could not have prevented this country from employing her maritime forces to further the success of the common enterprise. The French could not have had anything to do with it, and he thought there must have been some understanding between the Government and their Admiral, which led to this mysterious declaration, and he called upon the Government to give an early explanation of the mystery. With respect to the Sea of Azoff, a despatch had been read to the Sebastopol Committee which stated that important assistance might have been rendered by Admiral Dundas if he could have obtained vessels of a light draught of water, to prevent the passage of Russian troops through the Sea of Azoff; but Admiral Dundas was never provided with vessels of that description, although the Government were sensible of the necessity for them. Was he, then, to be told, that the war had been well conducted, when such blots as those which he had pointed out were to be found? The noble Lord opposite (Lord Panmure) seemed to think that by voting in favour of the Resolutions before their Lordships, they would be attaching blame to the commanders of the forces. He disagreed from that view of the case, he supported the Resolutions because he thought that the conduct of the war on the part of the Government had been faulty in the extreme. They had attacked one of the strongest fortresses in the world and had rendered their fleet comparatively useless; and if a blockade existed at all, it existed only in the Euxine, and not in the Sea of Azoff. He had on a former occasion moved for returns connected with the important subject before their Lordships, inasmuch as they had reference to the transport of provisions and stores, and he much regretted that those returns had not yet been produced. The public felt more strongly, than any of the expenditure which they were called upon to undergo, that portion of it which went to conduct the transport service, and if those returns had been produced he believed that he would have been able to lay a very strong case before their Lordships; but not having seen those returns, he would not now take up their Lordships' time, but he should feel it his duty to call their attention to the subject on an early day. There was, however, one important point connected with the transport service, to which he hoped he might be permitted to refer. It was found essential, from the progress of science, to conduct operations with steam power, and a large expenditure was incurred in that respect. It was of the utmost importance that the arrangements for coaling ships should be as complete as possible; but at Constantinople, Malta, and Gibraltar, he believed that the arrangements were very defective. He would ask their Lordships to consider how defective arrangements in that respect entailed a heavy expenditure on the country. He would take the case of a ship of 2,500 tons, engaged at a rate of 50*s.* a month per ton, that was about 200*l.* a day. When the ship arrived at Constantinople and required to be coaled, the arrangements were so bad that only thirty tons of coals could be put on board in a day, whereas, in a good coaling yard, the same quantity could be shipped in an hour; and, taking the price of coal at Constantinople at 3*l.* a ton, the ship would be costing the country 290*l.* a day, while she was unnecessarily detained doing nothing. It was of the utmost importance, not only that the arrangements for putting coals on board the ships should be as efficient as possible, but that there should always be a sufficient supply of coals, and that that supply should not be dependent upon the direction of the wind. There was at Plymouth and in the Medway a number of hulks, which might very easily be fitted up with steam power and employed in carrying coals from this country, and then there would be no necessity to rely upon sailing vessels for a supply of coals from Malta or Gibraltar. He would also endeavour to facilitate the means of coaling in those districts. He trusted that he should be excused for entering into these details, for they formed part of the subject under consideration; and, if not attended to, the cost of the war would be enhanced to an enormous extent. Vessels were now in a great measure dependent on, for their motive power, a most expensive fuel, which, if rendered scarce in those districts, might rise to 10*l.* a ton. Though the noble Lord opposite (Lord Panmure) was not responsible for all that had taken place, still some blunders had occurred since he had accepted office. A noble Lord had already pointed out that a vessel which received a body of troops on board was obliged to unship them, owing to some misunderstanding, and he (the Earl of Hardwicke) was informed that some curious blunders had been lately made, showing that these departments were still in a state of "higgledy-piggledy," and required watching with the greatest care, or the country would be put to the greatest expense and the army involved in the greatest difficulty. The other day it was desired to erect, at the seat of war before Sebastopol, some hospital huts for convalescents, and the engineer whose duty it was to erect them, found that the Government had sent over the huts in three ships, of which only one had arrived in the harbour at Balaklava. That ship, however, had only brought the roofs and floors; the ship that was next coming had the walls on board, and the ship behind carried the windows and doors. Under these circumstances the engineer was completely paralyzed, for he could not put up the huts until the second and third ships arrived. He would repeat another anecdote he had heard. A quantity of harness was sent to the Crimea, and, when the cases were opened, it was found that they contained no back traces, so that the harness was of no use at all. A noble Lord had described the army as an army with a head and body, but no legs, so that it could not move. However, to facilitate that operation, a number of American lumber waggons were sent to the Crimea. Those waggons were fitted with poles, but not shafts; and, though there was harness ready, it appeared that it was made for shafts, and not poles; and there was no harness for leaders. These blunders, when all put together, were fatal to the progress of the war and to the success of our arms; and, as he intended to give his vote for the Resolutions, he only performed his duty in showing that everything had not been done to enable our forces to achieve success.

The Earl of ELGIN: It is with reluctance that I find by rising that I interpose between the House and the noble Earl below me (Earl Granville), but having been for many years absent from this country in the foreign service of the Crown, and therefore necessarily a stranger to all the proceedings which have taken place in and out of Parliament in connexion with the war in which this country is engaged, I fear the vote I am about to give might be liable to misconstruction if left altogether unexplained. As I think it essential to the completeness of the explanation which I am desirous of making, I trust I may be permitted to state that not very long ago, under circumstances to which I do not think I ought more particularly to allude, I felt it my duty to state to the noble Viscount at the head of the Government, that while I was resolved to maintain an independent position in Parliament, it was, nevertheless, my desire and intention, subject to that qualification and reserve, to support the Government over which the noble Viscount presides. I formed the Resolution, which I communicated in these terms to the noble Viscount, not only because I had reason to believe that on questions of public policy my sentiments would generally be found to be in accordance with those of the present Government, nor yet only because I felt I owed to the noble Viscount himself and many at least of his colleagues a debt of obligation for the generous support they uniformly gave me at critical periods in the course of my foreign career, but also and principally because it appeared to me that in the critical position in which this country was placed—at a time when we had only recently presented to the astonished eyes of Europe the discreditable spectacle of a great country left for weeks without a Government, and a popular and estimable Monarch left without councillors during a period of great national anxiety and peril, when there was hardly a household in England where the voice of wailing was not to be heard, or an eye which was not heavy with a tear—it appeared to me, I say, under such circumstances, to be the bounden duty of every patriotic man, who had not some very valid or substantial reason to assign for adopting a contrary course, to tender a frank and generous support to the Government of the Queen. Having come to this resolution under what I may say was a very strong sense of public duty, and with the full knowledge, moreover, of the fact, that the noble Earl opposite (the Earl of Derby) had only a short time before failed in his endeavour to construct an Administration, and in the absence, too, of all the ancient landmarks of party (for when I returned from abroad I found all those landmarks, which, if not a wholly sufficient guide are yet some sort of direction to wanderers in the political wilderness, removed)—having come to that resolution under those circumstances, I now have to determine whether circumstances are so entirely altered since that period as to render it imperative on me to revoke the pledge thus spontaneously tendered, and to join in what appears to be a vote, according to the statements on both sides of the meaning of these Resolutions, condemnatory of the noble Viscount and his administration. In proceeding to consider this very grave question, which is forced on my attention by the motion of the noble Earl, I am bound in candour to declare at the outset that, though nothing has occurred to make me regret the pledge of support I tendered, not unqualifiedly, to the noble Viscount at the head of the Government, yet neither in the Crimea nor at Vienna has the success attending the exertions of the Government been so complete as to cause the germ of hope I reposed in the administrative ability of the noble Viscount at the head of affairs to ripen into perfect confidence. But, my Lords, when I am asked to join in a vote condemnatory of Her Majesty's Government, I feel it right to put to myself two questions:—in the first place, is that condemnation just? And in the second place, shall I, by joining in that condemnation, contribute in any degree towards the redress of evils the existence of which all parties in this House and in the country seem equally disposed to admit and to deplore? It does appear to me, with regard to the first of these questions, that there is very great force in the defence which is set up on behalf of Her Majesty's Government. It is, I believe, notorious that the condition of our army in the Crimea has been of late very much improved; and it is also notorious that the Government are prepared with a scheme for the reorganisation of the military departments which promises to carry those improvements much further. I believe, indeed, that this very night we might have been considering the details of that measure if our attention had not not been occupied by the Motion of the noble Earl opposite. Now, my Lords, it does appear to me that to condemn Her Majesty's Government in the face of the presumption in their favour which is raised by the improvements they have already effected, would be a course wholly inconsistent with the principles of justice, as they have been hitherto understood and practised in this country. I think that, in the speech of the noble Earl who brought forward the Motion, there was a studied attempt to keep out of sight as much as possible the changes which have lately taken place in the Government of this country. There was a studied attempt to look upon the whole conduct of the war as one concern, and to charge all the blame which may be supposed to attach to the conduct of the war upon Her Majesty's present advisers. It appears to me that, even if an argument of this description might be used with propriety by persons who have been opposed from the first to the policy of the war, such an argument comes with a very bad grace from the framers or supporters of the Resolutions now under consideration. It seems to me that these Resolutions divide themselves naturally into two parts. The first part has reference to what I may call the general policy of the Government with respect to the war; and that portion of the Resolution is conceived in strains of eulogy and commendation—I may almost say, in strains of exultation. The Resolutions speak of firm alliances, of brotherhood in arms, of a sympathetic and enthusiastic people; but not a word of regret for national friendships of old standing broken—desolation carried into thousands of happy homes—Europe in arms—Asia agitated and febrile—America sullenly expectant. The exuberance of exultation which characterises the first part of these Resolutions is, indeed, amply met by the exuberance of denunciation which characterises the latter part; but I cannot help being struck with this fact—that whereas, with respect to the departments which are impugned by the latter part of the Resolutions, a change took place in the chiefs of those departments at the time the Government was last reconstructed; the departments which are lauded and commended in the former part of the Resolutions remain in the same hands; and it seems to me a most extraordinary and extravagant extension and application of the doctrine of governmental responsibility to charge the blame attaching to these departments at that former period upon the present administration. But even if I could bring myself to believe—which I have failed in doing—that censure might be passed, in the terms of these Resolutions, upon Her Majesty's present Government without injustice, I should still be unwilling to concur in them unless I could find some better security than either the Resolutions themselves afford, or—as I regret to be obliged to add—the antecedents and recorded sentiments of noble Lords opposite afford, that, by bringing about the change of administration which these Resolutions are intended to promote, I should be doing a benefit to the public service. My Lords, I cannot but think that, at a time when it is most important that the Government of this country should have weight and influence abroad, frequent changes of administration are, *primâ facie*, most objectionable. I happened to be upon the Continent at the time when the last change of Government in this country took place, and I must say it appeared to me that a most painful impression was created in foreign States with respect to the instability of the administrative system of this country by these frequent changes of administration. I do think, indeed, that not the least of the many calamities which this war has brought upon us is the fact that it has had a tendency in many quarters to throw discredit upon that constitutional system of Government of which this country has hitherto been the type and the bright example among the nations. I must say, that I listened with the deepest regret to the opinions which were advanced upon this subject by the noble Earl opposite. After all, what is chiefly valuable to nations as well as to individuals, and the loss of which alone is irreparable, is character; and it appears to me that, viewed in this light, many of the other calamities which we have had to deplore during the course of this war have been already accompanied by a very large and ample measure of compensation. To take, for instance, the military departments—notwithstanding the complaints we have heard of deficiencies in our military organisation—I believe we can with confidence affirm that the character of the British soldier, both for moral qualities and for powers of physical endurance, has been raised by the instrumentality of this war to an elevation which it never before attained. In spite of the somewhat unfavourable tone which, I regret to say, has been adopted of late by a portion of the press of America, I have myself seen in influential journals in that country commentaries upon the conduct of our soldiers at Alma, at Balaklava, and at Inkerman, which no true-hearted Englishman could read without emotion; and I have heard a tribute not less generous and not less unqualified borne to the qualities of our troops by eminent persons belonging to that great military nation with which we are now so happily allied. To look to another quarter—to contemplate another class of virtues which are not less essential than those to which I have referred to the happiness and glory of nations—I have heard from enthusiastic—even bigoted—votaries of that branch of the Christian Church which sometimes prides itself on having alone retained in its system room for the exercise of the heroic virtues of Christianity—I say I have frequently heard from them the frank admission that the hospitals of Scutari have proved that the fairest and choicest flowers of Christian charity and devotion may come to perfection even in what they are pleased to call "the arid soil of Protestantism." But, my Lords, can we flatter ourselves with the belief that the character of our statesmen, of our public men, and of our Parliamentary institutions, has risen in a like proportion? Is it not, on the contrary, notorious that doubts have been created in quarters where such doubts never existed before as to the practical efficiency of our much-vaunted constitution—as to its fitness to carry us unscathed through periods of great difficulty and danger? I believe, my Lords, that there is one process only—but that a sure and certain process—by which these doubts may be removed. It is only necessary that public men, whether connected with the Government or with the Opposition—whether tied in the bonds of party or holding independent positions in Parliament—should evince the same indifference to small and personal motives, the same generous patriotism, the same disinterested devotion to duty, which have characterised the services of our soldiers in the field, and of the women of England at the sick bed. And, my Lords, I cannot help asking, in conclusion, if—which God forbid—it should unhappily be proved that in those whom fortune, or birth, or royal, or popular favour, has placed in the van, those qualities are wanting—who shall dare to blame the press and the people of England if they seek for them elsewhere?

The Earl of WINCHILSEA said, that he should support the Resolutions, since he solemnly believed that the war in which we were engaged was uncalled for. He grounded his opposition to the present Government, also, upon the total want of judgment which they had displayed in placing that glorious army, of which they might feel so justly proud, in a situation where, humanly speaking, there was not the slightest prospect of its obtaining any great signal success, and whence in case of a reverse it could not effect a retreat. He did not charge the Government with all the disasters which had occurred, but he traced them to the impolitic course which had been pursued by both Houses of Parliament since the peace in reducing our military and naval establishments at a time when other nations in Europe were strengthening and maintaining them. In that period the Commissariat, the transport, and the Medical Boards, all had been destroyed, and the navy was so reduced that we should have been unable a short time since to have sent out five ships of war properly equipped for service. He ventured to say that never in the history of this country had a fleet left the shores of England in so disgraceful a state as the Baltic fleet of last year. Two-thirds of the men were not sailors, but landsmen, and it was a providential thing for this country that the Russian fleet did not come out to meet them. By the fatal course of reducing our naval and military establishments we had nearly brought England to ruin. He should vote for the Motion of the noble Earl wholly upon public grounds. There were many of the noble Earl's opinions in which he did not concur—indeed, upon some points they were as wide as the poles apart; but he should vote that the present Government, by having placed the army in a position, in which it ought never to have been placed, had shown a total want of judgment, and were unfit, therefore, to be intrusted with the management of the war.

EARL GRANVILLE: My Lords, it is not often that I trespass at any length upon the time of the House, and my ill health this evening, and the admirable speech which was delivered by my noble Friend on the back bench (the Earl of Elgin) are inducements to me not to infringe upon this occasion on that most wholesome practice. With regard to what has fallen from the noble Earl who spoke last, I am not convinced, by what he has stated, how he can conscientiously vote for the Resolutions after the opinion which he has delivered, when the very first Resolution is to assure Her Majesty of our continued support in the prosecution of the "just and necessary war" in which Her Majesty is engaged. I equally disagree with that noble Earl in the opinion which he gave, that if the Russian fleet in the Baltic had come out last year, we should have suffered dearly for our negligence in sending out such a fleet. On the contrary, if there is one thing more than another which I do regret, it is, that such an opportunity was not afforded to our gallant sailors of proving their zeal and valour. The last sentence of the noble Earl shows, whatever imputations there may be of divided councils on this side of the House, that there is not perfect unanimity among our opponents; and considering that the noble Earl who spoke third in this debate (the Earl of Hardwicke) gave a totally different view of what the military operations ought to be from that which was given by the noble Earl who moved the Resolutions, I hope, if those noble Lords succeed in what they propose to themselves to-night, that they will, before the new Government is positively formed, succeed in reconciling those conflicting opinions. In listening to the noble Earl who opened the debate, always having hitherto thought that one of the chief characteristics of his great eloquence was precision and clearness in what he stated, I was surprised to find that the principal characteristic of his speech to-night was a vagueness and an evident shrinking from the real point which he wished to insinuate. At the end of his speech, in the same somewhat vague manner, he spoke in support of the last clause of his Resolutions,—"that it is the deliberate opinion of this House that it is only through the selection of men for public employment, without regard to anything but the public service, that the country can hope to prosecute the war successfully;" and he intimated that these desirable changes could not be effected so long as the present Prime Minister made his appointments from feelings of a personal or private nature. Now, it appears to me that in this vague expression the noble Earl, who this evening has put himself at the head of the Administrative Reform movement of this country, was merely speaking in accordance with the sentiments which we find in the Opposition papers, and occasionally hear upon the platform, that we have gone back a hundred years in our history, and that the heads of the Gower, Howard, and Cavendish families sit in conclave, and dictate to the Prime Minister the colleagues that he shall give himself. Now, my Lords, I am a Gower, and I believe that I am the only one of that family who holds any official appointment whatever. I am also a Cavendish; but I think that the noble Duke at the head of that family has not shown himself slow to encourage genius wherever he has found it, even among the lower class of society. I find behind me the heir presumptive of that noble Duke (the Earl of Burlington), who did not shrink at the University from competition with the ablest and best men of the day; nor has that noble Lord abstained in his private capacity from aiding the public in many ways; but to this day, I believe, he has never held one single office, and, as far as I remember, his only relation, bearing the name of Cavendish, is one who, under the superintendence of my noble Friend the Secretary of State for Foreign Affairs, is fattening under the enormous emoluments of a clerkship in the Foreign Office. My Lords, I am sorry to say that I am also related to some of the Howards; not to "all the Howards," because the Howards since the time of Pope have so wonderfully multiplied and increased that I believe Mr. Horace Mann could handicap them very fairly in a race with "all the Smiths." But I have yet to learn that the member of the Howard family who has been selected by the Queen and by Lord Palmerston to represent Her Majesty in Ireland has, either in that country or in the West Riding, or in any part of the kingdom, been considered by the middle or lower classes as in any way inimical to their interests. My Lords, I had better make a clear breast of it at once, and I am obliged to admit that some of those who went before me had such quivers full of daughters who did not die old maids, that I have relations upon this side of the House, relations upon the cross benches, relations upon the opposite side of the House, and I actually had the unparalleled misfortune to have no less than three cousins in the Protectionist Administration of my noble Friend opposite. Notwithstanding all these hereditary infirmities accidental circumstances having thrown me during my very short career—compared with the long and brilliant public life of the noble Earl who has brought forward this Motion—more in the way of the middle classes, and having brought me into a position to appreciate more strongly their great qualities and virtues, I have been enabled to concur in their wishes and feelings and to sympathise with them more than I believe the noble Earl ever had an opportunity of doing. In short, until this day, when the noble Earl has put himself as a sort of link in the chain which is to ally my Friend Mr. Layard with the great Conservative party, I have always understood from his speeches that he felt rather more of contempt than admiration for the peculiar characteristics of the commercial classes of this country; and I must say, notwithstanding the adulation which at the end of his speech the noble Earl offered to the people, the sneer at their judgment in the beginning of that speech seemed to me to come much more freely and frankly from his heart. My Lords, I think there has been some misapprehension in the public mind, both as to the appreciation of political men by men distinguished in private business, and as to the facility of obtaining men of business to fill official employments. It may be in the recollection of your Lordships that the Railway Department of the Board of Trade was abolished by the House of Commons chiefly on the ground that it was too expensive. Before that took place we lost our secretary, an officer of engineers, because a commercial company offered that gentleman double the salary he was receiving from the Government. I know another gentleman, a friend of mine at the head of a department under the Crown—a department which was found fault with on the ground of expense last year—who was offered 2,000*l.* a year, or double what he receives, by a great commercial company. He, whether wisely or not I cannot say, refused that offer. The offer which flattered me the most of any I ever received was that of being chairman of one of the greatest commercial companies in this country, and I certainly felt some reluctance in refusing it. That office has been filled by two members of the aristocracy, and now one of the descendants of the Plantagenets is conducting the business with great advantage to the company and with infinite credit to himself. I have mentioned these instances, and I could name many others, merely to show that men of business in their private capacity, and acting under the pressure of their own interests, do fill up important places otherwise than by men engaged in business; that they have sought the precincts of "red-tapism" itself for their men, and connected themselves even with those connected with the aristocracy. I believe it is a well-known fact that my Lord Palmerston offered a Privy Counciller's office to Mr. Laing, the Member for the Wick Burghs; and, as Mr. Laing happens to be a gentleman whose friendship I enjoy, I will give your Lordships a short sketch of what his life has been. That gentleman took high honours at Cambridge; he went into the law; he then accepted a clerkship in the Board of Trade; after a short time he left the Board of Trade in order to try his chance in his profession, and that he was not long in making his way is evident from the fact that in that year he received in professional gains exactly ten times the amount he had received under the civil service of the Crown. Mr. Laing was afterwards at the head of a great commercial company, which he saved from almost a state of bankruptcy and restored it to a flourishing condition, and he is now at the head of perhaps the most remarkable enterprise ever known. I quite agree that is exactly the man to assist you in organising offices which want organisation; but, when he was asked, Mr. Laing gave exactly the same answer as was given by one of a firm of most eminent merchants to the noble Earl (the Earl of Derby) when engaged in forming his Administration, that he had consulted those with whom he was connected in business, and at present it was impossible to leave his position to accept political office. I have in my head at this moment a list of mercantile men, contractors, civil engineers, and others—men with whom I would as soon transact business as with any one; and I cannot conscientiously say with certainty that any one of them would be foolish enough to give up their professional career and mercantile business for the temporary occupation of political office. I do not mention this circumstance because I think no person may be made available to the public service. I do not agree with the noble Earl as to the paucity of men in the House of Commons of a character to strengthen very much any Government to which they may adhere; but I wish to correct a misapprehension that it is not simply the want of the offer which prevents men—the most eminent and distinguished in private business—from ever being available to the public service. With regard to these Resolutions, I object to them because of the impression they must produce. I remember that in a former speech the noble Earl (the Earl of Ellenborough) said, with the greatest truth, that secrecy was one of the best means of success in war. Some of the greatest commanders have thought it necessary and advisable to go beyond secrecy, and to exaggerate in every possible way their advantages, while diminishing any appearance of deficiency that might exist. We know that Russia is so completely mistress of this stratagem of war that she dictated the terms of the treaty of Adrianople when she had only 2,500 fighting men in the field. One of the greatest commanders who ever lived—the Emperor of France—wrote to one of his generals, "Tell me the truth, but lie to all the rest of the world." The public-spirited and pure-minded Washington did not shrink from this artifice, but, on the contrary, practised it himself, enjoining his officers to conceal from the world all deficiencies, and to exaggerate the number of the forces at their disposal. The Duke of Wellington followed what I conceive to be the more honest course. He kept secret all that could be concealed, but when he spoke he spoke the truth. But we have gone far beyond this. We, to use the strong metaphor of a foreign writer, have laid ourselves upon the operating table and dissected ourselves alive in the face of day and of the whole world. I do not attach blame to any particular class or person; it may, in a certain degree, be interwoven with our institutions; but every single defect, sometimes true, sometimes exaggerated, sometimes altogether unfounded, has been mentioned in every paper and in every speech made in and out of Parliament, and has rung through Europe, Asia, and America. Now my Lords, I am not sure that this has been altogether a disadvantage. I believe in a great country, relying on her strength and resources, and with war at a great distance, it may be useful to apply such a stimulus to correct those faults of omission and commission which always have happened at the beginning of every war we have had, and which, I venture to say, will occur again. But I do ask this House whether we are to go on in this rut of eternal abuse of ourselves, even when the facts which at all warranted it have been completely changed? The impression which this Resolution leaves upon my mind is, that it announces to the whole world that, from the beginning of the war up to the present moment, England has shown nothing of the qualifications for success in war, but mere personal valour. I think the whole tone of the speeches in its favour has been to point out everything which throws discredit upon ourselves, and entirely to keep out of view those matters for which we are entitled to great credit. Not one word have we heard of the appeal to our mercantile marine, by which we have been enabled, independently of the Royal navy, to convey 100,000 men —English, French, Sardinians, and Turks —to the seat of war. Not one word has been said of the use of that modern invention by which the generals of the Allied armies have been able to inform the Government in less than half a day of their requirements and their deeds. Not one word has been said of that successful appeal to private enterprise in the railway which has been of such signal value to the troops. Not one word have we heard of the successful landing in the Crimea. Hardly a reference has been made to our victories, and not one single word has been said as to the undoubted fact, supplied by private letters, by newspaper correspondents, and, above all, by the public despatches of the French Commander in Chief to his Imperial master, that never was an army engaged in campaign in a more perfectly fit state than the British army at this moment. I really think it is worthy your Lordships' consideration what will be the practical effect of this great assembly passing such a Resolution as this. I will ask you what effect it will have upon Russia? Russia, it is perfectly certain, will play the game of brag to the last. Will it encourage her more readily to receive any conditions of peace you may think it right to offer to her? Suppose she knows you better, and considers your military preparations more formidable than you represent them; suppose she offers terms of peace which we feel bound to agree to—what effect will it have on all those who are jealous of the high position of this country? At the end of the campaign, will they go into a critical inquiry as to the facts, or will they take us at our word, and say we are utterly destitute of all military qualifications? Will this have a very encouraging effect upon Germany? The noble Earl (the Earl of Ellenborough) by the plans he has suggested has shown more confidence than we ever had in the military movements of Germany. The noble Earl suggested operations in Bulgaria, in Bessarabia, and in Georgia. The noble Earl who followed (the Earl of Hardwicke) took an exactly contrary view, and suggested there should have been no military operations whatever. I leave those two noble Earls to reconcile their differences; but, with regard to all attempt in Bessarabia, the noble Earl (the Earl of Ellenborough) seemed to depend on the military co-operation of the Austrian nation. We have put the greatest value on the alliance of Austria; but we have thought it more prudent, safe, and becoming to the dignity of this country—while I deny that we did anything which could prevent Austria giving us her co-operation—not to make our military operations depend upon a military co-operation that we could not rely upon. I must say that Resolutions of this sort, proposed by leading members of the Conservative party, must have the worst effect upon Germany. It is not the first time that the noble Earl, by his eloquent speeches, has weakened the sympathies of Germany with this country. If I may judge from the eagerness with which those speeches have been translated and circulated in every quarter of Germany by Russian agents some effect must have been produced by them. But there is a still more serious consideration. What effect, I must ask your Lordships, will the passing of these Resolutions have upon France? There is—and I do not wish to deny it—a great peace party in France. The ranks of that peace party are swollen by the greater part of those who are opposed to the present Government of France. Peace is in itself so great a blessing, and war is abstractedly so detestable, that the advocate of peace must always have considerable arguments in his favour. But the principal and most popular argument used by the Opposition in France is, "We are embarked in a war in which we send three Frenchmen for every Englishman, and yet it is a war in which England has a great interest, while France has absolutely none at all." My Lords, this argument is to me perfectly incomprehensible. I can understand that Austria is more interested in the Turkish question than either England or France. I can understand, although I cannot admit the argument of my noble Friend below me (Earl Grey), when he attempts to show your Lordships that England and France have no interest in the question at all. But that England should have an interest in this question, and that France, with her continental position and her stake in the Mediterranean, should not have an interest in this question, is perfectly incomprehensible. My Lords, the only confirmation of this preposterous opinion is found in other speeches of the noble Earl who began this debate, who, not to-night, but on many former occasions, has stated the most complete fallacy that can be put forward by any one—and I have great authority for saying so—namely, that this Turkish question is of the utmost importance in regard to our Indian Empire. He, having given that argument to the Opposition in France, proceeds to give them another no less cogent. He would enable them to say, "Look to the House of Lords in England, the assembly most grave, dignified, and calm, and the least likely to be influenced by clamour and party feeling, who deliberately declare by Resolutions, supported by speeches, that this co-belligerent of ours, in whose interest we are fighting, is absolutely devoid of every quality but one that can make her useful in war." I know the noble Earl will say that for great evils there must be great remedies, and that it will be an encouragement to France, and no discouragement, if an active and energetic Government deposes one which is utterly without energy. But can the noble Earl guarantee to me that the French Emperor, whom we have found so honest and steadfast in his alliance—that the French Emperor and the French nation will take that noble Earl's word that he is a modern Chatham, and that without a change of system—for he has this evening deprecated any such change—he would be able to infuse that energy and spirit into the public departments which are necessary to insure success? Can he insure me from the opposite danger—from the Emperor of the French feeling "I have embarked in this war with England for an ally. It requires the most confidential communications, and the most intimate relations, and can I in the interest and honour of France, go on in that close alliance with a country which is unstable as water, and which changes its Administration every two or three months?" I think these considerations, which I believe to be well-founded, ought to weigh with your Lordships, even if there were more truth in the Resolutions than I am disposed to admit. No doubt we have historical precedents for such complaints. Your Lordships will recollect that, even after the battle of Blenheim, the misconduct and miscarriage of the war was severely commented on in Parliament; but you will not forget that that did not prevent the glorious victory of Ramilies a year afterwards. You will remember the public despondency at the beginning of Lord Chatham's Aministration. That despondency did not prevent the most brilliant military administration that ever existed in this country. After the battle of Talavera addresses were presented from the City of London arraigning the conduct of the Duke of Wellington, and speeches were made in Parliament stating that he and his army would be driven out of the Peninsula in six months; but that did not prevent the glorious results of which we, as a nation, are so proud. I do not now wish to speak with confidence of success, which is in the hands of Providence alone; but it is not too much to express a hope that, after our army has succeeded in effecting so glorious a landing in the Crimea—after gaining such battles as the Alma, Inkerman, and Balaklava—and after having entirely recovered from the hardships and trials to which I do not deny they were for a time exposed, great successes may still be in store for them, notwithstanding anything that may be said or moved in this House. But this does not diminish the responsibility or the danger of such a course as is now proposed; and I beg your Lordships to consider whether it is true, whether it is just or patriotic to agree to Resolutions such as these, ingeniously contrived as they are to catch votes, but not ingeniously contrived to promote any one great national object.

THE EARL OF DERBY: My Lords, I confess I can entirely sympathize with the noble Lord the Minister of War in the disappointment he has experienced at finding the speech of my noble Friend (the Earl of Ellenborough)—the grandiloquent speech the Minister of War called it, but, as I call it, the able and statesmanlike speech of my noble Friend—so entirely at variance in its character and tendency from that which he had fondly anticipated, and against which he had prepared his remarks. I am well aware that, if not from the noble Earl, at least from his Colleagues and those who act with him in this House, it has been industriously circulated and sedulously propagated throughout this town, and more especially among the Members of this House, that it was the intention of my noble Friend, and of those who acted with him, to make an invidious and unseemly attack upon the conduct of our gallant troops and their no less gallant commanders. And I know how many appeals have been made to private friendship, to military and to professional feelings, and to the sympathies and prejudices of members of your Lordships' House, not to sanction by your assent an attack upon the commander of the forces here and the Commander of the forces in the Crimea, which would weaken and paralyze their efforts and do a gross injustice to men actively and zealously engaged in the service of their country. I know not but that these feelings so sedulously excited might have had their effect if, in the whole course of the speech of my noble Friend, there had been a single word, a single expression, a single gesture which, by the utmost ingenuity of party, could have been distorted into the possibility of such a meaning. I understood and heard with regret the sneering imputation made by the noble Lord the War Minister of this country, when he congratulated my noble Friend on having apparently altered his views, and on having felt it convenient to adapt his Motion to that which he felt to be the feeling of the country. I say the noble Lord had no right to throw out that insinuation; because the facts and antecedents completely disprove the existence of any such intention as that imputed to him. Why, my noble Friend has reminded us—not once, but over and over again—not now, but in the course of the last Session of Parliament, and on almost every occasion when the question of this war was brought under your Lordships' consideration—my noble Friend has earnestly and successfully implored your Lordships to abstain from criticisms of the military conduct of the war, and to abstain from observations as to the mode in which officers of the army were discharging their important duties, and not to embarrass and thwart them by their conduct becoming the subject of invidious criticism in this House. I say, therefore, that, from the first, there has been no ground for these insinuations which have been so freely thrown out as to the intention of my noble Friend to attack and impugn the conduct of the army. There has been great ingenuity on the part of the Government—and I congratulate them on their ingenuity, but not on their success—in endeavouring to confound the conduct of the Government in the management of the war with the conduct of those gallant and distinguished men who have only carried out the orders they have received on the part of the Administration. Now, the Resolutions themselves which have been moved by my noble Friend have been objected to, because for the most part they are truisms. Are the Resolutions a series of truisms? No doubt it is a truism, that this House views with "sincere gratification with which we regard the perfect community of counsels between Her Majesty and the Emperor of the French, and have seen the friendliness established and increasing between the French people and our own—events full of hope for the future to other nations as well as to ourselves." That is a sentiment in which I believe every one of your Lordships will as cordially join as my noble Friend who moves the Resolution; but I do not concur with the noble Earl who spoke last, that an unanimous declaration of the House of Lords to that effect—that the assent of this great assembly to an expression of sincere gratification at the good understanding which prevails, not only between the Governments of the two countries, but between the commanders of the two armies, will be a matter, either in France or in England, of utter insignificance. And when I speak of the cordial sympathy which has subsisted between the two Governments and between the commanders of both armies, I will take this opportunity of saying, without derogating in the slightest degree from the general desire shown on the part of all to co-operate together and maintain the most perfect harmony, that I believe it is only just to the noble Lord the Commander of the British forces in the Crimea to state, that nothing could have contributed more powerfully towards that perfect union of counsel and action than the invariably conciliatory, affable, and amiable manner in which he has conducted all his intercourse with our allies. If there had been —as I believe there has not—any intention, on the part of my noble Friend who made this Motion, to attack the commanders of our forces here and in the Crimea, I hope I need hardly say that I should be the last man to join in such a proceeding. It is scarcely necessary for me to remind your Lordships, that it was upon my recommendation, on the death of the late Duke of Wellington, that Her Majesty was pleased to call my noble and gallant Friend now on the cross bench (Viscount Hardinge) to succeed that illustrious man in the command of the army; and I would also remind you that the high estimation in which I held the military qualifications of Lord Raglan induced me humbly to submit his name to Her Majesty, not only for the post of Master General of the Ordnance, but likewise for a seat in the Assembly which I have the honour to address, as the reward of his signal merits and of his devotion to the service of his Sovereign. Under these circumstances I think I may safely appeal to your Lordships and the country whether I am not likely to be the last man to concur in any vote which should stultify my own recommendation of the two highest officers now in command of the army. Without saying whether Lord Raglan's assistance and counsel as a military man might not have been of equal value for the conduct of the war in this country, I have no hesitation in stating my belief that, if war was to be undertaken and military operations were to be carried on, Her Majesty could not have chosen any individual to conduct them whose great qualities were more likely to insure success than that noble and gallant general. But, my Lords, it is no doubt a truism for us "to express our admiration of the many deeds of valour by which the allied forces in the East have illustrated their brotherhood in arms, and our satisfaction that the brave army of Piedmont is now called to participate in their actions and in their fame." It may also be, and no doubt is, a matter on which there is no difference of opinion, that we should declare our persuasion that, "amid all their disappointments the people of this country still retain the generous feelings which led them at the commencement of the war willingly to place all the means required of them at Her Majesty's disposal—that they will still protect the weak against the aggression of the strong—and that they are not prepared to consent that Russia shall, by her increasing preponderance, so control the Turkish Government as practically to hold Constantinople within her grasp." My Lords, this is not a fitting opportunity for entering into the discussion of the policy of the war in which we are engaged or of the progress of the negotiations recently brought to a close. The Motion of which the noble Earl opposite (Earl Grey) has given notice will afford us another opportunity for expressing more emphatically our views on those subjects; and in the other House, I believe, the same issue is to be raised by a right hon. Gentleman, who has given a similar notice of Motion. When, therefore, these questions come to be discussed, I shall be disappointed if this and the other House of Parliament do not, by almost unanimous votes, prove to foreign countries and the world that, at least with regard to the justice and policy of this war and the necessity of sparing no effort to carry it through—with regard to our determination to be thwarted by no obstacles, daunted by no difficulties, discouraged by no temporary failure, the people of England entertain but one feeling. Much, therefore, as I differ from the views of the noble Earl, I yet cordially thank him for affording your Lordships an opportunity of expressing your opinions; and I sincerely trust that the noble Earl will thoroughly test the feeling of the House by pressing his Motion to a division. My Lords, I am afraid I have not yet done with these truisms. I am afraid it is a truism, that our troops have been exposed to hardships which might have been avoided by forethought; I am afraid it is equally a truism, that the war has not been in all respects well conducted—that everything has not been done to enable our arms to achieve a decisive success. Now, what has been the answer given to the allegations made in these Resolutions? Has any answer whatever been attempted to the criticisms of my noble Friend at the commencement of his speech on the system and policy by which the war has been carried on? Has any single Minister ventured to affirm that the expedition to the Crimea, which my noble Friend who opened the debate and my noble and gallant Friend who spoke on the same side concurred in censuring, was not an expedition undertaken in ignorance—undertaken without due deliberation, at an unfit period of the year, without a knowledge of the difficulties about to be encountered, without calculation of the resources of the enemy, and without due measurement of the difficulties that had to be met or of the amount of preparation which ought to be made? My noble and gallant Friend (the Earl of Hardwicke) undoubtedly laid greater stress than did my noble Friend who opened the debate on the operations of the navy, and applied himself—not unnaturally — more especially to what he thought ought to have been the measures undertaken by the profession of which he is a distinguished ornament both in the Baltic and the Black Sea; but in their condemnation of the expedition to the Crimea, where you have blocked up our army, where at this moment they are the besieged rather than the besieging force, there was no difference of opinion whatever between my noble Friends, as the noble Earl opposite seems to suppose.

Earl GRANVILLE: I never said that the noble Lord disagreed as to the expedition to the Crimea. I said that while one of them objected to any expedition to any part of the Russian territory, the other, the noble Earl who opened the discussion, suggested three different plans for such expedition.

The Earl of DERBY: All of which he thought preferable to the expedition to the Crimea. There can be no doubt that the expedition to the Crimea was not the perfection of human wisdom, prudence, or foresight; and unquestionably the result has not justified the sanguine expectations that were entertained regarding it. The noble Duke, late the Minister for War, when examined before the Committee of the House of Commons, where he gave his evidence with great clearness, candour, and ability, frankly acknowledged that at the time when the expedition to the Crimea was undertaken there was no idea whatever that a siege would be required. The Government relied upon being able to take Sebastopol by a *coup de main;* but the thought of its being necessary to pass the winter in the Crimea, and therefore of warm clothing, huts, &c., being requisite to be provided for the troops before Sebastopol, the noble Duke candidly confessed, never once crossed the minds of the Government, neither did they think of making any such preparations beforehand. The same thing was stated by a distinguished officer who was at the head of the engineers; he said, indeed, that the first impression entertained was, that they were going to walk into Sebastopol without the slightest difficulty; from the moment, however, of the first day's firing he saw that it would be a work of great difficulty, a work of time, and a work for which the existing means at their command were entirely insufficient. From a want, therefore, of foresight on the part of the Government, from a miscalculation on their part of the difficulties of the expedition and of the exigencies of the troops, and from no other single circumstance whatever, the troops have been exposed to unnecessary hardships. It is from the want of proper precautions on the part of the Government that the soldiers have had their sufferings aggravated by deficiencies of clothing, of medical supplies, by overwork, and by exhaustion. And to what are we to attribute this overwork and exhaustion? Why was it that the troops were deprived of the additional comforts they would have enjoyed from the existence of a good road to carry up the supplies from Balaklava to the camp? Simply, because the amount of work to be done was too great for the number of men present with the army; and Sir John Burgoyne told the Committee that if our men had been temporarily withdrawn from the trenches for the purposes of completing the road, the enemy would have made their advances as we retired, and the work which our army would have had to do in the long run would have been doubled. But the noble Earl opposite complains that no notice is taken of the use which was made of the "navvies" and of all the wonderful contrivances of modern times—such as the railroad and the electric telegraph, and of all the facilities and advantages which they have conferred upon us in our military operations before Sebastopol. Now, what does Sir John Burgoyne say to these things? He is asked whether the "navvies" would not have been of use in the month of October to construct the railroad? and he answers that they would have been of infinite use, but "it was not thought of;" and when the noble Earl, therefore, takes credit for the application of modern discoveries to the prosecution of the war, I think I may ask him how it happens that he did not find out how useful they would be a little earlier? The railroad is not a new discovery, at least, it was as well known in October as it is now, and if it was absolutely essential for the conveyance of supplies from Balaklava to the camp, I am at a loss to understand why it could not have been constructed in the month of October just as well as in the month of April. Now, my Lords, I do not find that there have been any serious objections taken to the substantive parts of my noble Friend's Resolution. The facts are not denied. No one has denied that the sufferings of the troops have been aggravated, that there have been misconduct and confusion in the different departments, and that there has been a deficiency in those supplies which the soldiers had a right to expect and ought to have received from a Government which had contemplated beforehand the probability of such an expedition; but the noble Lord the Minister of War professes to be exceedingly disappointed that my noble Friend who proposes a Resolution expressing the necessity of employing in the proper places men properly qualified, and with a regard to nothing but the public service, did not come down prepared with a long list of personal cases, of this man here and that man there, being employed out of their proper place; the noble Lord complains that not a single instance has been given of the fit man not being in the fit place. But I certainly must say that, if the fit men were in their fit places, they did not do their work in a fitting manner; because it will not be denied that in every department—in the Commissariat, the transport service, in the medical board, in the Ordnance, and in every other department of the Government—there appears to have been somehow or other a confusion and a want of knowledge of the duties which they respectively had to perform, which has been most injurious to the public service; and, what has been more mischievous still, they all appear to have been so hampered and trammelled by rules and regulations that no man ventured to take upon himself the responsibility of doing anything which lay a little way out of the ordinary course, even though it was that which was most obviously necessary for the public service. It would not be difficult, however, to mention instances in which the right men have not been put into the right places; but it would be invidious to do so; and I shall not, therefore, attempt to look through the different departments to inquire whether Mr. So here and Mr. So and So there have neglected their duties. It will be sufficient if I take two great departments of the State connected with the conduct of the war, and see whether their duties have been carried on with that order, regularity, and punctuality, which the country has a right to expect. And here I must beg the noble Duke opposite (the Duke of Newcastle) to believe that I do not intend to say anything disrespectful to him or to his past services; on the contrary, I will frankly state that I believe, from all I have seen and heard, that there was no one Member of the late Government who applied himself more energetically or more laboriously to the duties of his office than did the noble Duke as War Minister. But, at the same time, I must say that I differ from him as to the expediency of the choice of office which he made. I do not agree with the noble Lord who did so much to break up the late Ministry, and who has done so little to increase the credit or influence of the present, that it was a commendable ambition which led the noble Duke to choose the office of Secretary for War. It was a natural, but not a commendable ambition, which led him to undertake duties which ought to have devolved upon some person of military knowledge and experience. Notwithstanding all the energy, all the zeal, and all the labour and time which the noble Duke bestowed upon his office, I cannot believe that he had that intimate knowledge of the subject which would enable him to keep the subordinate officers under him in due order, and to impress upon them the influence of his governing mind for the common discharge of the duties of the public service. I must think, also, that it is subject of regret that at the time when the Colonial and War Offices were separated one of two things was not done—either that the functions of the office of War Minister should have been clearly and absolutely defined, or that the noble Duke, having taken upon himself the office of War Minister, should have left every department under him untouched for the time, reserving for himself complete control and superintendence over them as he found them. Not that I would maintain that all those departments were in a perfectly satisfactory state, or that alteration might not with advantage have been made; but, to make alterations in your machinery at the very time when you want it to be in a state of the greatest activity, is so serious an evil that, in such an emergency, I would much prefer to go on with machinery which, though inferior, was accustomed to the work which it was called on to do, than all at once to introduce new machinery which, though of a superior quality, was untried. But if the noble Duke, as a civilian, was to take the control of the military departments, I would ask him—and I would appeal to your Lordships and the country—whether it was not necessary that the offices immediately under him, and connected with the War Department, should have been filled by persons practically conversant with military matters? But what was the actual state of things? How were the offices in the Ordnance Department filled? And here, also, I would desire to say, as in the case of the noble Duke, that I do not intend to cast the slightest personal reflection on the Gentlemen to whom I am about to refer. The Ordnance Office is that particular department to which you have to look for the clothing of your troops, for the munitions of war, and for the supply of stores of every description; upon its regular working and on the systematic and active discharge of its duties depends the question of whether the war shall be satisfactorily conducted or not. The Master General of the Ordnance was absent in the Crimea, and it was felt necessary to appoint a Lieutenant General to perform some of his duties, but, as it has since turned out, with only a portion of his authority and power. The office of Surveyor General of the Ordnance was vacant, and, as I understand, no steps have as yet been taken to fill it up. The next most important office is that of Clerk of the Ordnance. He is the representative of the Ordnance Department in the House of Commons, he is the mouthpiece there of the Minister, whose place it is to explain everything connected with the Ordnance service. Some years ago this office was filled by my noble Friend the Commander in Chief; it was afterwards filled by General Peel, General Fox, General Anson, and by Colonel Dunne, for a short time; but, up to the period of the commencement of the present war, that office has never been held by any but a military man thoroughly conversant with military details. But at the beginning of this great war in which we are now engaged, when it was necessary that the Ordnance should be doubly active, and that its duties should be discharged with greater energy than ever, who do you think held this responsible post? A very respectable gentleman, an Irish gentleman, who has recently seen occasion to change his religion, but who, as far as I know, would, at the time he was appointed to be Clerk to the Ordnance, if he had been told to load a pistol, have had very great difficulty in knowing how to set about it, and who was as innocent as a babe unborn of the knowledge of anything connected with military matters. Now, is this the right man in the right place? If the noble Duke, at that time the War Minister, was himself not a military man, was it not necessary that he should have military men as his advisers in the subordinate offices connected with his Ministry? And yet, for the first time in the history of the country, and just at the commencement of a war, he appoints a civilian to represent the Minister in the House of Commons in an office which, during the time of peace, it was always held essential should be filled by a military man! I do not wish to say anything against the hon. Gentleman who was appointed Under Secretary for War after the retirement of the noble Duke, and who now represents the War Minister in the House of Commons, but I know nothing in the antecedents of Mr. Frederick Peel (though, no doubt, he is possessed of considerable talent and abilities) which renders him peculiarly capable of advising upon or of explaining military affairs in the other House, or of being the immediate representative in that House of the War Department. Now, I have selected these cases because we have been challenged to point out instances where the right man has not been put in the right place. I will not go to the departments out of Parliament, but to those in Parliament, to those more immediately connected with the Government, and I will show you that there, where it is a matter of the most importance, you have signally departed from that principle of selecting the best men for the right place; and that you have not made these appointments with a view solely and alone—as, with my noble Friend, I contend you should have done—with a view to the exigencies and the requirements of the country. Oh, but we are told, "Why bring forward this question now? You are re-echoing the voice of a public meeting; you are taking your cue from a public meeting; you are following in the language of Mr. Layard and of the noble Earl;" and this has, in fact, been spoken of as the new combination of Derby, Ellenborough, and Layard. Now, with respect to the latter Gentleman, I am not responsible for anything Mr. Layard may have thought, said, or done. My acquaintance with him is of the slightest possible character, and upon public matters I never had a word of consultation or of communication with him. I think he has lately constituted himself the representative of a feeling which is very powerful in this country, and which is in the main a just feeling; but I think that he has been led into intemperance of language, that he has been led into hasty and sweeping charges which he was unable to substantiate, and has allowed himself, with the impulsive vehemence which belongs to his character, in the pursuit of that which is in itself right, to be led into imprudence of language, of expression, and of imputation, which are not borne out by the facts and are not under the circumstances justifiable. Therefore, my Lords, with all respect for Mr. Layard's abilities, I do not hold myself, nor do I hold my noble Friend, nor any one of those who concur in these Resolutions, responsible for any thought, word, or deed of Mr. Layard, nor has there been the slightest communication or concert between my noble Friend and Mr. Layard, or any one of those whose opinions that hon. Gentleman may represent. But, if noble Lords opposite, if the Government mean that the demonstration of public feeling made in every quarter and coming from every direction, and which must have reached the ears of Her Majesty's Ministers, has had no influence upon the minds of other men and of my noble Friend in bringing forward these Resolutions at the present time, I am not ashamed to say that the noble Lords opposite have a very erroneous conception of our meaning and our views. I cannot look with disregard or with neglect upon such indications of deep-seated public feeling as have led men of high mercantile character, engaged in the discharge of their private duties, involved in their own business, and shrinking ordinarily from all participation in public questions and public discussion—I say I cannot look with indifference upon the deep-seated dissatisfaction and discontent which has led such men and in such numbers to abandon for a time their usual vocations and to plunge into discussions upon political subjects. I cannot look with unconcern upon such a feeling prevailing in the country; I cannot think that it is safe for your Lordships—for the House of Commons—above all, my Lords, I cannot think it is safe for those who value the Conservative principle of this country, to disregard or to appear indifferent to such manifestations of public feeling. We have forborne—and, perhaps, we have forborne too long—from expressing our opinions with regard to the conduct of this war. We have been led to do so by an earnest desire not to embarrass Her Majesty's Government, more especially in these negotiations which have been unfortunately brought to a conclusion. We have, perhaps, exposed ourselves, rather than embarrass the Government in this critical state of affairs, to the imputation of being apathetic and indifferent, and we have led a considerable portion of the public to the danger of concluding that in Parliament there is no hope for them, and that their own agitation out of doors must work that impression upon the Government which is more legitimately achieved by the two Houses of Parliament. And it is partly in consequence of this feeling, it is in consequence of the danger which I see to the Constitution of this country, it is in consequence of the danger which I see arising from a want of confidence in any party and in all parties in Parliament—if such want of confidence should prevail—it is, I say, that feeling which has influenced, and which ought to influence those holding the same views as myself, not to encourage by our silence — our misconstrued silence—sentiments and opinions to spread themselves abroad, so dangerous, as we believe, to the best interests of the country. But, my Lords, when I say this, I do not say that I concur in all the sentiments, in all the expressions, in all the views which have been put forth at that great meeting of the City of London, or at other meetings of a similar nature (a laugh). I do not know what I have said to incite a laugh from noble Lords opposite. I say I do not concur in all the sentiments expressed at these meetings. I look at them as an indication of a deep-seated public feeling—a feeling of injustice done to those who took part in the proceedings by the mismanagement of Her Majesty's Government in matters of ordinary business, in matters where, as mercantile men and as practical men, they knew that the work which has been done imperfectly and at a lavish expenditure might have been done much better and at much less expense. I regard these meetings, I repeat, as indicative of a deep-seated dissatisfaction; but I see also that that dissatisfaction has led men, looking at the effects of the mismanagement on the part of the Government, into wrong and exaggerated conclusions as to the causes which have brought about such results. The ordinary language used has been, that it is not the men but the system which is to blame. Another cry is, that it is the selection of the aristocracy which caused all these misfortunes, and that the aristocracy are not to monopolize all public places and employments. Then another complaint made is of routine, and it is said that until routine is got rid of there will be no safety and no hope for the country. Now, perhaps, I may be permitted—though it does not bear immediately on this motion—to say a few words upon what I deem to be the real state of the case, the real ground of dissatisfaction, and how far I do not concur with the views of the gentlemen who have raised these cries. In regard to routine, if that word be applied to the duties of the subordinate departments of the State, and to those various officers who, having no Parliamentary influence, and exercising no Parliamentary power, carry on their business most usefully and most importantly for the benefit of the country, and among which the vast majority of those employed labour with an assiduity very ill-repaid by the amount of pecuniary advantage which they derive—which have none of the advantages of publicity, of credit, of popularity, to support themselves under their labours—I say if you charge against these departments of routine as unnecessary and an evil ingredient in their composition, a manufacturer may just as well complain of the routine of his wheel because it always turns precisely in the same plane and always works precisely in the same manner. To all these departments routine is the very essence and soul. Without it the machinery of the country would be in confusion in the course of an hour. I will not say, indeed, that faults have not been committed in those departments, that perhaps too much attention has not been paid to the claims of mere seniority, that in all cases promotion may not have been given with too little regard to the superior claims of superior excellence, and I am not at all prepared to say, that consequently, there may not be in some of these offices, and especially in the higher departments, men perfectly able to carry on their business at ordinary times, but who, at their advanced period of life and after their long service, hardly possess sufficient energy for the exigencies of the service at a time of pressure like this. Very possibly to this state of things a great portion of the proved inefficiency of some of these departments is in some degree referrible, and no doubt at a time of great exigency there ought to be, on the part of the Government, a fair provision made for those not able to discharge the public service efficiently, and, if there are any incompetent from age or infirmity, they ought not to be allowed to stop the way and interfere with the promotion of younger and abler men. I do not doubt that many of the departments are chargeable with this fault, but to say that, with regard to these departments, routine is to be imputed to them as a fault is quite out of the question. Routine is essential to their existence and well-working. You must have in these offices a routine the most complete, the most perfect; but then you ought to have over all these departments a master and a ruling mind to use this machinery, to apply it as it ought to be applied to its various purposes, to promote the co-operation of its several parts, and not suffer those parts to be mutually obstructive, instead of working steadily and harmoniously together. My noble Friend has expressed his opinion—and it is an opinion which has scarcely been contradicted even by those who have declared their intention of voting against these resolutions—that it is important for the public service that appointments to public positions should be made with the view to the interest of the public service alone, and should be above all considerations of favour or partiality. I frankly admit that I think that in the public mind a great amount of misconception exists with regard to this question. In a despotic country, no doubt, the Minister of the day, whoever he may be, or the despot, has the power of selecting for every particular department the man whom he thinks best qualified to perform the duties of the office, without any consideration as to other departments, or without any view to combination or co-operation with any other department; but to apply such a principle in this country is not only simply impossible, but would be at variance with the most valuable portion of our constitution—the freedom and independence of Parliament itself. In appointments to the higher offices of the State the choice of the Minister of the day is limited within a very narrow compass. The whole of our constitutional system, from first to last, hinges on mutual confidence. The Crown appoints the Minister in whom it has confidence, and in whom it believes that Parliament has also confidence. That Minister must be supported by a body of colleagues, to whom, according to the best of his ability, he assigns their several offices, and those colleagues must, according to the constitution of the country, be Members either of your Lordships' House or of the House of Commons, and, in fact, there are some offices which must be held by a Member of your Lordships' House, while others must be held by a Member of the House of Commons. The choice, therefore, of the Minister is limited to Members of the two Houses of Parliament, and is also limited to those Members of the two Houses of Parliament who concur with him in his general political views, and who are willing to co-operate with him, not each man discharging the duties of his own office exclusively, but all acting together in carrying into effect the measures of the Government. The choice, therefore, is limited not only to Members of your Lordships' House and to Members of the other House of Parliament, but to rather more than half the Members of each House. And is that the only limitation? By no means, for out of the number of those who are eligible to fill these situations, we must exclude those who might perhaps fill them in a most satisfactory manner, but whose other avocations or engagements, or whose private interests, although they may permit them to discharge faithfully the duties of a Member of Parliament, do not permit them to discharge faithfully the all-engrossing duties of a Minister of the Crown. I must say, too, that as regards the House of Commons, without desiring to say anything disrespectful of its present constitution, or without entertaining the slightest doubt that it contains many men who are capable of discharging the duties of office, the result of recent legislation has been still further to limit the choice of the Minister. Since the Reform Bill there has been a difference in the character and composition of that House, which makes it more difficult for a Minister to select his colleagues than was formerly the case; and for this reason. Previously to the Reform Bill there was a large number of boroughs under the immediate control of certain individuals, either men of rank or men of property, which in common parlance were called "rotten boroughs." Those boroughs, whatever were their imperfections, and however repugnant they might be to the spirit of the constitution, formed the ordinary avenue into Parliament for young men not known to the public, who desired to devote themselves from their earliest years to the science and practice of politics, and to adopt a profession, not remunerative, but attractive to men of independent fortune. That avenue to the House of Commons, that nursery of future Statesmen, has been put an end to, and I ask your Lordships to consider the character and position of the men who are now generally chosen to represent the large towns. They are men, no doubt, of ability; but they are men of mature age, men engaged in professions, either practising as eminent lawyers, or engaged in business as merchants or manufacturers; they are men, I grant, of sense and ability; but, in many instances, they are men who neither can devote their time to public affairs, nor who have been trained from youth to the practice and business of legislation. It is a mistake to suppose that the practical experience of such men is an equivalent for political training, for the instances are rare in which men who have entered Parliament at a mature age have advanced themselves to a distinguished political position. One of the complaints now made is that public offices are confined to the aristocracy—rather an indefinite term, and with the meaning of which I am only partially acquainted. Now, my Lords, there are, no doubt, still left a few small boroughs which are under family influence, and the voters in those boroughs are willing to accept as a representative a member of the family with whom they are connected, or a nominee of that family of whom they have some personal knowledge; but they would consider it a violation of their independence if the person exercising the greatest influence in the borough should introduce a perfect stranger, unconnected with the family and unknown to the public. The result is, that the number of men qualifying themselves for office and training themselves for the duties of legislation is less now than it was previously to the passing of the Reform Bill. Now, I say this solely with the view of correcting what appears to me to be exaggerated representations as to the cause of the evils which have occurred; but I am perfectly certain that, if there be in the other House of Parliament any man who shows ability and aptitude for business, who possesses the power of clearly explaining his own views, and of forcing them on Parliament, whatever may be his birth or his origin, or whatever his connection, no Minister of the day, be he who he may—Whig, Tory, or Radical—would hesitate to avail himself of the services of that man, and to enlist him in the service of the Crown, if he himself were willing to undertake the thankless duties that devolve upon a Minister. There is now a strong feeling in the country upon this subject; but I must recall to the recollection of the House that, when, three years ago, in forming an Administration, I did avail myself of the services of various Gentlemen of eminence and ability, but who had not previously had much practical experience in official duty, I was then told that I was marching out a squad of raw recruits; I was charged with going out of the ordinary circle, and of placing men in office who had no experience and no knowledge of business; in fact, I was then blamed for doing that which the popular voice of the day says ought to be done now. My Lords, I say that it is of great advantage to a Minister to have been trained to the subordinate duties of an office. A Minister in choosing his colleagues cannot put his finger on men who possess ability and say to one, "You go to that office," and to another, "You go to that;" but he is compelled to select from those who are his political adherents, who agree with him in his general views; he must select from those who are willing to take office, and who are in a position to enable them to do so. My Lords, I have made these observations as to the restrictions under which a Minister labours, for the purpose of correcting the exaggerated opinions which are now too prevalent; but, at the same time, I say that it is the duty of a Minister, with regard to high officers, with regard to every department, whether in or out of Parliament, to select for them, without partiality, fear, or favour, those persons whom he honestly believes to be best qualified to fill them. That is the principle laid down in the Resolution of my noble Friend, and it is a principle which, I am afraid, has not always been borne in mind by any Government whatever. We are asked again, irrespective of public feeling, as manifested at public meetings, why we bring forward this question now when we have got a change of Government. The noble Earl on the lower bench (the Earl of Aberdeen) must have been gratified by the tone adopted from the Treasury bench in opposition to the Motion of my noble Friend. While the present Government admit all this great suffering, all this neglect, and all these privations, they say, "But this neglect, and this management was not ours, it was that of the last Government." My noble Friend the Minister of War undoubtedly stands clear of the charge, but, with the exception of him, the Government is only a new firm with the old partners. A noble Lord had said, "Oh, but you do not consider the wonderful things that have been done in the last three months."

EARL GRANVILLE: Very much in consequence of the measures previously taken by the noble Duke (the Duke of Newcastle).

THE EARL OF DERBY: Oh, settle that among yourselves. I draw no distinction between the late Government and the present; and if the noble Earl joins me in that opinion, then, I am satisfied with the admission, for, then the Government would not only be responsible for the blunders of the last three months, but for the neglects and omissions of the last two years. Therefore the argument falls to the ground that we are not dealing with the late but with the present Government; for the late and the present Governments are one and the same. There have, to be sure, been some few sacrifices of some individual Ministers—some few Jonases thrown overboard—but the Government remains the same, the Members are the same, and the policy remains the same. Well, the noble Lord the Minister of War, on the very day when the noble Earl gave notice of the present Motion and fixed it for to-night, came down to the House and said, "Oh, it is the most unfortunate thing in the world. I am quite sorry for it, for I came down this very day to propose a great measure of administrative reform, and I was going to fix it for the very night selected by the noble Earl for his Motion." That certainly was most unfortunate, and, under the difficulty in which the noble Lord was placed, he thought it most advisable to postpone his great measure of administrative reform until after a decision should be expressed on the present Motion. But there is another House of Parliament as well as this, and there the pressure began to be a little inconvenient, and the noble Lord at the head of the Government, not having quite so much patience as the Minister of War, could not wait until the great measure of administrative reform should be brought forward in the House of Lords, but, anticipating the noble Lord, makes for himself an opportunity of announcing the nature of this great reform in the House of Commons. And if I may speak with reference to what passes in another place—which we never mention to ears polite—the mode in which this administrative reform was ushered in is one of the most sigular things I recollect. Certainly it was not one that would bear the character of a *coup d'etat*, but it was very much in the style of a *coup de théâtre*, and like one of those *coups de théâtre*, which we have recently seen peformed elsewhere by some political characters to the amusement of Her Majesty's liege subjects. On Thursday a gentleman (Colonel Reed) got up in another place, and, professing immense attachment to the noble Lord at the head of the Government, could not help adding that, though he thought the present Government better than the last, he was a little disappointed by their conduct during the last three months. He said the noble Viscount must do something to retrieve his character, and he finished his observations with a sublime exhortation to the noble Viscount to—

"Awake, arise, or be for ever fallen!"

Well, what was the effect of this on the Prime Minister?—

"He heard and was abashed, and up he sprung
Upon the wing; as when men wont to watch
On duty, sleeping found by whom they dread,
Rouse and bestir themselves ere well awake."

Then, on the spur of the moment, and without notice, and on the formal Motion for the adjournment of the House, touched by this magic wand, or rather, in this case, by this magic Reed, the Sleeping Beauty roused herself from the slumber in which she had been kept for seven times seven long years, dreaming and puzzling herself how it was that ancient arrangements should have separated the Board of Ordnance from the Commander in Chief. For forty-nine years that had been a deep and perpetual puzzle to the noble Viscount, and yet, though he had been for many years in a military office, somehow or other in the course of those seven times seven years, it had never occurred to him to put in practice that which struck him on the inspiration of the moment the other night—namely, if those offices ought not to be separated, why should they not be combined? But, after a slumber of nigh fifty years, up at last he springs, and says he is going to propose a great measure of administrative reform—he is going to abolish the Board of Ordnance, and put the Artillery under the direction of the Commander in Chief, and, therefore, Parliament could not say that the Government was not a reform Government. With respect to the measure itself, I should like to wait to see it before I pronounce an opinion on it; but I cannot give the Government entire credit for a zeal for administrative reform, which required to be quickened by the force of strong public opinion. Though I am grateful for the deference shown to public opinion, and, though I hope to see it carried further than appears to be involved in the suggestion of the noble Lord, yet I very much doubt the wisdom and prudence of making such changes in the Ordnance Department, at the present moment more especially, unless they are well considered. I am happy, however, to see on the part of the Government symptoms of increased activity to satisfy public opinion, and increased deference to the well-expressed feeling of growing dissatisfaction among the people; but, at the same time, I must say that this increased deference to public opinion and this increased activity to satisfy it have not been stimulated and excited by what has passed out of doors, but by the significant hint given by the Motion before the House. The noble Earl opposite called on the House to consider the effect of these Resolutions, if carried, on the present Government, and not upon the present Government only—that was a matter of no consequence at all—but the effect of these constant changes of Government upon Government generally and upon the constitution itself—nothing was more untisfactory than constant changes in Government, and that the struggle to overthrow Government by a party without having any definite policy chalked out for it to pursue, and without any security for permanence in the succeeding Government, was a great evil. I think so too, and I wish the noble Earl had entertained the same view on that subject at the close of the year 1852. However, I do not think that the present state of the country would lead any man lightly to aspire to office; and, though I cannot deny that this Motion does involve a reflection on the manner in which the present Government has carried on some of the operations of this war, yet I say, with the most perfect sincerity on my part, that I should very much regret the consequence of this Motion imposing on us, on this side of the House, the responsibility of office. Nevertheless, I will not admit to the noble Lord opposite, that the state of affairs now is precisely the same as when from a sense of public duty I felt compelled to decline the honourable responsibility which Her Majesty was pleased to desire me to undertake. In the first place, at that period negotiations were pending of the utmost delicacy, difficulty, and complexity; and interference with those negotiations by any changes of Government might have been productive of the most serious consequences. On public grounds, therefore, at that time a change of Government, always undoubtedly a matter of inconvenience, was one then of exceeding danger. There was another reason at that period for not preventing the present Government from being formed, though the reason is not now so flattering to the noble Viscount at the head of the Government. At that time there was a universal and general *prestige* throughout the country in the noble Viscount's favour, and a belief that he alone was the one man qualified to conduct the affairs of the country with vigour, decision, firmness, and energy; so that any other Government that might have been formed would have been liable to the charge of keeping the most efficient man out of the Premiership. I hope I may not be supposed to be disrespectful to the noble Viscount if I say that that *prestige* has very much diminished, and the warmth of affection with which he was before regarded has cooled down to a temperature much less fervid, and, if the country loses the services of the noble Viscount, I do not believe his loss would be deemed so irreparable as to make it supposed that without him it was impossible for the business of the nation to go on. The noble Lord has said that the effect of these Resolutions will be to disparage the resources of England and to weaken the confidence of our allies. Does the noble Lord mean that this country has no means or resources at her command—that she is incapable of being a useful and efficient ally? We are told that by adopting the Resolutions we shall encourage the peace party in France and indispose that great empire to our alliance—that we shall give Russia the greatest encouragement when she sees that we disparage our own means and resources. I do not know what effect the adoption of these Resolutions may be expected to produce upon Prussia and Austria, but I must say that the noble Earl very carefully and wisely abstained from pointing out a single expression, or word, or hint in the Resolutions which could bear the impression or carry with it the view which he has attached to them. Why, with respect to France, the Resolutions recognise, with the greatest gratification and thankfulness, our alliance and our perfect understanding with that country—an event which we hold to be fraught with advantages, not only to England, but to other nations. The Resolutions speak in the highest terms of the valour, the gallantry, and the discipline of the allied troops, and of the unexampled efforts they have made. But the noble Earl seems to have fallen into this mistake:—He says we disparage the resources of England. I say that we disparage the manner in which these resources have been husbanded and applied. The distinction is between England and Her Majesty's Government, and I do not know that, in disparaging the conduct of the Government—more especially if it excites them to fresh energy and activity for the future—we have the least cause to be apprehensive of the result. Even if the adoption of these Resolutions should lead to a change of Government, I do not see that the slightest impediment is likely to be thrown in the way of our maintaining amicable and friendly relations with any of the great Powers. My Lords, it is because I hold that, as the noble Earl has said, the greater portion of these Resolutions are truisms that cannot be controverted or denied, but truisms which I think it is absolutely essential to place upon record as the solemn declaration of the Parliament of this country, embodying our determination to prosecute the war to the utmost, embodying our adherence to the French alliance, embodying our gratification at the accession of the gallant army of Piedmont, embodying the readiness of the people of this country to submit to all sacrifices and to all privations, provided they can have the satisfaction of seeing the war ably, energetically, and successfully conducted, and embodying their determination that it shall be so conducted—it is because I feel that the assertion of these Resolutions, which cannot be denied or questioned, is a matter of deep importance to the people of this country—that these Resolutions embody the genuine expression of the sentiments of the people—and that your Lordships are in your proper place when you here give expression to your own sentiments in conformity with those of your fellow-countrymen—that I cordially assent to the Resolutions which have been moved by my

noble Friend; and whether we succeed in carrying them or not, I shall rejoice that I, and those Conservative friends who, with me, are anxious to maintain the institutions of this country, and not to set at nought public feeling—who desire to co-operate with that public feeling to the fullest extent, though not to implicate ourselves with the exaggerations into which that public feeling may be led—have given our support to the propositions of the noble Earl. Upon these grounds, and for these reasons, I most cordially support these Resolutions.

THE DUKE OF NEWCASTLE: My Lords, it appears to me that the reasons which have been assigned by the noble Earl who last addressed the House for supporting these Resolutions are so unsound that they will fail in inducing many of your Lordships who usually act with the noble Earl from giving the Resolutions that assent which he is prepared to give them. The noble Earl in the latter part of his speech said that, although he must admit the Resolutions did, in some sense, bear the construction of a vote of censure upon the Government, he would feel deep regret if they should have the effect of displacing the Government from office. Now, I must contend that, if these are the opinions of the noble Earl, he ought not to support the Resolutions. If the two noble Earls opposite believe conscientiously that, by the displacement of the present Government from office, and by themselves assuming—by the grace and favour of the Sovereign—the management of public affaris, they would be able to conduct the war with increased energy, and so to promote the public welfare, I think they would be perfectly justified in bringing forward and supporting these Resolutions; but I must say that if the Motion is brought forward, not with the view of displacing the Government, but of rendering what some noble Lords assert to be a weak Government still weaker, it is not a course worthy of the peers of England at a moment like the present. Unless the object is to displace the Government, I can see no patriotic grounds for supporting the Resolutions. The noble Earl expressed some surprise that the two Members of Her Majesty's Government who have spoken did not enter into any detailed defence of the conduct of the war; but I think it must have been evident to the noble Earl that those noble Lords did not enter into such a defence because no case had been set up on the other side which it was necessary for them to answer. Accustomed as I have been, not merely since I have had a seat in this House, but for many years previously, to listen with the greatest interest to the speeches of the noble Earl who brought forward those Resolutions, I must say that I never heard any speech of his which seemed to me so deficient in strength as that to which I listened this evening. It appeared to me to be entirely defective with regard to all those great attributes which distinguish his speeches. The noble Earl did not bring forward in his usual concise and consecutive order such facts as he is accustomed to place before the House, nor did he state to the House those clear and logical deductions which on former occasions he has adduced from the facts he has brought forward. Having listened attentively to the noble Earl, and to my noble and gallant Friend (the Earl of Hardwicke) who spoke at considerable length, I must say that, with the exception of the anecdotes which my noble Friend narrated, and one of which I may observe was utterly and entirely inaccurate, I am unable to fix upon anything tangible in their speeches. Nor do I think the noble Earl who last spoke has materially improved the case as it was left by his predecessors. The noble Earl has occupied the greater part of his speech in referring to the doctrines of that association which has yet to be formed, and of which he has professed himself in somewhat hesitating terms a disciple, though certainly to a more limited extent than the noble Earl who brought forward the Resolutions; but, beyond this, he seems to me to have confined himself to one single point—the policy of the expedition to the Crimea. I had hoped that I might have been spared the necessity of alluding to any matter personal to myself, but a noble Earl opposite stated, certainly in terms of very great courtesy and kindness, that he could not agree in approving what has been called my "commendable ambition" in taking upon myself the management of the War Department. I will not on this occasion go over that painful ground, but I may remind the noble Earl and the House that in the month of February I commented upon those very words, and I stated explicitly to the House—and my statement has never been controverted—the precise circumstances under which I assumed the office. The noble Earl has laid considerable stress upon the point that the management of the war was placed in my hands, I being a civilian,—as if it had not been, I may say, a constitutional doctrine in this country, that the management of the War Department should be in the hands of a civilian. At any rate, that has been the invariable practice. While the Commander in Chief of the army is of course a military man, the Secretary of State has invariably been a civilian. But the noble Earl maintained, this being the case, that I ought to have had the assistance of competent military men. Now, no one has more readily expressed concurrence in that sentiment, both in this House and elsewhere, than myself. It must be remembered, however, that we have to consider not merely who shall occupy military offices in this country, but who shall command your army in the Crimea. I am sure my noble Friend the Commander in Chief will bear me out when I say that for a long time I hesitated to concur in the recommendation that my deeply-lamented Friend Sir George Cathcart should be appointed to a command in the Crimea. And why? Because I felt it of the utmost possible importance to me that I should have the advice and assistance of such a man at home. At the same time, as it was the greatest possible object that Lord Raglan should have his aid in the Crimea in command of a division, I felt it to be my duty, upon a balance of arguments, to place him at Lord Raglan's disposal. The noble Earl went on to say that the Ordnance Department was left in a most inefficient state; the noble Earl is not quite correct, however, in stating that the Lieutenant General of the Ordnance was left without the powers which the Master General possessed. I am certain that he was appointed under the impression that he would have precisely the same powers which Lord Raglan had, and, if any of his powers had proved deficient, they would have been made complete by the assistance which the Government would render him. The noble Earl also commented upon the appointment of Mr. Monsell to the office of Clerk of the Ordnance, and remarked upon the circumstance of his change of religion, as if that had anything whatever to do with his suitableness for the office. I cannot see what it has to do with it, and, for myself, I should just as much consider that it fitted a person for the post as that it disqualified him. I can only say, with reference to Mr. Monsell, that I will quote the opinion of one most competent to form an opinion, and to whom the noble Earl this evening paid a high compliment, in the justice of which I entirely agree—I mean Lord Raglan; and I know that when he left this country he had formed a very high estimate of Mr. Monsell's abilities, and of his fitness to execute the duties of the office which he held. The noble Earl says, that for the first time in our history we have appointed a civilian to the post of Clerk of the Ordnance, and that in time of war. If the noble Earl had taken the trouble to read a few lines out of the *Royal Calendar*, he would have found that that statement was entirely inaccurate. He proceeded to give a list of gallant officers who had held the office of Clerk of the Ordnance, and, of the four whom he named, two had never held the office at all. In 1807, which was a time of war, the hon. W. W. Pole, a civilian, was Clerk of the Ordnance. He was succeeded by the hon. Ashley Cowper, who was succeeded in 1811 by Mr. Plumer Ward, who remained in office till 1823, when he was succeeded by my noble and gallant Friend at the table (Viscount Hardinge), who is the only military man who has held that office since 1807. At an earlier time the office was held by Mr. Spencer Perceval and other civilians. Now, with reference to myself, I wish to say that neither in this House nor anywhere else will I accept any praise for assiduity and labour in the office which I had the honour to fill. Assiduity and labour are the duty of every man who undertakes an office in the Government; and I did nothing but my duty in bestowing every portion of my time to the execution of my duty; and if the noble Earl can substantiate that in the performance of those duties I stood in the way of others who could have executed them much better, and that, in fact, I was a bad administrator of the office which I held, then I say that no labour or assiduity which I bestowed should be viewed as a makeweight for any deficiency of which I might have been guilty. The noble Earl said that we ought never to have undertaken the expedition to the Crimea, if, having undertaken it, we had not taken the precautions necessary to ensure success. I must say, however, that that opinion of the impolicy of going to the Crimea is one which has arisen out of the circumstances of the case, and is quite the reverse of the notions entertained at the time. I appeal to your Lordships whether, when Parliament met in December, we heard anything of the impolicy of that expedition to the Crimea? What was the ground of the attack which the noble Earl made upon us then? The charge then was, not that the expedition to the Crimea had been undertaken, but that we had not from the commencement of the war formed our plan, and that the Crimea was an after-thought, taken up at Varna when the siege of Silistria was raised. That it was which formed one of the principal points of his accusation against the Government at that time; and it is only now, when it is thought that the expedition may not be attended with success, that the noble Earl and others have become so wise after the fact. It is not fair, then, for the noble Earl, after his organs of the press spoke of impeaching the Government for not undertaking it before, to turn round upon us now, and to state that the expedition was impolitic because it has not been attended with success. If the noble Earl can substantiate that when the expedition was undertaken there was no providence, no means for accomplishing the object in view, he would establish a case against the Government. But is that so? The noble Earl said that in my evidence before the Committee I stated that we expected to take Sebastopol by a *coup de main*, and that I did not contemplate a siege. The noble Earl is not correct in his version of my evidence. What I said was, that I expected we should be in possession of Sebastopol long before it would be necessary for the army to go into winter quarters. So far from not contemplating a siege, and not making provision for it, two effective and complete battering trains were sent out, and were in Lord Raglan's possession when he undertook the expedition; and from the very first every effort was made to provide the army with the means of carrying on a siege. The noble Earl says that we made no provision for the comforts of the men—that we sent out no huts and no warm clothing. Undoubtedly the huts were not ordered until after it became evident that the place would not be taken except by a long siege; but I must contradict the statement that no warm clothing was provided for the army. Although the wooden huts for housing the men were not ordered until after the 17th of October—the date of the commencement of our fire—yet so early as the month of August a large quantity of woollen clothing of every description, additional warm clothing, both under and upper, extra greatcoats to go over the ordinary greatcoats, and a variety of things of that description to an enormous amount, were sent out—a large portion of them before we heard of the result of the siege. But if the noble Earl means that we did not send out in the middle of the summer that large quantity of sheepskins and furs which we sent out subsequently, undoubtedly to that extent the noble Earl is correct. It is incorrect and most unfair towards me to represent that I have ever allowed to drop from me in conversation, much less in any speech in Parliament, or in any public capacity, one word derogatory to the character of any officer in that army. I have never thrown discredit upon any officer, least of all upon my noble and gallant Friend who holds the chief command in the Crimea. I have never said a word which would have a tendency to exaggerate the evils with which he has to contend, nor have I ungenerously attempted to get rid of imputations upon me or the Government to which I belonged by throwing them upon that gallant nobleman. I concur with the noble Earl in thinking that the country is indebted to my noble and gallant Friend, for the way in which he has managed communications between the two armies. I believe that few men would have shown the same tact, the same temper, the same discretion, and the same good feeling which have tended, more than any one is aware of, to cement the alliance between the two countries, and certainly between the two armies; and I, therefore, entirely concur in the eulogium passed by the noble Earl upon Lord Raglan. The noble Earl says the Government is to blame for not making the railway sooner, and to support the charge he refers to the answer of Sir John Burgoyne, given before the Sebastopol Committee, to what I must term a silly question—whether it would not have been a great advantage to have had the railway in October? Of course, Sir John Burgoyne said it would. It would have been a great advantage if we had found a railway already there. It would have been a great advantage if we had had a railway all the way, and other things equally impossible would as certainly have been advantageous. Remember to what this railway is applicable—from Balaklava to Sebastopol. And what was the intention when the troops landed at Old Fort? It was agreed by the generals and by the Government that Sebastopol should be attacked on the north side, and it was only after the battle of the Alma that Lord Raglan and General St. Arnaud determined on the flank march which led to Balaklava, and subsequently to our laying siege to the south side of Sebastopol. Is not this a specimen of how accusations are cast upon those who have had the management of the War? And when the noble Earl says that the men and the materials for the railway might as well have been sent in the month of October as in the month of April, I beg he will recollect that I sent for Sir M. Peto at the end of November, and that corps for the railway was sent out in the beginning of December. The noble Earl who brought forward this motion condemned the Government for not being in a position to move the army at once when it landed at Varna. Nothing can be more unreasonable than to expect that a land transport corps and every thing else could be improvised in a moment: there was a great deficiency in the French army as well as in our own of land transport for a very considerable time. The provision for land transport requires a considerable time, and I am convinced if, at the commencement of the war, it had been proposed to the House of Commons to organise that transport corps which I had the honour of providing through the instrumentality of that gallant officer Colonel M'Murdo, it would have been laughed at as extravagant and absurd, though perhaps it would have been the wisest and most judicious step that could have been taken. Supposing that had been done, it could not be contended that all the animals would have been procured so as to have made the army moveable even nearly so soon as, by our ships, it was moveable. But the Government did not neglect to take the necessary steps to make the army moveable, for as soon as the expedition was decided upon, I sent for the most able and experienced officers of the Commissariat Department and Mr. Commissary General Smith, whose services I am glad to have this opportunity of acknowledging—went forward to Turkey to make arrangements for provisions and transport, and Captain Noland was commissioned to buy horses in all the markets of the East. When the army was moved to Varna, on the special requisition of Omer Pasha, at the very earliest possible moment, before all the troops had arrived at Scutari from England, it is an undoubted fact that there were not sufficient animals to enable the army to advance from Varna to Silistria. The noble Earl does not maintain that the army should have remained at Scutari, but approves the order to move from Scutari to Varna. That advance to Varna was made with a double object—to give a moral as well as a material assistance to Omer Pasha, and I have no hesitation in saying that it was one of the main causes of raising the siege of Silistria, although up to that time the army had not become a moveable army. However, from documents sent to me at the time, I have reason to believe that the army was moveable to that extent that it could have advanced to Silistria, and further, if necessary, for it had the means of conveying thirteen days' provisions. My noble Friend went on to say that the expedition was undertaken without any sufficient *reconnaissance* or any attempt to ascertain the force of the Russian army in the Crimea. So far from that being the fact, there is at this moment in the War Office a most admirable report prepared by that gallant officer Sir George Brown, who was sent along the coast in a ship of war accompanied by French officers, as to the means of landing upon the whole coast between Sebastopol and Eupatoria, and how it could best be effected. As to no pains having been taken to ascertain the force of Russia in the Crimea, I can assure the noble Earl it is entirely wrong, and that from the first moment of the expedition being resolved upon, every effort was used to obtain information through our ministers and consuls in the East, and I placed myself personally in communication with everybody from whom any knowlege of the country that was to be the seat of war could be obtained. From some I obtained information whose accuracy subsequent events have well established, and we were enabled to form an approximation to a correct idea of the force possessed by Russia in the Crimea, and her ability to resist attack in that quarter, which has proved very much more correct than any published by the newspapers, or in any other way. As to what has been said by the two noble Earls about putting the right man in the right place. Government may have neglected to put the right men in the right places, but no Government would recognise for one moment the principle that any but the best men should be appointed, and every one would admit that the Government which had appointed unfit men to high office had grossly neglected its duty. The people would rejoice that any man, whether belonging to the governing classes or not, should be brought into office who can assist the Government at this eventful crisis, or any other. But the British public ought not to be misled on this point; and if the country do not provide such men in that body from which alone these men can be selected, and they ought not to complain so severely of Ministers if they do not find such men. The noble Earl who opened the debate has laid the blame upon the Reform Act, in having effected a change in the composition of the House of Commons. In regard to the Reform Act I think that complaint is to a certain extent correct, but not in the particular point alluded to. I believe that a system has grown up of late years which has acted, and which will continue to act, most prejudicially in regard to providing men fit for holding office. The greatest part of our mercantile men refuse for two causes to undertake offices of State; the first is that they are unwilling to abandon their private career and deprive their families of the large and honourable gains they acquire; and the second is that they are reluctant to leave duties and avocations that are agreeable to them, seeing the growing tendency there is to heap obloquy upon every man, of every side of the House and of every party, who may undertake the discharge of public duties. But there are numbers of other men, not members of "the governing class," as they are called, who are perfectly qualified to take their place in the House of Commons, and take a part in the conduct of public affairs, and I shall rejoice, whenever a general election shall occur, to see a large increase in the number of such men sent into the House of Commons. But there is a growing evil to which may be attributed a great deal of the evil of which we complain. It is a growing practice among constituencies not to look for their representatives among men whom they know to be of proved qualifications and character, but to look up to clubs and coteries in London, to recommend them candidates, and it is the object of such clubs to have men who are partisans of one body or another, and who sit and give a silent vote for their party instead of doing honour to the constituency which returns them. As long as constituencies pursue this course, and apply, one party to the Carlton Club and another to the Reform Club for representatives, so long shall we have men of mediocrity prepared to assist by silent votes one side or the other, instead of men whose minds are prepared for the performance of great public duties and from whom a Minister might select the officers of his Government. From that body alone the high political officers must be selected. My Lords, I hope that these discussions will not lead men to think that we are a beaten nation; that we are incapable of the great deeds by which our forefathers have distinguished themselves; that our bravery is the same, and the quality of our soldiers is improved, but that in other respects we have deteriorated. My Lords, I believe nothing of the kind, and when I am told that we have suffered great disasters I say that we have, no doubt, had great misfortunes which are to be deeply deplored, but that of military disasters we have had none. We have had no military reverses whatever. It may be said that we began the siege of Sebastopol in September, but, looking at the position of the allied forces and of the enemy, is it so unfavourable to us, and so favourable to him? We have placed a pressure on the internal organisation of Russia that is beginning to tell. Russia is suffering severely from the drain of men, and the feelings of the people towards the Sovereign power are undergoing a change. Is it not true that we have stopped the direct commerce of Russia? that we have swept from the sea every ship that she possessed? that her great vessels of war are either sunk at Sebastopol or locked up and rotting in the harbours of Cronstadt and Helsingfors? We have effected a lodgment on her shores, and, by God's blessing, we may soon be in a position to dictate such a peace as will be alike honourable to this country and will insure the attainment of those great objects for which the war was undertaken.

THE MARQUESS OF CLANRICARDE said, that if these Resolutions had been brought forward at a proper time he would have supported them. He agreed with the first four Resolutions, but they were brought forward at a time singularly inopportune. If they had been brought forward in December or January he would have supported them; but the question of the mismanagement of the war was now undergoing rigorous examination by the other House of Parliament, and it was for the report of the Sebastopol Committee to fix the blame upon the proper parties. The noble Earl opposite had said that the present Government was the same as that which had begun and carried on the war. If he could feel that this was true he would support these resolutions. But he would ask any person of common sense whether they could say that it was the same Government when its Prime Minister, its War Minister in time of war, its Finance Minister, and the head of its naval department had been changed? It was essentially a different Government. The noble Earl had said that the present Government had no different policy from the last; but the noble Earl had himself proposed no change of policy whatever. The question was who could best carry that policy into effect. To suppose that any body of men who only came into power in February could in three months effect greater alterations than the present Ministry had made was preposterous. If by any misfortune these Resolutions were carried that night, the most injurious effect would be produced abroad; and he therefore trusted that their Lordships would reject them by a large majority.

THE MARQUESS OF LONDONDERRY said, he considered that the Resolutions had been brought forward for the sake of testing the state of parties in that House, and he thought there could be no doubt that the noble Earl opposite who supported the Resolutions with the assistance of the great Conservative party, over whom he so ably presided, had the intention, in doing so, of changing the Government of the country. He (the Marquess of Londonderry) wished it to be clearly and distinctly understood that he did not appear there as the advocate or as one of the retainers of the Government of the noble Viscount; but when he heard that the noble Earl was to bring forward this Resolution—when he knew that the other noble Earl (the Earl of Derby) and the whole of the party that acted with him would support this Resolution, he could not but feel that remaining on the cross-benches any longer would be a dereliction of duty on his part. Desiring to uphold the honour and dignity of the Crown—wishing that the country should boldly and manfully maintain its position as a great empire—being averse to the exhibition of distracted councils and struggles for power at this great and momentous crisis, he felt he had no other course to pursue but to support the Government. He should have thought that their Lordships might have heard or read of the proceedings at certain great meetings, which showed that the public mind was in a dangerous and disturbed state, and inimical to everything they should wish to see established. They were asking at those metings for administrative reform; but would those who were so asking for it be content with the views that were advocated by the mover and supporters of those Resolutions? The noble Earl opposite in his speech defended the system of routine; but that, according to the opinion now abroad, was one of the things that was held in complete abhorrence. Could the noble Earl and his party say that if they came into office they were prepared to bring in a measure by which the system of routine would be abolished, or could they say that they would bring to the performance of their duties ability, skill and talent that exceeded the ability, skill, and talent of those who now occupied the ministerial benches? Though the ambition of public men might induce them to put grave questions and serious responsibilities aside, let them not be oblivious of the public voice out of doors, which pronounced its opinions either by the press or at public meetings, and which public opinion, if neglected, might, perhaps, drown the voice of their Lordships' House, and produce changes which he was sure none of their Lordships would wish to see carried out. He would say that the feeling for administrative reform was shared in by many members, not only of the other House but of their Lordships' House, and they would not be backward in stating how they wished this administrative reform to be carried into effect; but he thought that neither the noble Earl opposite, nor the noble Lords who sat behind him, would be able to carry out that administrative reform in a manner that would prove satisfactory.

The Marquess of LANSDOWNE: My Lords, I have risen more than once within the last half hour for the purpose of making a few observations; but most glad was I to give way to the noble Marquess (the Marquess of Londonderry)—my noble Friend, I know, he will give me leave to call him; for although there subsists no political relationship between us, I am, nevertheless, as happy to see him a Member of this House as if we were allied together politically. I also cheerfully gave way to the noble Duke below me, who was so much abler and had a far better title than myself to afford your Lordships explanations on particular circumstances connected with the department over which he for some time presided—acts, however, the responsibility for which I equally and most willingly share with him. I now come, my Lords, to that which chiefly induced me to rise—namely, the sentiments expressed by the noble Earl who moved these Resolutions, and also those of the noble Earl who subsequently spoke on the same side (the Earl of Derby). The second of those noble Earls, while he supported the present Motion, carefully guarded himself against being supposed to be identified with the movement that had arisen out of doors—he thought it expedient, if not for the sake of the present Government, for the sake of all future Governments, to confute that movement, and to contend that it was easy on all occasions to find the amount of talent necessary to carry on the Administration of the country. Throughout the whole speech of the noble Earl, he directed himself to the allegation that it was possible, at the commencement of a war, and with all the difficulties which surrounded operations at the commencement of a war, to insure success by a proper choice of men. But when he heard those sentiments from the noble Earl, which gave encouragement to the sentiments expressed elsewhere, that there were masses of genius and talent at the disposal of a Minister if he chose to seek them; and when he found that neither the noble Earl nor any other noble Lord had attempted to substantiate any particular fact, what am I to conclude? I certainly was surprised at the manner in which the noble Earl's Resolutions were worded, conveying by implication, though carefully abstaining from asserting a single fact in confirmation, that men are selected in this country for public employment with regard to other considerations than those of the public service. Now, if the noble Earl brings such a charge as that against the Government—and the language of his Resolutions can mean nothing else—no scruples for persons ought to deter a man of less courage and boldness than the noble Earl from distinctly stating who those men are. The noble Earl abstained from all particular mention of men in the course of his Resolutions, but not so in the course of his speech. There was plain to me throughout the whole of his speech—whether the noble Earl intended it or not I cannot say—a running allusion to one man, and at last out that man came, and it was Lord Palmerston. The noble Earl has raked up an old anecdote for the purpose of disparaging Lord Palmerston, to the effect that the Duke of Wellington once told the noble Earl, in speaking of Lord Palmerston, that he was not going "to fire his great guns at small birds." Now, if I chose, I could tell an anecdote about the noble Earl—which, however, in his presence I shall not do; but it is plain to me that that which has lowered Lord Palmerston in the noble Earl's estimation is, that now he is in that high position in which the Duke of Wellington then was, he has not fired his gun at a great bird, and I am inclined to think that if he had fired, perhaps he might have hit it. I am sure that neither I nor my noble Friends around me attach any undue importance to an alteration of responsibility arising out of that which is called a change of Government. I am responsible in my humble capacity for the acts both of the late and the present Government; but if there is any superiority to be claimed for the present over the last Government, it is only that superiority which any Government at the present moment would obtain from time. That is an advantage which the noble Duke below me who lately held the office of War Secretary would have obtained, for he had laid the foundation of many of those very arrangements which have so greatly improved the condition of things, and it is not denied that at the present moment the army in the Crimea was in the enjoyment of supplies, clothing, huts, &c., and is in as good a condition, as to efficiency and order, as any army ever was; and this is because there has been sufficient time. The noble Earl seems to think that it was perfectly possible for the Government, at the commencement of a war, with a reduced military expenditure and reduced establishments, to create an army and infuse such strength and vigour into the weakened departments as would insure success. In expressing such an opinion, he is encouraging a delusion in which the people of this country are too apt to indulge—that they have but to wish for success to obtain it, and that they can take a great part among the military Powers of Europe without making those sacrifices and bearing those privations which must necessarily be borne by every nation which desires to keep a large military force on foot. It is on this account that, without exception, in every war since the time of the Revolution, waged by this country, the first year's operations have always been unsuccessful to a degree infinitely greater than has ever been alleged with regard to the Crimean expedition. In the very first war in which King William was engaged, after his accession to the Throne, he sent an expedition to Ireland under Marshal Schomberg, which failed in the most complete and disgraceful manner. Every one complaint was directed against the Government in that instance which had now been directed against the Government of the present day, for what was called the mismanagement of the Crimean army. Scarcely one single ingredient was wanting, but the historian who recounted this failure summed it up in a fairer spirit than that which seemed to animate the noble Earl, by saying all this arose from the English people not being a people prepared for war from a long period of peace, all men of merit had become old, and there had not been time to form new men. The American war was a failure from beginning to end, and therefore he would not refer to that. In the war which commenced in the year in which King William died, an expedition was sent to Cadiz which failed disgracefully, though it was planned by King William and the Duke of Marlborough, and was carried into execution by the Duke of Marlborough. They were the incapables of that day, and, if the noble Earl had been a Member of your Lordships' House at that time, he no doubt would have directed his indignation against them for presuming to think that they had the capacity of carrying on war. Then, again, the first year in which Lord Chatham, whom the noble Lord so much admires, conducted the military affairs of this country, at the commencement of the Seven Years' War, was distinguished by the equally disgraceful failure of the expedition despatched to Rochefort. But Parliament and the country then took a more generous view than the noble Earl has taken in this instance, and those failures proved the foundation of that glorious war which, as has been justly stated, entitled us to take place in the foremost rank as a military nation. "Yes," said the noble Earl, "but Lord Chatham did this by disregarding Parliamentary interest." The noble Earl's Motion, however, goes to the foundation of all representative Government whatever, because, according to him, neither with a reformed Parliament nor with an unreformed Parliament, could any unfortunate Government in this country hope to carry on the military administration during war, unless, indeed, some man like the noble Earl were intrusted with absolute power, and then the country might stand a better chance of a happy result.

So much for that which the House, I believe, feels, and the country ought to feel, as to the difficulties with which the Government are surrounded: I am sure the House will agree that a Government may entertain the best intentions as to putting the best persons in the right places;—but, it is a popular error to suppose that there exists in this country any great reservoir of talent or experience, which may be dipped into at any time, and will always produce exactly what is wanted. On the contrary, there is no system of philosophy which teaches us in what hotbed talent is to be raised and forced by the will of any Administration. Talent rises and shows itself at its own time, and in its own way, and the utmost Government can do is to avail themselves of that talent where it shows itself, and turn it to the best practical purpose. One great reason, therefore, why I oppose these resolutions is, because they give countenance to the opinion that it is easy and practicable to find the right men at the moment you want them; and I shall continue to assert and believe that my noble Friends near me have done their utmost to find the best persons to occupy the situations they have had to fill, and that they have acted honestly and with no unworthy motives in the appointments they have made. I look upon upon these Resolutions as calculated to countenance an opinion in Europe that we have been defeated. Now, I deny altogether that we have been defeated. I deny that circumstances have arisen which would justify the condemnatory words—words expressive of general dissatisfaction—which the noble Earl has introduced into his Resolutions. Have we suffered otherwise than by the usual casualties of war? If, indeed, the noble Earl could have stated that the ports of Russia in every sea had not been converted into prisons; that the Russians swept with their fleets the Channel and the Mediterranean, to the destruction of English commerce; if he could have stated the Russians remained in possession of the territory in which they had attempted to establish themselves—if the noble Earl could have stated these things of Russia—he would have been justified in expressing that general disappointment which he has asserted exists. But although it is natural some disappointment should be felt in comparison with the hopes to which a variety of circumstances gave rise, still I do not think the present result of the war can be regarded with disappointment when we remember that Russia, as a naval Power, has been reduced to a perfect nonentity, and will no doubt so continue as long as this war lasts. Is it not fair, in balancing our success and want of success with other wars, to take into consideration the amount of loss inflicted upon the enemy? In a great war, sufferings and losses must necessarily be inflicted, to a greater or less degree, on each party. Why, the noble Earl himself announced that this would be a great, formidable, and difficult war, and that it would be attended with great sacrifices. If it has been, at least it affords us a melancholy satisfaction that the loss and destruction and misery inflicted on the Russians have been threefold that inflicted on the whole army of the allies. The noble Earl has some idea, perhaps, of the extent to which that loss has gone; that, if our troops have suffered from want of clothing, of habitations, of the means of transport, the Russians have suffered ten times more; but I should astonish your Lordships by stating what the amount of that loss to the enemy has been last year. I have here a statement, as to which I can mention no names, but which is one made on the very highest authority, and from this it appears that a few days before the death of the Emperor Nicholas a return was made up by which it was ascertained that 170,000 Russians had died up to that period, and according to a supplementary return, furnished some days later, 70,000 were added to the list, making a total loss to the Russians up to that date of 240,000 men. When such losses are inflicted on the enemy, the war cannot be considered as utterly unsuccessful, and when we remember how much smaller our losses have been than those of the enemy—that our troops are daily regaining their strength, and the numbers and efficiency of the army increasing—we have, I think, good ground for encouragement. My Lords, the noble Earl condemns in general terms the whole conduct of the war, and the utter want of judgment that has been displayed. These Resolutions, therefore, do not alone apply to Her Majesty's Government; they are also condemnatory of the policy of the Government of France; for I assert that no one step has been taken in this war, and no one expedition planned, which if not suggested by, has not met with the most cordial concurrence of, our invaluable ally. I do not know whether the noble Earl approves the appointment of Lord Raglan, or whether he condemns that appointment; but I imagine that, as he has not condemned it, it must meet with his approval, and, if so, I think that the noble Earl, who has been blaming wholesale the appointments which have been made, ought to have given the poor Government credit for their choice in the highest appointment of all. That noble Lord has, under all the circumstances of adversity with which he has had to contend, been enabled to keep up a most perfect feeling of confidence and cordiality between our troops and those of our ally, and that feeling of cordiality has laid the foundation of a good feeling between the armies of the two countries which, when long after these operations are over, will remain for most useful purposes, and will be attended with most advantageous results. I cannot, my Lords, consent to place on record that there is universal discontent in the public mind with regard to the conduct of a war, conducted by ourselves, acting in concert with the French Government, or to condemn an expedition which was suggested by our allies. I cannot consent to agree to a Resolution which is calculated to produce a false impression as to the misfortunes which we have undergone by contradicting, or at least concealing, the advantages which we have gained.

The Earl of ELLENBOROUGH: My Lords, I am not about to exercise the privilege of reply. It is a privilege disagreeable to the person who has the power of exercising it, and also to your Lordships, and I do not remember a single occasion upon which the smallest advantage was gained by its exercise. I wish only to advert to two points—one touched upon by the noble Duke, and the other by the noble Marquess. I cannot allow, without observation, the noble Marquess to characterise these Resolutions and the address which I propose shall be presented to Her Majesty as representing this country as a defeated nation. That the Resolutions do so I deny altogether. I admit the glory which the troops have obtained in the several actions in which they have been engaged, and that the troops of this country never have behaved better. I admit the glory of the victory of the Alma, and the noble repulse of the enemy at Inkerman. I have before now characterised in terms which might almost have been considered hyperbolical the magnificent attack of cavalry at Balaklava. I have never been deficient in expressions of admiration as regarded the conduct of the troops; but I say that, in consequence of the conduct of the war by Her Majesty's Government, in consequence of their defective strategy, the troops have been placed in a position in which those victories were fruitless, and where it was impossible to obtain decisive success. As regards what fell from the noble Duke, I must observe that he has charged noble Lords on this side of the House that they made no objection to the expedition to the Crimea at the time it was proposed, but that now they blamed it because it had proved unfortunate. Now that is not a just charge. The expedition was first known about the 6th of August, a time when most of your Lordships had left town. I myself was out of town, and I admit that I do take blame to myself for not having returned to London, and stated my objections to it in my place in this House. I did not adopt that course, but I wrote a letter to my noble Friend the President of the Council (Earl Granville), in which I pointed out elaborately all the objections which I entertained to the expedition, and my noble Friend has told me that he circulated that letter among the Members of the Cabinet. The Government was, therefore, perfectly aware of my objections to the expedition, and I have stated to-night nothing that I did not state then. I will not further detain your Lordships, but will now leave these Resolutions in your hands.

Earl GRANVILLE rose to confirm what had fallen from the noble Earl. He had received from him a very able and interesting memorandum having reference to the expedition to the Crimea; but he was bound to say that, although the opinion expressed in that memorandum was unfavourable to the expedition, the reasons assigned for that opinion could not now be assigned as a cause for the want of success.

Previous Question put, whether the said Question shall be now put?

Content—present...	...		71
Not Content—present	...	115	
" Proxies	...	66—181	
Majority ...	...		110

List of the CONTENT.

PRESENT.

DUKES.
Montrose
Cleveland

MARQUESSES.
Downshire

Exeter
Salisbury
Ely
Bath
Sligo.

EARLS.
Bantry
Beauchamp
Bradford
Dartmouth
Delawarr
Derby
Donoughmore
Ellenborough
Eglinton
Howe
Hardwicke
Lanesborough
Lucan
Macclesfield
Malmesbury
Mansfield
Mornington
Mayo
Orkney
Powis
Pomfret
Sandwich
Strathmore
Sheffield
Stradbroke
Verulam
Wilton
Winchilsea.
VISCOUNTS.
Bangor
Doneraile
Hawarden
Hereford
Hill
St. Vincent
BISHOPS.
Winchester
Meath.
BARONS.
Abinger
Bateman
Berners
Blaney
Bolton
Colville of Culross
Colchester
Douglas
Dynevor
Forester
Feversham
Grantley
Gray
Godolphin
Kilmaine
Kenyon
Lyndhurst
Polwarth
Plunket
Rayleigh
Redesdale
Ravensworth
Rodney
Southampton
Sondes
Walsingham
Wynford.

List of the NOT CONTENT.

PRESENT.

The Lord Chancellor
The Archbishop of Canterbury
DUKES.
Argyll
Buccleuch
Cambridge
Newcastle.
MARQUESSES.
Anglesey
Breadalbane
Clanricarde
Cholmondeley
Donegal
Headfort
Hertford
Lansdowne
Londonderry
Westminster
Winchester.
EARLS.
Abingdon
Albemarle
Aberdeen
Besborough
Burlington
Bruce
Chichester
Cawdor
Carnarvon
Clanwilliam
Cottenham
Cowper
Craven
Clarendon
Devon
Ducie
De Grey
Effingham
Elgin
Essex
Fortescue
Fitzwilliam
Granville
Grey
Harrowby
Harewood
Ilchester
Kingston
Minto
Portsmouth
Romney
Spencer
Sefton
St. Germains
Shaftesbury
Somers
Stanhope
Waldegrave
Wicklow
Yarborough
Zetland.
VISCOUNTS.
Bolingbroke
Canning
Enfield
Falkland
Hardinge
Midleton
Sydney
Torrington.
BISHOPS.
Chester
Chichester
Hereford
Llandaff
Lichfield
Manchester
Oxford
Ripon
St. Asaph
St. David's
Worcester.
BARONS.
Ashburton
Alvanley
Auckland
Byron
Camoys
Calthorpe
Cremorne
Congleton
Dacre
De Tabley
Dufferin
Foley
Gardner
Glenelg
Hatherton
Kinnaird
Leigh
Lilford
Lyttelton
Lurgan
Milford
Monteagle
Mostyn
Overstone
Petre
Panmure
Poltimore
Portman
Rivers
Stafford
Saye and Sele
Stanley of Alderley
Suffield
Vaux
Vivian
Wenlock
Wodehouse
Wrottesley.

PROXIES.

Archbishop of York
DUKES.
Devonshire
Leeds
Leinster
Sutherland
Somerset
Wellington.
MARQUESSES.
Bristol
Camden
Conyngham
Normanby
Northampton.
EARLS.
Amherst
Camperdown
Cork
Carlisle
Clare
Denbigh
Ellesmere
Fingall
Granard
Glasgow
Galloway
Gainsborough
Gosford
Haddington
Kintore
Leicester
Lindsey
Meath
Radnor
Ripon
Stair
Shrewsbury
Suffolk
Westmoreland.
VISCOUNTS.
Clifden
Falmouth
Massareene.
BISHOPS.
Durham
Lincoln
London
Norwich
Salisbury.
BARONS.
Arundell
Cowley
Dunfermline
Dorchester
De Freyne
Denman
Dormer
Elphinstone
Harris
Howden
Howard de Walden
Keane
Leigh
Londesborough
Lovat
Manners
Methuen
Monson
Raglan
Ribblesdale
Stourton
Stuart de Decies
Truro
Ward
Wharncliffe.

It was *resolved* in the *negative.*

[Proxies were not called for the Contents—see discussion on the morrow.]

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 14, 1855.

Minutes.] Public Bills.—1° Insolvency and Bankruptcy (Scotland); Rating of Mines.
2° Jurisdiction of the Stannary Court Amendment.
3° Customs Duties; Infants Marriage.

BOARD OF HEALTH—QUESTION.

Lord ROBERT GROSVENOR said, he begged to ask the right hon. President of the Board of Health, whether forms were issued to the legally qualified medical practitioners of the metropolis last year, inviting them to fill them up, in order to exhibit the result of the various methods adopted by them for the treatment of cholera? Whether, when those forms were returned, the Medical Council of the Board of Health refused to take cognisance of any of them, or of any returns of a like nature made by the legally qualified medical officers of any hospital, and, if so, for what reason? And if any correspondence had taken place between the general Board of Health and any persons complaining of omissions in the report issued by the Board as to the results of cholera treatment, and, if so, whether he had any objection to lay it upon the table of the House?

Sir BENJAMIN HALL said, almost immediately after he took office he appointed a medical council to assist him during the time of the cholera. That body met first on the 6th of September, and soon after they issued certain forms which were sent to every regularly qualified practitioner of medicine whose name appeared in *The Medical Directory.* Many of these forms were filled up and returned by the parties, and a report was based upon them, which had been laid on the table of the House. Subsequently, complaints had reached him that the medical council had not paid any attention to some of these returns, and he had asked the reason. The forms had been sent to all regularly qualified practitioners as their names appeared in *The Medical Directory*, and they were sent therefore to homœopathic as well as to allopathic practitioners. His (Sir B. Hall's) inquiry why no attention had been paid to the homœopathic practitioners' return, was answered by a resolution of the Council of Health, to the effect that by noticing these returns they would derogate from the value of the Report, and be giving their sanction to a system of which they could not approve. This answer was contained in a letter from Dr. Paris, President of the Royal College of Physicians and President of the Council of Health, and he (Sir B. Hall) had no objection to lay all the papers on the subject before the House.

INTERMENTS AT GRANTHAM—QUESTION.

Lord WILLIAM GRAHAM said, he wished to ask the right hon. Baronet the Secretary of State for the Home Department, on what grounds he had refused to comply with the request of the parishioners of Grantham, that the right of interment in existing vaults in the parish church should be continued to the proprietors of the said vaults, the representation for closing the burial ground not having yet been taken into consideration by the Privy Council?

Sir GEORGE GREY said, the medical inspector of the Board of Health had applied to have the churchyard closed on sanitary grounds; and an order had been made that it should be closed absolutely in two years—namely, on the 1st January, 1857. There had been recent applications to exempt the vaults in the churchyard from the operation of the order; but he did not think that he would be justified in acceding to it. He would not, however, say that some exception might not be made in special cases where sufficient cause for so doing was shown.

Mr. WALPOLE said, it had come to his knowledge that many vaults were closed to the proprietors which had hardly been used, and that in several of these instances the families were most anxious that further interments in them should take place. He understood it to be the general rule at the Home Office to make no exception in any instance when the churchyard was absolutely closed. He wished to know how far the right hon. Gentleman's discretionary power extended to meet this point?

Sir GEORGE GREY said, a discretionary power existed in the Secretary of State to grant licences for interment in such cases; but it could only be granted upon the report of the medical inspector of the Board of Health. If the application was made before the death of the party to be interred, then an inspector might be sent down, and the case would be decided on its merits. But if the application was made after death had taken place, then he apprehended there would be no time to make these arrangements.

THE VIENNA CONFERENCES—QUESTION.

Mr. **MILNER GIBSON**: Sir, a short time since the Government laid on the table of the House certain papers relating to the recent negotiations at Vienna upon the Eastern question. I wish to ask the noble Lord at the head of the Government whether he will, upon an early day, give the House an opportunity of expressing their opinions upon the information contained in those papers. I have, for one, given notice of an Address to the Crown with reference to that subject; and no doubt other hon. Members have formed views, after perusing those papers, which they are desirous of stating to the House. My inquiry, therefore, is, whether the noble Lord will give the House a very early opportunity of discussing and expressing their opinions of those papers?

Mr. **LAYARD**: Sir, before the noble Lord answers the question which has just been addressed to him by the right hon. Member for Manchester, perhaps he will permit me to ask one also. I suppose it will be convenient to the House that the right hon. Gentleman's Motion for an Address to the Crown should be discussed before Whitsuntide. If so, it must also be convenient to the House that the day on which I am to bring forward the Resolutions of which I have given notice should be fixed. Now, if quite convenient to the noble Lord, I would suggest either Friday or Monday next as the day for introducing my Resolutions to the notice of the House. I can assure the noble Lord that I have no wish to take any unfair advantage of the Government.

Viscount **PALMERSTON**: I can only state, Sir, in reply to the questions which have been addressed to me, that the Government have several measures of great importance that are now in progress through the House. For example, there is Supply, and there are also two or three Bills of pressing urgency. Besides, I think it is very unreasonable, as well as unusual, that the hon. Gentlemen who have given notices of Motions for days on which they have precedence should expect the Government to put off important public business for their accommodation. I am sure the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) will have no difficulty in finding a day on which, without disturbing the usual course of business, he may bring forward the Address of which he has given notice. As to the hon. Member for Aylesbury, I must remind him that I offered him a day. He did not choose to accept that offer. Well, an offer once refused cannot be expected to be renewed. I am afraid, therefore, I shall not be able to accommodate him by postponing public business. The Government are, of course, anxious to meet any Motion that either directly or indirectly censures their conduct; but, at the same time, by the forms and orders of the House, hon. Members have a fair opportunity of choosing a time for bringing such Motions forward.

Mr. **DISRAELI**: I wish, Sir, also to make an inquiry of the Government with reference to the same subject. The noble Lord has just said, that the right hon. Gentleman the Member for Manchester, who has given notice of an Address to Her Majesty upon the papers connected with the late negotiations, can avail himself of any of those days which are open to every hon. Gentleman to bring that subject under the consideration of the House at once. Now, I apprehend, looking to the state of the Notice Paper, that it is clearly impossible for the right hon. Gentleman so to bring forward the Address of which he has given notice. Besides, I wish to draw the attention of the noble Lord to the circumstance that I do not find any precedent, when the negotiations had been terminated, and when the papers had been laid on the table, where the Minister has not himself given notice of moving an Address to the Crown with respect to those papers, and with regard to the conduct of those negotiations. Now, I will not make any observation upon the reasons which induce the Government now not to take that course; but I apprehend, if they are not prepared to take that course, they are bound—and I ask the noble Lord whether he does not feel himself bound—to secure to any hon. Member not connected with the Government an opportunity of fulfilling his duty in that respect.

Viscount **PALMERSTON**: Sir, I have no wish to throw any impediment in the way of those hon. Members who may wish to take the sense of the House upon the subject of the late negotiations. But it must be recollected that there are Supply, and two or three other matters which are very pressing. I should think, however, that it is in the power of any hon. Member who has an important Motion to bring forward so to arrange with other Gentlemen who have Motions upon the paper which have precedence as to secure a convenient opportunity for introducing a Resolution of great and unparalleled importance to the public. It is impossible to answer these questions off-hand without notice; but, as far as seems compatible with the progress of the public service, I can assure the right hon. Gentleman opposite that there is nothing but willingness—I would rather say, indeed, a desire—on the part of the Government that the sense of Parliament should be ascertained one way or other upon matters of such great and paramount interest to the country.

Mr. DISRAELI: Then it is not the intention of the noble Lord himself to propose an Address of that character?

Viscount PALMERSTON: No.

CUSTOMS DUTIES BILL.

Order for Third Reading read.

Mr. JOHN MACGREGOR said, he could not allow the Bill to pass without entering his protest against it. It was the reversal of a policy that had greatly benefited the country, and the Bill would bring down on the Government the malediction of every cottage in the kingdom. They would never have proposed it had they had financial ability, or had they known the country as well as they knew the mere circle which constituted the Government. He protested against the duties upon tea, coffee, and sugar, and although the House might not respond to that expression of opinion on his part, he was sure the country would do so.

Mr. HEYWORTH said, he felt called upon to warn the House against proceeding in the course indicated by this Bill, as he considered it one which would prove destructive to the best interests of the country. If, instead of increasing the duty on the articles in this Bill, the Government had increased the taxes on the property of the country, and had raised the income tax, such a course would have had the two-fold advantage of making hon. Members more observant of the evils of war, and would at the same time have relieved the working classes and the nation at large from the effects of the perverse legislation of the present Bill.

Bill read 3°, and *passed.*

SPIRIT, &c., DUTIES (EXCISE) BILL.

Upon the Order of the Day for the consideration of this Bill, as amended,

The CHANCELLOR of the EXCHEQUER said, that he was prepared to accede to the Amendment proposed by an hon. and gallant Gentleman opposite (Admiral Jones). He thought that the Bill was already quite equal to meet the difficulty against which the hon. and gallant Member wished to provide, but he had no objection to insert the words mentioned in the hon. and gallant Member's notice.

Admiral JONES said, he would beg to move, to insert in Schedule B, after "eight hundred and fifty-five," the words "or bonded under the Act of the 17 & 18 *Vict.*, c. 27, and marked on or after the 8th day of May, one thousand eight hundred and fifty-four."

The CHANCELLOR of the EXCHEQUER said, he would suggest that the hon. and gallant Member should withdraw the Amendment which he had moved, and give notice of that and any other Amendments which he might wish to make, all of which could then be considered upon the third reading of the Bill, which he (the Chancellor of the Exchequer) proposed should take place on the morrow.

Admiral JONES said, he would assent to the proposal of the right hon. Gentleman.

In reply to Mr. Grogan,

The CHANCELLOR of the EXCHEQUER said, he proposed immediately after Whitsuntide to bring in a Bill, to come into operation on the 1st of October next, to promote the distillation of spirits from malt in bond, and to make some small addition to the duty. It was also his intention to extend the same regulations to sugar as to malt.

The Bill was ordered to be read a third time to-morrow.

METROPOLIS LOCAL MANAGEMENT BILL.

Order for Committee read.

Motion made, and Question proposed—"That Mr. Speaker do now leave the Chair."

Sir BENJAMIN HALL said, that, had it not been that he saw a notice of Motion on the paper with reference to this subject by his noble Friend and colleague (Viscount Ebrington), he should have contented himself with simply moving that Mr. Speaker leave the Chair. The noble Lord, however, had stated his intention to move as an Amendment, that the further consideration of the Bill be deferred till the House has decided upon the principles of the Bill announced by the President of the Board of Health for the modification of the Act commonly known as "Hobhouse's Act," which Act is proposed to be incorporated in the Metropolitan Bill. Now, he (Sir B. Hall) begged to state at once that it was not his intention to interfere at all with the principles of that Act; but, as the present measure was applicable to the whole of England and Wales, it might be convenient if he explained the nature of the Amendments he proposed to make, and which were four in number. By the Act 1 & 2 *Will.* IV. the qualification of vestrymen in provincial districts was fixed at a 10*l.* rental, but in the metropolis at 40*l.* It had, however, been shown by returns that in many metropolitan districts the number of 40*l.* houses bore a very small proportion to the rest of the houses in the parish, and he therefore proposed that the qualification of vestrymen for such parishes should be reduced to a 25*l.* rental, but that in wealthy parishes, such as St. George, Marylebone, St. Pancras, and St. James, it should remain the same as at present. By Hobhouse's Act it was provided, that there should only be one polling place for the whole parish. This had been found to be a source of inconvenience, as in the parish of St. Pancras, where, with four polling places for Members of Parliament, there was only one polling place for the 20,000 parochial electors. He, therefore, proposed to raise the number of polling places to eight, but to give no polling place to any district which should have less than 1,000 electors. The next alteration he contemplated was, the reduction of the three days' polling to one; and the last was, that whereas by Hobhouse's Act it was necessary that vestrymen, to be duly qualified, should reside in the parish, he proposed that it should be sufficient that persons should be duly rated therein. The propriety of that alteration, he thought, would be apparent to every one, for it was well known that many wealthy merchants and manufacturers who had warehouses and countinghouses in the metropolis now resided in the neighbourhood, and were consequently disqualified from being vestrymen, when they were the very persons whom it was desirable to see in such an office. This was a measure almost as important as the Reform Act or the Municipal Corporations Act, and he thought it had been very favourably received by the inhabitants of the metropolis. He found from the Report of the Committee upon Public Petitions that four petitions with 271 signatures had been presented against it, besides eight from bodies the interests of which it was likely to injure; and there were not more than five petitions with 612 signatures, and twelve petitions from self-elected bodies for alterations in the Bill. It had only been denounced at one public meeting, which was presided over by a paving Commissioner, at which the Resolutions were moved by paving Commissioners, and at which he believed there were not thirty ratepayers present. He hoped the House would, therefore, go into Committee on the Bill, and endeavour to put a stop to a state of things which would not be tolerated in any provincial town.

VISCOUNT EBRINGTON said, he rose to move, as an Amendment, that the further consideration of the Bill should be deferred till the House had decided upon the principles of the Bill announced by the President of the Board of Health for the modification of the Act commonly known as Hobhouse's Act, which Act was proposed to be incorporated in the Metropolis Bill. He begged to disclaim the assertion that had been made, that he was opposed to local self-government, or that he wished to do away with any needful reform. The object of Hobhouse's Act was to enable such parishes as desired it to adopt an improved system for the election of their vestries and the management of their parish business. It was now proposed, for the first time, to impose upon vestries duties not only not identical with those they had hitherto been accustomed to perform, but also other duties of a perfectly novel character. The Bill before the House was called a local Bill, but the House must recollect that its extent ranged over twenty-five square miles, and included 3,000,000 of inhabitants, a population larger than that of the kingdom of Scotland, and bearing in a very material manner upon the interests of the Empire at large. The property of the district to which this measure applied amounted to not less than 13,000,000*l.* per annum. For several years past he had called attention to the evils which arose from the misgovernment of that district. His right hon. Friend (Sir B. Hall) had dwelt upon the amount wasted in the metropolis, wasted upon local management, but he should have thought the President of the Board of Health would rather have dwelt upon such topics as the 20,000 preventible deaths and the premature mortality that occurred among such a vast population. His right hon. Friend was inaccurate in the contrast he made between the cost of management of Marylebone and of other bodies, for in his calculation he excluded the expense of attending the election of the superintendents. With respect to the proposed Board of Metropolitan Drainage, he considered it too numerously constituted, and that it was a retrograde movement on the principle of consolidated management. He considered that thirty-six boards instead of seven would occasion a very much greater expenditure for the salaries of engineers and staff. He must object also to the boundaries of the divisions proposed, and to the total ignoring which it showed of the lines of water sheds, in opposition to the recommendation of the commission of engineers, who urged that the drainage of the metropolis should be conducted as far as possible in accordance with the natural facilities afforded by the water sheds. With regard to Hobhouse's Act, he had attended a very numerous meeting of his constituents, and he did not find their opinions to be in any degree opposed to his own in regard to the inapplicability of that Act to local management without some considerable amendments. He could conceive no system more mischievous than that proposed by his right hon. Friend of giving every elector a vote in populous places for some forty persons at each election, instead of dividing the constituency into small areas returning a moderate number of persons upon a similar principle to that which regulated the election of members of municipal corporations, and in some cases of Boards of Guardians. The Bills contained no provision by which to obviate the monstrous evil of sending the voters to polling places to deliver their voting papers, instead of appointing a person to collect them at the residence of the voters, thus preventing an enormous waste of time and trouble which would otherwise operate as a prohibition upon many of the votes which it was most desirable to have recorded. Upon these grounds he wished the House to pronounce an opinion as to the constitution to be given to the metropolis before they proceeded to consider the merits of the Bill. He would, however, remind his right hon. Friend that he would have had no difficulty in preventing the Motion being brought forward, inasmuch as his right hon. Friend might easily have reduced his present vague and indefinite proposals into writing, and have laid them upon the table in the usual form of a Bill, or of printed clauses to a Bill.

Mr. H. B. BARING seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"The further consideration of the Bill be deferred till the House has decided upon the principles of the Bill announced by the President of the Board of Health for the modification of the Act commonly known as Hobhouse's Act, which Act is proposed to be incorporated in the Metropolitan Bill,"—

instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. LABOUCHERE said, the great part of the speech of his noble Friend who had just sat down was an attack upon the principle of the Bill, which the House had already ratified. He thought it would be most inconvenient to enter into a discussion upon generalities, and he therefore trusted that the House would proceed to consider the improvement of details of this Bill in Committee, which was certainly the most convenient opportunity. It would hardly be fair to his right hon. Friend (Sir B. Hall) to postpone a measure of this infinite importance, especially as he had said that he would state the details of the measure he proposed to bring in. He trusted, therefore, that the House would go into Committee.

Sir HENRY WILLOUGHBY said, he approved of the principle of the Bill, but considered that its details were hardly intelligible. Could any one, for instance, tell how the Metropolitan Board was to be constituted? There were certainly several schedules attached to the Bill, but the first he understood was not to be acted upon, and the schemes set forth in the others were neither practicable nor intelligible. He therefore hoped before they went into Committee, some explanation would be given on this point. In another case he should like to know how Hobhouse's Act was to be applied to a small parish in London, where it would only act as a disfranchisement. He also found the powers of taxation given under this Bill were so enormous that the House if it understood what they were, would hardly grant them. In the case of some districts, where the amount of good conferred upon a wealthy district was to be considered by such a body as the proposed Board, he was afraid that these powers of taxation would virtually amount to confiscation. Under the powers given a landlord might come to a tenant for his rent, and find that the tenant had paid it all away. After reading the Bill he had come to the conclusion that it would be highly dangerous to have a house in London, for it is quite clear that if the owner displeased any person belonging to a vestry, or local Board, it would be much better for him not to have one. He trusted, therefore, that the House would consider before it granted these powers of taxation, which were so unusual that he defied any one to show an instance in which powers had been given to any similar body under any Act of Parliament. He wished to know what the constitution of the Metropolitan Board was to be, and on what basis the representation was to be founded, for he had great doubts of the capability of any vestry to perform these functions. He was quite sure that to cast upon the vestries this enormous taxing power, would ensure the failure of the Bill, from the immense amount of work to be done. The sewerage was a question which ought to be kept quite distinct, whether there were two separate bodies, as some contended there should be, or not, for it would be quite absurd to have thirty-six rival bodies cutting and carving the metropolis up amongst them, and deciding the knotty questions which had so perplexed their predecessors.

Lord ROBERT GROSVENOR said, he fully agreed with what had been said by the right hon. Member for Taunton (Mr. Labouchere), and he also thought that the hon. Member for Evesham (Sir H. Willoughby) was not justified in occupying, as he had, the attention of the House, as his objections were made not to the principle, but to the details of this measure, which could better be discussed in Committee. His right hon. Friend the President of the Board of Health had stated the alterations which he proposed to make in Hobhouse's Act, and the House had apparently assented to them, so that the noble Lord the Member for Marylebone (Viscount Ebrington) could not object to the Bill on this ground. It had been stated, among other things, that at present in the large parishes there was a great difficulty created by reason of there being but one polling place, and that this prevented many persons from coming to give their votes. In order to obviate this he would suggest that large parishes should be divided into polling districts, and that each district should send a certain number of representatives, according to the number of vestrymen. He considered that the present Bill, although not wholly perfect, was yet acceptable to a large portion of the metropolis, and was a very fair attempt to settle a very difficult question.

Captain DUNCOMBE said, he thought that the fairest course would have been to have had the intended alterations of Hobhouse's Act in print, and then the House would have been able to form a judgment as to what that Act was likely to be before it was incorporated in the present Bill.

Sir WILLIAM CLAY said, that the hon. Member for Evesham had stated that the present Bill contained very great powers, and had warned the ratepayers against the extent to which those powers might be carried. Now, he (Sir W. Clay) thought that all who had attended to the course of events in the metropolis, especially in the times of fearful epidemics, would feel that there were enormous evils to be contended with, which could only be met by considerable powers. He did not think that the powers in this Bill were too much for the purposes for which they were given, and, if the ratepayers felt themselves oppressed, they had the remedy in their own hands, because they could dismiss an incapable Board and elect a vestry in whom they had full confidence. The objection which had been made to the Bill had not been made to its principle, but had reference much more to its details. On the whole, he should support the Bill; for, though he was not insensible to the objections which had been urged against it, he thought they might be removed in Committee.

Mr. WALPOLE said, he considered the Amendment of the noble Lord the Member for Marylebone was most reasonable; but as the right hon. Baronet (Sir B. Hall) had intimated his intention with reference to alterations of Hobhouse's Act in this Bill, he thought his statement so far satisfactory as to induce the House to consider the details of the measure in Committee. He therefore hoped the noble Lord would consent to withdraw his Amendment.

Mr. T. DUNCOMBE said, he believed that the metropolis generally approved of this Bill. The object of the authors of it appeared to him to be in forming an uniform system for the whole of the metropolis to introduce generally the principle of Hobhouse's Act, but it being found that to do so would place some parishes in a worse position than they were in now, inasmuch as Hobhouse's Act laid down a 40*l.* rating qualification, and some parishes now had a rating qualification of 20*l.*, it would be found necessary, he thought, to make an alteration in that respect. He hoped, after the explanation given by the right hon. Baronet (Sir B. Hall), the House would go into Committee, without listening to the noble Lord the other Member for Marylebone—the Member for St. Pancras.

MR. MONTAGU CHAMBERS said, he hoped, if the House went into Committee, it would not be understood that by doing so Members gave their assent to all the principles of the Bill, especially to the clause making the application of Hobhouse's Act compulsory, for there was some reason to fear that such a proceeding would create political dissension in many parishes hitherto peaceable. With that reservation he did not object to going into Committee.

VISCOUNT EBRINGTON said, that, after the appeal made to him, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

On the question that Mr. SPEAKER leave the Chair,

MR. MACKINNON: Sir, in the Motion I am about to make, I am desirous of giving all credit to the framers of this Bill for the trouble they have taken on the subject, but, at the same time, I must express my firm conviction that this Bill, as it now stands, can never pass into a law without great amendments and various alterations in its details. The purpose of the framers of this Bill seems to be, to establish all the parishes of the metropolis on one uniform principle in their vestries, in accordance with what is styled Hobhouse's Act. It is intended to have twenty parish vestries, fourteen districts, and two from the City—in all thirty-six, which are to elect forty-four persons to form a central Board for the local management of the metropolis, which Board elects a chairman with a salary of 2,000*l.* a year, this Board to have very extensive power, and to supersede all other authorities, in paving, lighting, watching, &c., &c., in the metropolis, by this means forming one huge system of centralisation, and depriving the parishioners and ratepayers over the expenditure of their money; for this central Board is not elected by the ratepayers in the first instance, but, in a secondary degree, by the vestries of the several parishes and the districts mentioned. This system of centralisation seems to me repugnant to our principles and our taste, which have hitherto always encouraged local self-government. The fact is, that the greater part of the clauses in this Bill are copied *verbatim* from the French code of municipal government in Paris. The President of the Board of Health seems to me, in copying these clauses, to have followed the example of a friend of mine who was desirous to write a play; not having materials for that purpose he copied a French play, and, to disguise it, he put in much of his own—the play was acted, the French part was applauded by the audience, but what my friend had inserted was hissed, and the play was condemned. My Friend, the President of the Board of Trade, copies the French code, wishing to have a Bill; what he puts into it from himself is good, what he copies from the French code is to be condemned smacking of centralisation, and must be expunged. By this Bill all power, all influence is placed in the vestries, the magistracy and property out of the question. The vestries in general are not composed of the most respectable and well-informed or best men of business in any parish, these are too much engaged in their own pursuits; the vestries are usually composed of active bustling tradesmen, with one or two men of high station who do not attend; thus the business is left to men who may be inclined to favour jobs and to promote their private interests, or who may prove very tyrannical in their enactments. A body of 120 persons may be fit for legislation, but not for administration; in the latter duty the fewer act the better is the execution. Now, let us look at some of the clauses in this Bill as to the power of the central Board of management. By the 120th clause "Any land may be taken when required by the central Board with consent of the Secretary of State." By the 162nd clause, "Any person acting for the Board, not being a constable or peace officer, may take up any one and bring him or them before a magistrate." By clauses 142 to 155, "Any sum may be raised without limit by mortgaging the rates." By clause 173, "If indemnity is offered and refused no action can be brought against the Board." Thus it appears that a most arbitrary power is about to be formed, of collecting whatever sums the central Board may think fit, taking land when they please, in short, having a positive despotic power over the persons and property of the inhabitants without any responsibility or control whatever. Under these circumstances, is it not better to refer this Bill to a Select Committee upstairs than for this House to be detained here until the last days of August discussing clauses which never can be allowed to pass into a law. Sir, under these circumstances, although well aware that both on the Government side, and on that of the Opposition, the feelings are that the clauses of this Bill should be discussed in an open Committee, I shall not shrink from recording my sentiments by moving that this Bill be sent upstairs, and shall press the House to a division on this question. Before I sit down, let me observe that I think some legislation on the subject of the government or local management of the metropolis is desirable, and that if the obnoxious clauses which I have mentioned are struck out I think those that remain may be passed, and some amelioration in the administrative system be obtained.

Mr. APSLEY PELLATT said, he would second the proposition, because he considered the Bill to be as yet in too crude a state for consideration by a Committee of the whole House, nor did he think that it had been fairly discussed on its second reading. He would also remind hon. Members that the Bill contained no fewer than 186 clauses, a greater number than could be conveniently discussed below stairs.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be referred to a Select Committee," instead thereof.

Sir GEORGE GREY said, he hoped that the Motion of his hon. Friend the Member for Rye (Mr. Mackinnon) was not going to lead to a long discussion. It appeared to him to be the wish of the House that they should at once go into Committee on the Bill. His hon. Friend's objections to the measure might be well grounded, but he (Sir G. Grey) did not think that he had stated grounds sufficient to justify the House to consent to his Amendment, but had, on the contrary, supplied strong reasons why the measure should be considered in a Committee of the whole House; for surely, as the measure is an important one, and if, as he (Mr. Mackinnon) had alleged, centralisation was the essence of it, the whole House was the best qualified body to consider it. His hon. Friend had, moreover, by going into the details of the measure on the present occasion, admitted that the House was competent to deal with it. The hon. Gentleman who seconded the Amendment had stated that because the measure contained a great many clauses it should be considered by a Select Committee; but that was a new rule, which he did not think the House would sanction. In the present instance he had to confess he did not see how a Select Committee could well go on. They would have to appoint all the metropolitan representatives members of it, and that would give them a preponderance which they ought not to have—nor did he think the House would delegate its powers to them.

Admiral PECHELL said, he wished to see a greater freedom of voting conferred on the ratepayers than Hobhouse's Act gave them.

Mr. MONTAGU CHAMBERS said, he should oppose the Amendmeut, but, at the same time, he must reserve to himself the right of opposing the objectionable clauses of the Bill when the House should go into Committee.

Viscount EBRINGTON said, he thought it desirable that a measure of such importance should be considered in a Committee of the whole House, but, at the same time, he feared it would be impossible to make the House understand all the difficulties and complications of the Bill. He should wish the Committee of the whole House to deal with the constitutional principles involved in it, and that the clauses of detail should be referred to a Committee up-stairs.

Mr. W. WILLIAMS said, he hoped the hon. Member for Rye (Mr. Mackinnon) would withdraw his Amendment. The principles and details of the measure had been fully canvassed at the meetings held in reference to it throughout the metropolis. Those principles had, he thought, been fully approved of, but some changes were desired in the details.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 131; Noes 8: Majority 123.

Main Question put, and *agreed to.*

House in Committee.

Clause 1,

("The Act of the Session holden in the first and second year of William the Fourth, chapter sixty, shall, subject to the provisions herein contained, become the law for electing Vestrymen and Auditors of Accounts, and otherwise be in force in every parish mentioned in either of the Schedules (A) and (B) to this Act which has not adopted such Act, in manner therein provided, in like manner as if the forty-third Section of the said Act were repealed, and as if every such parish had so adopted the said Act, and notice of such adoption had been given as therein directed.")

SIR FREDERIC THESIGER said, the clause was one of considerable importance, and he thought the House would have done right if it had adopted the proposition of the noble Lord opposite (Viscount Ebrington). The clause proposed to import Hobhouse's Act into the Bill; whilst it was said that it would not work with the Bill, unless certain alterations were made in Hobhouse's Act. Now, how could the right hon. Gentleman who had charge of the Bill avouch, with any certainty, the passing of the Bill to amend that Act in the manner which he had pointed out. Surely the more prudent course would have been to have ascertained the opinion of the House on that subject in the first instance. Now, what would be the effect of Hobhouse's Act on this Bill. There was no doubt the Bill would impose very considerable charges on property. Now, property ought to be adequately represented and protected. Under the Vestry Act, 58 *Geo.* III., a scale of voting was provided, by which an additional number of votes was given according to the scale of rating, and no person could possess more than six votes. That principle was carried out in the Poor Law Amendment Act, with an important addition, allowing property to be represented, so that owners, as well as occupiers, were entitled to vote; and if an owner was in occupation, he was entitled to both—both as owner and occupier. Property was thus protected against being overwhelmed by numbers, as it was likely to be under the present Bill. The clause now under consideration proposed to sweep away all such protection, and to force upon the metropolis, by compulsion, Hobhouse's Act, instead of allowing parishes to adopt it or not, just as they pleased. That Act, he believed, had been adopted in very few instances, and therefore it was clear that it was not generally considered a desirable measure. It appeared to him that this clause was a violation of the principle on which the Legislature had proceeded for a great number of years, and the course now proposed was the more dangerous, inasmuch as the House, apparently, was not aware of the peculiar nature of the Act which was to be rendered compulsory upon parishes. Under these circumstances, he felt it his duty to oppose the clause.

SIR BENJAMIN HALL said, that he had on a previous occasion stated the nature of the amendments which he proposed to make in Hobhouse's Act. They were of a trifling character, and it would be impossible to introduce them into the present Bill, because only those localities likely to be affected by this measure would have the benefit of those amendments. He therefore thought it desirable to bring in a short Bill to amend Hobhouse's Act. He intended to adopt that Act in its integrity. He did not propose to have a system of plural voting in the metropolis, being of opinion that single voting was far preferable in large cities and towns. With respect to the non-adoption of Hobhouse's Act, he might state that in the four most wealthy parishes in the metropolis—St. George's, Hanover Square; St. James's, Westminster; St. Pancras, and Marylebone—Hobhouse's Act was in force. It certainly was not a compulsory Act, and was so clogged with peculiar provisions that its adoption was a matter of great difficulty; and, as a proof of this, he might mention that, at a meeting which took place in Paddington the other day, only eleven persons voted against it, while some 2,800 persons voted in its favour; but as 2,800 ratepayers did not comprehend two-thirds of the whole of the ratepayers of the parish the Act could not be adopted.

VISCOUNT EBRINGTON said, he did not think there was much satisfaction with the Bill, even among the ground landlords, but the persons most aggrieved were those who laid out their capital in buildings—who were, practically, owners for a great number of years of the land which they were in possession of, and who would have no voice in the disposal of the taxation to which they were subjected. If the sewers rates were paid by the owners, the authorities would have the pleasure of constructing sewers upon other people's property with other people's money, thus dissevering taxation and representation. He believed the Public Health Bill—not the Bill of his right hon. colleague—had worked very well for the interests of the owners as well as for the interests of the poor. He should have the pleasure of supporting the proposal of the hon. and learned Gentleman opposite (Sir F. Thesiger), not for the exclusion of Hobhouse's Act from the object for which it was originally intended, but from all such interference as this Bill proposed.

Mr. WILKINSON said, everything depended on the engagement that the right hon. Baronet would so modify the Bill as to make it palatable to all parties. He (Mr. Wilkinson) had never heard any objection in Lambeth to the system of single voting, though there had been objections made to other parts of the Bill. The Camberwell trustees objected to extending the time for taking the poll and other matters; but not a word of objection against the system of single voting. So, likewise, the Camberwell guardians of the poor. He (Mr. Wilkinson) would be glad to see the system of voting by papers replace the present system.

Mr. PORTMAN said, he could confirm the statement made by the right hon. the President of the Board of Health, that his Bill was satisfactory to large proprietors in the metropolis.

Mr. G. BUTT said, he considered that it was important that the principle of voting should be ascertained before this Bill was proceeded with. The true principle of voting, as had been stated by the noble Lord the Member for Marylebone (Viscount Ebrington), was, that it ought to be regulated by the charge on property, and it would be monstrous to give to those who were not to bear the charge the power of fixing any amount of charge. The House must recollect that this was not like a case where the charge was leviable for one year, for it would be for the immense works properly contemplated by this Bill. The right hon. Baronet said the principle of single voting was the best for large towns, but he did not propose to apply that principle to small places. Why not? Why should not owners have the same facilities given them for protecting their property in the one case as in the other? It was most important that this clause, which was the foundation of the Bill, should be clearly understood, and he therefore hoped that the right hon. Baronet would postpone it until after he laid upon the table the Bill for the modification of Hobhouse's Act, so that the House could see what was intended, and do it justice, for he was certain it was the desire of the right hon. Baronet to act as fairly as possible.

Sir BENJAMIN HALL said, if he intended in the slightest degree to alter the principle of Hobhouse's Act he would certainly have laid the Bill in question upon the table. What he had said with respect to single voting was not that it was good in one place and not in another, but that the plurality of voting might be applicable to some districts; in large towns single voting was much better. He did not desire to prevent the landlords from voting if they *bonâ fide* paid the rates; but that was not so, for he had communicated with some of the principal landlords of the metropolis, who had expressed themselves in favour of the Bill, and stated that they invariably had an agreement with their tenants with respect to the payment of the rates and taxes, and by the 169th clause agreements between landlords and tenants were not to be affected. The practical effect of giving votes in proportion to the value of the property would be that some of the largest parishes of the metropolis would be placed under the control of a few individuals. In St. Pancras, for instance, the bulk of the property was owned by the Duke of Bedford, Lord Southamption, Lord Camden, and Lord Somers; in St. Marylebone, by the Duke of Portland and Lord Portman; Hanover Square district would be under the control of the Marquess of Westminster; and Paddington under that of the Bishop of London. The agreements to which he had referred principally related to the sewerage rate, which was levied by a Commission appointed by the Crown, and they knew very well that Commission after Commission had failed for years past. The sewerage rate was leviable on the tenant, and, if he might use the expression, deductible from the landlord; but, inasmuch as every landlord in the metropolis had an agreement with his tenant, it would be destroying the principle of the Bill if he were to leave out the clause; but he would give this assurance to show that he was desirous of acting with good faith—namely, that as soon as this Bill went through Committee, and before it came to a third reading, he would introduce the Bill containing the Amendments of Hobhouse's Act to which he had referred, and would insert those Amendments into this Bill.

Mr. WALPOLE said, the principal question was with respect to single voting and plurality of voting, and he did not think the objections on that head had been well met by the right hon. Baronet. If the principle were good in the one case it was in the other; but, in his view, it was precisely where the ratepayers were numerous that they ought to give the power of voting in proportion to the value of the property, so as to create a fair balance of influence between the landlord and tenant. The right hon. Baronet had referred them to the 169th clause, providing that agreements should not be interfered with; but the 138th clause provided that the tenant should be allowed to deduct the sewerage rate from the rent. The right hon. Baronet had not met the objection that the right of representation would, by this measure, be severed from the power of taxation.

SIR BENJAMIN HALL said, that if the great proprietors granted leases after the passing of this Bill they would take care that their tenants should still pay the rates and taxes.

VISCOUNT EBRINGTON said, the definition of the word "owner," in the Public Health Act was the person receiving for the time being the rack rents of the land. In hundreds of cases in the suburbs the "owner" of property, not occupying that property, had to pay the sewers rate, though by the Bill they would have no voice whatever in the appropriation of that rate.

MR. MALINS said, under the Vestry Act no man could have more than six votes, and he was perfectly satisfied with the law as it stood. He believed no one desired that the great landlords should have votes at all representing their interest, but they would be content to take the present limit of six votes. It was found a few years ago that the affairs of the parish of St. Luke, Chelsea, of which he was an inhabitant, had passed under the management of the small tradesmen, and that many abuses prevailed. The gentlemen of the parish took the matter in hand, and, by means of the plurality of votes they possessed, returned a certain number of themselves as guardians, and a marked improvement then took place in the parochial affairs. If the system of single votes were adopted this would be impossible, and the substantial inhabitants of the parish would be deprived of all voice in its management. Every man who occupied a house, however small, would have an equal right of taxing the parish as the man of the largest property. The principle was new, and it was, moreover, unjust; and it was so reasonable a man with larger property should have a greater number of votes—to the extent at least of six—than a man of smaller property in the management of parochial taxation, that he (Mr. Malins) should support the Amendment.

LORD ROBERT GROSVENOR said, plurality of voting was the cause of discontent in all the metropolitan parishes with which he was acquainted, and in his opinion nothing could more certainly exclude gentlemen from the management of parochial affairs than its existence in a parish. In all the cases of agreement between landlord and tenant with which he was acquainted it was covenanted that the occupying tenant should pay the rates and taxes.

SIR FREDERIC THESIGER said, he was quite sure that the proposal of the right hon. Baronet (Sir B. Hall) would not meet the objection which he (Sir F. Thesiger) made to this clause, which forced parishes to adopt Hobhouse's Act whether they chose it or not. It was not only fair and just, but it was absolutely necessary, that there should be a plurality of votes, especially in large towns, to protect property. If plurality of votes were abolished in this instance, a blow would be struck at the principle in other instances—such as the Poor Law. He (Sir F. Thesiger) considered the question of such importance, that he should certainly divide the Committee on the clause.

MR. W. WILLIAMS said, he thought that some weight in the matter should be given to the feeling of the parishes. All the great parishes of the metropolis had agreed to adopt the Bill with certain modifications. It, therefore, behoved the Committee to attend more to the wishes of that large portion of the population than to the anticipations of the hon. and learned Member.

MR. MONTAGU CHAMBERS said, the majority of his constituents were not satisfied to be compelled to adopt compulsorily the provisions of Hobhouse's Act. There was a meeting of ratepayers at Greenwich, at which dissent was expressed at the proposition of the right hon. Gentleman. He could not understand the mode of legislation in this case, because it appeared to him very strange to say, that though Hobhouse's Act should be adopted in the Bill entirely, it should be completely nullified afterwards by a new Bill, which was to overturn all that had been previously agreed upon. With great respect to the Committee, he would submit that such a course of legislation would be exposing them to strong remarks on the part of those who were not thoroughly initiated in the way of legislating in that House. The best course for the Committee to adopt, in his opinion, was to frame a clause, which should say that Hobhouse's Act, with certain exceptions, should be adopted in the metropolitan districts. Several important objections to Hobhouse's Act had already been correctly enumerated, and the very first impediment to the working of Hobhouse's Act was, the impossibility of getting a majority of those to vote who were clearly entitled to vote. This, he thought, might be remedied by a clause framed to meet that special difficulty. His opinion was, that property which was liable to be taxed for parochial purposes ought to have a proper voice in returning the vestrymen who had the power of making roads, sewers, &c., and charging the expense by way of rate on that property. As far as this clause was concerned, he must oppose it, though most reluctantly, if made compulsory.

Motion made, and Question put, "That the clause stand part of the Bill."

The Committee *divided:*—Ayes 89; Noes 33: Majority 56.

Clause *agreed to*, as were also Clauses 2 to 19 inclusive.

Clause 20. (Relates to the constitution of the Metropolitan Board of Works.)

Mr. H. B. BARING said, he had presented several petitions from different localities affected by the Act, protesting against the irresponsible powers of the Board, and praying that care might be taken to ensure the election of competent persons to be members of it. Unless this was done he was convinced that the Board would be at the mercy of their engineers and staff, and the only business they would have to do would be to register their works. He should rather approve of a Board of scientific persons, appointed by the Crown, but he was afraid they were too much out of favour. He hoped that if the Board was to be constituted as proposed in this clause, the number of members would be reduced, say to fifteen members, they might be paid something like two guineas for their attendance each day, like the board of directors of railways, and be made responsible to their constituents.

Sir BENJAMIN HALL said, he had had a great many representations made to him with reference to this important clause. He was quite ready to diminish the number of members in the Metropolitan Board of Works, but he could not consent to reduce it to so small a number as fifteen. He was sure that a Commission by the Crown would be most unsatisfactory after the fate of the many Commissions which had existed during the last few years. In order to make the Bill work well it must be put on such a basis as would ensure popular feeling in its favour, for people never would be satisfied to have their money expended unless they had some control over the expenditure. It should be understood that all this Bill did was to give the same powers to the ratepayers of the metropolis as were enjoyed by the ratepayers of provincial towns. He would candidly admit that this Metropolitan Board of Works could be greatly reduced in numbers, but he could not decide what the reduction should be until they had disposed of those sections of the Bill relating to the management of the sewers. He would, therefore, propose, that the clause which affirmed the establishment of such a Board should be agreed to, and clauses 21, 22, and 23, which related to the numbers, should be postponed.

Lord ROBERT GROSVENOR said, that, the principle of Municipal Boards being generally conceded, the next question to be considered was the number. He hoped his right hon. Friend would not reduce the numbers too much. The City Commission of Sewers was a very large body, and yet, as he understood, it worked very efficiently. The great bugbear seemed to be the payment. His right hon. Friend thought that the chairman should be paid highly, but others thought he should not be paid at all. That was, however, a matter the consideration of which might be postponed.

Mr. W. WILLIAMS said, he agreed that time should be taken before the right hon. Baronet (Sir B. Hall) determined upon reducing the proposed number of the Metropolitan Board. He did not think the number was too large considering the extent of the metropolis, and the powers the Board would have to exercise.

Viscount EBRINGTON said, he must strongly urge the expediency of establishing one central authority over the Commissioners of Sewers. District Boards of management only served to create confusion and encourage extravagance.

Mr. PERCY said, he was quite satisfied that nothing would be done unless the

Metropolitan Board of Works were made as despotic as possible.

Sir JAMES DUKE said, he thought that if the number of members of the central Board were curtailed the authority of the Board would be diminished, and great jealousies would be created in the various parishes.

Mr. APSLEY PELLATT said, he wished to propose an Amendment, the effect of which was to divide the proposed Board of Works into two Boards, one having authority north of the Thames, and the other having authority south of the Thames.

Sir BENJAMIN HALL said, it was the intention of the Commissioners that there should be only one Metropolitan Board, and he was of the same opinion. There were various reasons why there should be only one Board; the expense would be less than if they had two; and the Committee should consider in what respect the establishment of separate Boards would affect such questions as the embankment of the Thames, which had been before the House.

Mr. W. WILLIAMS said, he would support the proposal of the hon. Member for Southwark (Mr. A. Pellatt), in deference to the opinions of influential persons on the south side of the Thames.

Lord SEYMOUR said, he looked on this as one of the most important parts of the Bill. It proposed the appointment of a Board with an endless power of assessment, and the right to dispose of the money as it pleased. When they proposed to give them such extensive powers with regard to assessment, they ought, at the same time, to enable them to carry out the whole scheme of the drainage of the metropolis without limit. The metropolis was sick of Commissioners of Sewers; but he must warn the Committee not to run into the other extreme of appointing a Board of Representatives which should prove equally extravagant in its expenditure and defective in its working. It appeared to him that there was a great want of the scientific element upon this proposed Board of Works. With regard to the Amendment, there could be no doubt that the system of sewers must be different on both sides of the Thames; and, therefore, the ratepayers on the south side had some foundation for their claim to a separate Board, and on that ground it might perhaps be desirable to have separate Boards. But, on the other hand, great inconvenience would flow from having two Boards, and there could be no doubt that having one only would be much more economical.

Sir BENJAMIN HALL said, that it was his intention to take the 20th clause, but to postpone clauses 21, 22, 23, and 24, which determined the number of persons to be sent from the different districts to the central Board.

Viscount EBRINGTON said, that if the management of the sewerage was to be placed under these thirty-six district Boards, they would be obliged to have thirty-six subsidiary staffs, which would be overpaid or underskilled, and probably both. If, however, they were to adopt the Motion of the hon. Member for Southwark, and have a second Board of Works, then they might leave to this Board the superintendence of the sewerage on the south side of the Thames. The reason that he wished this Bill to be referred to a Select Committee was, in order that evidence might be taken as to the practical working of the hon. Member's proposal, and in order that hon. Gentlemen might be made aware of the financial and engineering complications of the question of sewerage.

Mr. HENLEY said, that it was impossible to argue this question as to whether there should be northern and southern Boards without looking at the powers which were to be given to those Boards. This was the most important part of the Bill, if they looked at the want in the metropolis of a system of arterial drainage. Commission after Commission had failed to bring their minds and that of the public to agree as to what was to be done to get means for this purpose, and the way in which it was to be done. He did not think that this would be effected if they had too large a Board—for if they had, a great difference of opinion would arise, and there would not be sufficient executive power in the Board. In the arterial scheme in the present Bill they would have two difficulties to contend with. They would first have to get ratepayers sufficiently liberal to vote the required sum of money to carry out the scheme, and then the scientific men employed by them must have sufficient consideration to fix upon a plan which would be approved of by the scientific men appointed by Government. With reference to the Motion before the Committee, he thought that in order to get the metropolis well drained they ought to have a Board with considerable executive power, and that the greater unity of action they had the greater chance they would have of something being well done. For this reason he should vote for one Board for both sides of the water instead of a Board for each side.

Mr. WILKINSON said, that, although the natural division of the metropolis was the Thames, and although some advantages might be obtained by having two Boards, yet he could not help thinking that those advantages would be more than counterbalanced by want of unity. He agreed that it would add to the efficiency of the executive Board to put some limitation to the proposed number.

Sir JOHN SHELLEY said, that, speaking from his own experience as a Commissioner, he thought that it was impossible that one set of Commissioners could execute properly the whole drainage of the metropolis. No doubt the local authorities considered that that provision which gave them the management of the district sewers was one of the most valuable in the Bill, but the overlooking of the main and the connection of the district sewers was quite as much, he considered, as one Board could do. The noble Lord behind him (Lord Ebrington) was apprehensive that under this arrangement there would be a deficiency of science in carrying out the sewerage, but if they looked to the city they found that a Board composed of tradesmen, assisted by efficient engineers, were able to carry out their work in a satisfactory manner, and he was at a loss to understand why a similar Board in St. George's, Hanover Square, assisted by competent engineers, should not do the same. As regarded the other side of the water, he would remark that the Commissioners had already determined to carry out an arterial drain on the Surrey side, but, until some Bill of this sort passed, they had no power to purchase land for the outfall, and consequently could not move in the matter. They would, however, have everything in readiness for the operations of the body which was to succeed them.

Mr. WALPOLE said, the only argument for giving the districts the control of the sewers was, that it would vest in them local management, but, as had been pointed out by hon. Members, the 109th section entirely superseded that power and vested the control in the Metropolitan Board. The question was whether they might not obtain all they desired through the representative system they were establishing, and if they had a single Board to supervise all the drainage they would gain two advantages—unity of action and diminution of expense. He thought this was a question well deserving the attention of the right hon. Baronet (Sir B. Hall); for, if they gave the parishes the local management they desired, and, at the same time, controlled their action by another power, the greatest inconvenience might ensue.

Sir BENJAMIN HALL said, he could assure the Committee that this subject had been deeply considered, and the deliberate conclusion arrived at was, that it was impossible for one Metropolitan Board to manage the district as well as the main sewerage. It was their opinion that the management should be based on representative Government. His only object was to do that which would prove really beneficial to the metropolis. If the small tradesmen of the City of London were able to manage their own drainage, he could not understand why the aristocratic vestry of St. George's, Hanover Square, should be unable to undertake the management of the sewers of that district, which possessed every facility for drainage. So successful had been the management of the drainage of the city that the number of deaths in that district was only twenty in 1,000, while in other parts of the metropolis it was twenty-five, and sometimes thirty, in 1,000. He had no objection to empower the Metropolitan Board of Works to take upon itself the drainage of districts when the local authorities were unwilling to undertake it.

Mr. APSLEY PELLATT then withdrew his Amendment, and the clause was *agreed to.*

Clauses 21 to 24 were *postponed.*

Clause 25 *agreed to.*

Clause 26 (Enacts that the Metropolitan Board shall nominate three gentlemen, from whom the Secretary of State shall select one as their Chairman.)

Lord ROBERT GROSVENOR said, he saw no reason why the usual practice should be departed from in the present instance. He thought the Board should be at liberty to appoint their own Chairman.

Sir WILLIAM JOLLIFFE said, that one advantage that would be gained by permitting the Board to select their own Chairman would be that they would in some measure consider themselves responsible for the manner in which their President performed his duties.

Sir BENJAMIN HALL said, he was

most anxious to avoid the appearance of Government interference, and as the clause was in no way connected with the principle of the Bill, he would be glad to dispose of it as the Committee might deem right.

Clause *postponed.*

House resumed; Committee report progress.

SEWERS (HOUSE DRAINAGE) BILL.

Order for Committee read.

Sir JOHN SHELLEY said, that, as one of the Commissioners, he must protest against the Bill, because he thought it would prove inoperative and disappoint his right hon. Friend and the country. He disapproved of portions of the money which the Commissioners were authorised to borrow for the arterial drainage being devoted to the purpose of this Bill.

Mr. HENLEY said, he wished to ask for the opinion of Government with reference to the application, under this Bill, of money which was voted for one purpose being devoted to another.

Viscount PALMERSTON said, that the object of the present Bill was one of great importance, and as they might by possibility be visited by a recurrence of the calamitous disease of last year, he thought that no measure which would tend to prevent it ought to be neglected. The sum of money to be devoted to the house sewerage was a very small portion of that which the Commissioners were empowered to borrow for the arterial drainage; and, as there would be means of recovering it from the owners of houses, the Government were inclined favourably to view the application of the money under this Bill.

The House then went into Committee, when the various clauses were *agreed to,* and the House resumed.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, May 15, 1855.

Minutes.] Public Bills.—1ª Infants' Marriage; Customs Duties.

2ª Intestacy (Scotland); Union of Contiguous Benefices in Cities and Towns Bill.

3ª Affirmations (Scotland).

WAR WITH RUSSIA—DIVISION ON THE RESOLUTIONS—PROXIES.

The Earl of MALMESBURY wished to call their Lordships' attention to an occurrence which took place in the House last night, and which was of material importance to their proceedings. He was sure that no one was more anxious than his noble Friend opposite (the Earl of Bessborough) that the proceedings in that House should be carried on in a manner befitting the House of Lords. His noble Friend would recollect that after the division of last night had taken place, proxies were called, but by that time a large number of Peers, who usually sat on that (the Opposition) side of the House, had left without being aware that such was the intention of the Government. Now, the custom had always been—and he (the Earl of Malmesbury) considered himself some authority upon the subject, because he had had the management of divisions in the House for some years—for the party who had the majority of proxies, and were, therefore, the most likely to call them, to inform the other side that such would be the case. This had always been done in courtesy to the other side of the House, and for the sake of regularity in their proceedings. The noble Lord who managed the division on the side of the minority was always informed by the noble Lord who managed the division on the side of the majority whether proxies would be called or not; and there could be no objection to such a course being generally adopted. It appeared, however, that yesterday, probably by accident, this custom was omitted by his noble Friend who managed the division on behalf of the majority, and his noble Friend, who managed for the minority was not, therefore, made aware that proxies would be called. The consequence was, that the division being a large one, and it taking five or ten minutes to clear the bar of noble Lords who were voting outside the House, those who first passed through the wicket quitted the House before the division was concluded; and it was then felt that it would be of no use to call proxies, inasmuch as they would not give a fair idea of the division on that side of the House, so far as proxies were concerned. Under these circumstances, he would strongly recommend to the Government that in future another custom should be followed, and that the doors should be kept closed until the division was concluded. There was, he believed, an order of the House to that effect; and if it had been enforced last night, the confusion that then took place and the omission of that (the Opposition) side of the House to call proxies would not have occurred.

The Earl of BESSBOROUGH denied

that since he had managed the divisions on the Ministerial side of the House it had been the custom for the noble Lord who managed for the majority to give notice to the noble Lord who managed for the minority that it was his intention to call for proxies. On the contrary, the notice usually proceeded from the other side. What took place on the previous day was this. He entered as many proxies as he had, and his noble Friend who managed on the other side did the same; and it was clearly understood during the whole evening that proxies would be called. After the division, he and his noble Friend walked up the House together, and when he had got just below the gangway he called out as loud as possible "Proxies," believing that all Peers present heard what he said. He then went up near to the throne, in order to prevent Peers on that side of the House who had proxies from leaving the House. To his surprise, he saw a number of Peers on the opposite side leaving the House; but of course it was no business of his to prevent them. He then went to the table, but his noble Friend on the other side did not appear for a considerable time. He could assure the House that he had not the slightest wish to act unfairly; but no one could blame him for endeavouring to secure as large a majority as possible for his own side.

The Earl of DERBY said, there was not the slightest intention to throw any blame on the noble Earl opposite. The fact was, that in accordance with the practice of modern days—and he thought it a very useful practice—proxies were now seldom called for; and as they had become the practice rather than the rule, he thought it was very desirable that previous notice should be given when proxies were intended to be called for, rather than when not. At any rate, there should be a clear understanding between the two sides of the House on the subject, in order to prevent any future mistakes. He thought it very desirable to adopt the suggestion of his noble Friend, that the doors of the House should be closed while a division was going on.

Earl GRANVILLE also thought the suggestion of the noble Earl on this point well worth adopting. He was glad that any intention to impute blame to his noble Friend had been disclaimed. The noble Earl had said that the practice of calling proxies had now become very rare; and he could not help remarking that he could hardly conceive circumstances in which it was more natural for the Government to call for proxies than in order to show, not only to the country, but to the whole world, that they had the support of a decisive majority of independent Peers on a question of great importance, and the effect of a defeat upon which must have been (as the noble Earl opposite had intimated on the previous evening), to substitute another Government in their place. He thought, when he saw noble Lords opposite leaving, that they were of opinion that a majority of forty-four for the Government was sufficient for one evening, and they did not wish to swell that number by handing in proxies. However, the reason of what had taken place had now been satisfactorily explained, and it appeared that there had been a misapprehension with regard to proxies which he trusted would not happen again.

The Earl of DERBY: After the observations of the noble Earl, perhaps he will give notice whether he intends to call for proxies on Monday evening.

Earl GRANVILLE: If the noble Earl divides the House, we shall unquestionably.

The Earl of DERBY: That I certainly shall; but I expect to have the pleasure on that occasion of dividing with my noble Friends opposite.

Lord REDESDALE wished to call the attention of their Lordships to the presence last night, contrary to their Lordships' orders, of a large number of ladies in portions of the House not set apart for their reception, which was attended, he must say, with a very prejudicial effect to the general appearance of the House. The habit of surrounding a house of debate with that which was, no doubt, most beautiful, but which here was out of place, made their Lordships' House look more like a casino than anything else, and was not advantageous to the discussions carried on there. He trusted that this would not be repeated, for he knew with respect to one noble Lord, who would have spoken last night, that he expressed an unwillingness to do so, on account of having to address their Lordships surrounded by an audience of that kind. In future he hoped the admission of ladies would be confined to that part of the House to which they were properly admitted by the orders of the House.

Earl GRANVILLE said, he remembered once seeing a French farce, in which an English Milord was the principal character, and he was represented as objecting very much to the presence of ladies at dinner, because he said they were displeasing to his eyes. Now, he never knew before this evening the original of that English Milord. He must also add, that he believed all their Lordships had not the advantage which his noble Friend seemed to possess, by frequenting the casinos, of enjoying those views of the female sex which his noble Friend wished to deprive that House of. He, however, accepted with great pleasure his noble Friend's satisfactory explanation why some of the speeches delivered on the other side of the House last night, were, in the opinion of the supporters of Ministers, much less effective than they usually were.

THE MAYNOOTH COMMISSION—EVIDENCE—EXPLANATION.

The Earl of HARROWBY wished to be allowed to read a letter received by him from Dr. Twiss, and dated yesterday, in explanation of the alleged tampering with the evidence taken before the Maynooth Commission—

"19, Park Lane, May 14, 1855.

"My dear Lord—I was absent from London on Friday, but I have had an interview with Mr. Henry West since my return. I am anxious that our secretaries should be relieved from the imputation of having been parties to any tampering with the evidence. The rule which we laid down, as you will remember, was, that the witnesses should have liberty to make formal alterations in the first transcript of their evidence, for the purpose of expressing their views more clearly or with greater precision, but not to introduce any substantial changes, and that if they desired to add explanations of importance, they should annex them as notes to their original evidence. I have every reason to believe that this rule was carefully observed. The cases of Dr. Flanagan and Professor O'Hanlon were peculiar. The former gentleman was the first witness called before us, and his examination was avowedly conversational; and in the course of it he was given to understand, when he expressed distrust of his memory, that he might refer to the books and documents in his possession as secretary to the trustees, and supply with the requisite accuracy, and in whatever form he pleased the necessary information. Professor O'Hanlon, the second witness, was not furnished with any written notice of his evidence to correct, but only with a printed proof; and not finding enough space in the proof to make his corrections, he wrote his evidence over again, copying the questions accurately, and embodying in his answers the corrections which he wished to introduce. The special attention of the Commissioners was called to this case by the secretaries, and it was not until a careful comparison of the two versions of evidence had been made by the Commissioners themselves, that the corrected version was allowed to be set up in type. The other professors received written notes of their evidence, and corrected them before they were set up in type. Some misapprehension, however, may have arisen from the party, whoever he may be, who has betrayed the trust of his employer in the printing office, in Dublin, having misunderstood the reasons why certain portions were struck out after being set up in type. It may be as well, therefore, to explain, that after the evidence had been received in its complete state, such portions of it as contained repetitions of unimportant details were purposely struck out if there was no conflict of evidence, lest the appendix should have become so great in bulk as to deter the reader from its perusal, and thereby frustrate the object of its publication. With regard to the occurrence of two territorial titles in the catalogue of the Roman Catholic clergy in Ireland, I have no doubt that it is to be attributed to an unexpected variation in *Battersby's Directory*, our only available source of information which escaped detection from us, and the responsibility of which oversight the Commissioners must accept; but it is only just to our Roman Catholic colleagues that it should be known that the Commissioners unanimously decided to prevent, if possible, the use of any territorial title, and I had hoped that our work would have been irreproachable in this respect. As it is, I am happy to think that so few blots have been discovered in it. As to the circumstance of one of our colleagues having submitted, on his own responsibility, some portions of the evidence to Dr. Cullen, as one of the visitors of the college, with a view to satisfy himself upon some conflicting statements as to doctrine, I was not made aware of it, any more than your Lordship, until after the Report had been settled and the Commissioners had concluded their sittings; so that, whether the statement against Dr. Cullen be correct or not, that he misused the confidence reposed in him in referring the matter to his superiors at Rome, the charge against our colleague as to the evidence 'having been cooked at Rome to make things pleasant' cannot be substantiated. It may have been an act of indiscretion on his part to disclose any portion of the printed evidence prematurely, but I think it just towards him to declare that it had not the slightest influence whatever upon the proceedings of the Commission, either in the evidence or in the Report.—I am, my dear Lord, yours very faithfully, "Travers Twiss.

"The Right Hon. the Earl of Harrowby, &c."

INTESTACY (SCOTLAND) BILL.

On Motion that this Bill be now read the Second Time,

Lord CAMPBELL said, he hoped that a few observations would be sufficient to induce their Lordships to assent to the second reading of this Bill, the object of which was to assimilate the law of Scotland, as regarded succession to personal property in case of intestacy to the law of England. By the law of England, if a man died leaving several children, and another child had before married and died leaving children, those grandchildren were entitled to the share of the grandfather's personal property which the father would have had if he had survived; but the law of Scotland worked a great injustice in such a case; for if a father died in the lifetime of the grandfather leaving children, they were not entitled to any portion of their grandfather's property, but it was all divided amongst the survivors of his sons and daughters. It was now proposed that that which was the law of England should in future be the law of Scotland also. Some years ago a Bill to remedy this injustice had passed their Lordships' House, but was lost in the Commons, but the present Bill had received the sanction of the House of Commons. There was one point of difference between the two laws wherein he thought that of Scotland had the advantage. In England, if a man died intestate, leaving a large landed estate and personalty, the eldest son was entitled to the whole landed estate, and might also draw his share of the personalty; but in such a case in Scotland the heir had no claim on the personalty, unless he agreed to contribute the real estate, and let all the children share it alike. He begged to move the second reading of the Bill.

Bill read 2ª, and *committed* to a Committee of the whole House on *Friday* next.

TRADE WITH RUSSIA.

The Earl of ALBEMARLE, in pursuance of notice, rose to move to resolve, That it is the opinion of this House that, in order to bring the war with Russia to a speedy termination, it is necessary to restrict the trade with that country by more efficient measures than any which have hitherto been adopted or announced by Her Majesty's Government. In bringing forward this Resolution, he felt considerable pain, because he found himself, for the first time in his life, at issue with those with whom he had politically acted for a quarter of a century. But, believing most conscientiously that this was a question either of speedy peace or of a bloody and protracted war, he should consider himself a traitor to his country if he did not use all his privileges as a Peer of Parliament to coerce his noble Friends into a course which he felt to be essential to the interests of this great nation. About a fortnight ago he had entered at considerable length into this same subject, and he was induced to adopt the present course of taking the sense of the House upon this question in consequence of the very unsatisfactory answer which he had received from the organ of the Government in that House, the President of the Board of Trade. It was not without having given his very best attention to the subject that he had entered upon the course which he was now pursuing. He had endeavoured to understand upon what grounds Her Majesty's Ministers justified the course which they had taken, and, with that view, he had looked to the opinions of the former President of the Board of Trade. It had been contended in another place that the blockade was ineffective. To prove that it was not so, however, returns of two different years were prepared from the tables of the Board of Trade; but, immediately that they were produced, the Gentleman who had originated the subject in another place pointed out the error of comparing all the imports of one year with half the imports of another year; and, as that was at once exposed, he (the Earl of Albemarle) confessed that he was somewhat astonished to find that his noble Friend the President of the Board of Trade served up a *réchauffée* of the fallacies of his right hon. predecessor. We had been assured that this was to be an effective blockade. If Her Majesty's Ministers could prove this to be the case, his occupation was gone; but, what he contended was, that let the Government make what arrangements they pleased, short of closing the land trade with the enemy, let there be the most effective sea blockade that could be instituted, it was all a mockery and a sham so long as the overland transit trade of Russian produce was allowed to go through the Prussian dominions. It appeared to him that it would be almost better to take the money which had been extracted from the pockets of the people and throw it into the sea, than to continue the farce of a sea blockade and a free transit of goods by land. He had received, just before entering the House, a letter from a gentleman connected with the Russian trade, and upon whose information he could place the firmest reliance, who thus stated his views of the blockade and its effect—

"The Russian Government has now so organised the means of interior communication to the rivers Niemen and the Vistula, and to the Prussian frontiers generally, that the whole of the produce of Russia is now directed to Prussia in lieu of to the ports of the Gulfs of Finland and of Riga. So perfect, indeed, are these means of transport that even those stocks of produce which had been hitherto retained in blockaded distant ports are now being transported. In a word, henceforth our supplies of Russian produce will be limited to the extent of the production in Russia, the blockade being neutralised *in toto*."

At the breaking out of the war, to trade with the enemy was a violation of the common law; it was a violation of the statute law; it was a direct contravention of the celebrated statute, the 25th Edward III., which made it treasonable "to give aid and comfort to the King's enemies in this realm or elsewhere;" further, it was a violation of the maritime law, which was part and parcel of the law of nations, and entailed upon the subjects of either belligerent Power the liability to confiscation of their property. Such was the original law, and, though he was not disposed always to revere the wisdom of our ancestors, yet he thought that this enactment of Edward III. a wholesome one, and he maintained that war ought to be conducted upon war and not upon peace principles. Three weeks afterwards came that unhappy Order in Council by which in violation of all the principles on which a war ought to be conducted, the subjects of Her Majesty were permitted freely to trade with the enemy, subject only to certain small limitations which were of no material consequence, inasmuch as the blockade had been almost thoroughly delusive up to the present time. He contended that but for that Order in Council the transit trade of which he complained never would have taken place. Two-thirds of the products were intended for British ports; all, or nearly all the money with which the trade was carried on was British capital, and the small remnant of trade and capital which remained would certainly not have paid the expenses of land transit which the Russian Government incurred in order to further the important object of thereby sustaining the national credit of their country. No Englishman would have disobeyed the law if it had remained as it was before. He had a right to assume this, for although war was declared upon the 28th of March, and it was not till three weeks afterwards that the Order in Council was promulgated, yet not one British merchant had been found to make a single purchase in Russia during the whole of that period. He gave Her Majesty's Government the fullest credit for good intentions; but he did say that a lax policy and the absence of ordinary forethought and energy on the part of the Government at that crisis, had done more mischief than the most active partisanship. He concluded that Her Majesty's Government had given "aid and comfort to the Queen's enemies" as effectually as that equivocal ally of ours had done, whose wavering vacillation and fraudulent neutrality had been so ably alluded to by a learned and venerable Peer whom he did not then see in his place (Lord Lyndhurst). He asserted that if Prussia had now a transit trade through her dominions, it was Her Majesty's Ministers who had created that transit trade. Upon them rested the responsibility. If Prussia had supplied the enemy with arms and munitions of war, he said that Her Majesty's Government had supplied the enemy with the sinews of war. They had supplied him with those sinews in the shape of 10,000,000*l.* to be paid for exports from his country. "We want the articles," was, he believed, the shopkeeper reason which was given for this course of policy—at least he could draw no other inference from the speeches of either the late or the present President of the Board of Trade. He had already gone so much into this subject upon a previous occasion, but it was one of such vital importance that he felt constrained to trouble their Lordships with some further details with reference to it; but he must make a few observations upon our ability to bear the sacrifices which would be imposed upon us by acceding to the proposition which he had placed upon the paper. Take the first article of Russian produce—tallow; and he thought that their Lordships hardly could be aware of what a very insignificant portion of tallow Russia contributed to this nation. England itself produced four times as much; and that fact, coupled with the manufacture of all those new substances with the nomenclature of which he had fatigued their Lordships the other evening, was sufficient to prove that all the fears upon that subject were utterly chimerical. Russia contributed only one-tenth to the stock of tallow in this country; but that one-tenth, insignificant as it was to us, was of vital importance to the enemy. He would mention here the subject of imperfect returns. It would be in their Lordships' recollection that he had observed, that there were whole returns made for one year, and half returns for the other. The week after his noble Friend the President of the Board of Trade made the comparison between the returns for the two years, a circular was put into his (the Earl of Albemarle's) hand, not prepared for Parliament, but for the trade itself. He spoke on the

27th of April, and that circular, which was dated the 7th of May, stated, that there had arrived that week 11,333 casks of tallow from Russia, and, with respect to hemp, that there was now a supply in England unprecedented in any former years. These facts showed the inefficacy of the blockade more eloquently than any figures he could give them, for it included Hungarian, Italian, and East Indian hemp. To show how easily substitutes for Russian products could be procured, he might mention that Mr. Noble, a broker of great experience in East India fabrics, had informed him, that in addition to this there is scarcely a week but that a sample of something fresh of this nature arrives, and that within the last fortnight he had received from Mexico a most beautiful specimen of hemp. He (the Earl of Albemarle) was also told that the superintendent of the Botanical Gardens at Kew had stated, that a number of new plants, which had recently been presented to him, all resolved themselves into hemp, and that there existed in the India House a museum of the fibrous articles, the produce of plants indigenous to India, which would serve for the purposes of hemp. With respect to this particular article, he recommended to their Lordships' perusal a work written by a friend of his, who sat in the other House—Mr. Gregson—upon Indian fabrics. He mentioned this to show from how many different sources we might obtain a supply of this article, besides the large stock already brought into this country from Hungary and Italy. Among other fibrous products of that country there was an article termed jute, and, when Mr. Noble first introduced it from the East Indies, he was greatly ridiculed by those who doubted whether its importation would ever yield a profit; but the consequence of its introduction had been that it now took its place regularly in the market, and in the latest return of imports he found it put down at 27,000 tons. Last night he had received from Mr. Capper, a gentleman who was the promoter of a Bill which lately came before the House of Commons, and who had given much of his attention to the manufacture of jute into a fabric, a letter containing two specimens of the jute in its original state, and in the condition to which it was reduced by a process of manufacture. [His Lordship produced the specimens referred to, which were handed round.] Mr. Capper had tried to get a patent from the Indian Government; but it seemed that they were very slow to execute the power which was vested in them, for they had taken just a year before they had given an answer to the application. He was assured by those who were conversant with the products of India, that the supply of hemp to be obtained from that country might be practically looked upon as inexhaustible, since nothing was better understood there than the cultivation of hemp, but unfortunately it was at present only esteemed for its seed, which produced the intoxicating spirit termed "bang," and they were told by some author on India that the fibre was principally used for strappadoing refractory wives and strangling superfluous children. The best proof of the abundance of hemp in this country at present was the fact that its price was 30 or 40 per cent lower than it was last year. With respect to flax, he would now say nothing of that produced in England, but mention that he had obtained the official returns of flax grown in Ireland in 1853 and 1854, signed by the Registrar General, and he would refer to them to show what was the effect of an anticipation of a state of war, and the discouragement its production had received when the Order in Council appeared three weeks after the declaration of war. The Registrar General stated, that in 1853 the increase of the acreage in Ireland sown with flax, as compared with the preceding year, amounted to 37,415 acres; whereas in the following year, after the Order in Council appeared, there was an actual decrease in the breadth of ground sown of 23,607 acres; and a gentleman, to whom he had alluded the other day, Sir J. M'Neill, who had the previous year sown 600 acres, had, he was told, reduced that quantity to thirty. There was another document to which he would refer, and which he thought would have great weight with Her Majesty's Government, because it came from a quarter instrumental to the publication of the Order in Council—the flax spinners of Dundee. But his correspondent, to his credit be it spoken, was not one of the deputation, which, it should be recollected, was rather troublesome to Her Majesty's Ministers. Mr. Oliver Miller, of the firm of Miller and Brown, one of the largest and wealthiest firms of flax spinners in Dundee, alluding to the subject of the substitutes for flax, stated—

> "This last year, or rather a month or two earlier, our wits were set to work to find out substitutes for flax, and samples of fibre poured in

> from all quarters; they were eagerly examined by all concerned. Experiments were made upon them, and some of them declared suitable for our staple trade. What followed? The overland trade through Russia was kept open, Archangel cleared of goods, and a fair average year's importation of Russian fibres obtained. The samples of fibres were thrown aside, and remain to this day unthought of."

That was another example of the mischief of interfering with international law. He had merely referred to a few of the documents with which he had been furnished; but, if their Lordships were not satisfied with what he had read, he could occupy them an hour longer upon this prolific subject. [*A laugh.*] That laugh convinced him that their Lordships were satisfied that the fear that no substitute could be found for the hemp, flax, and tallow, imported from Russia was a mere chimera. But, even if a real difficulty in obtaining supplies of Russian produce from other quarters existed, he was sure their Lordships would not allow a few casks of tallow or a few extra tons of hemp or flax to be put in competition with the blood of our countrymen, and the sufferings entailed on millions of our fellow-creatures by the war into which Europe had been plunged through the cruel and unfeeling policy of a tyrant. He had heard it said, and repeated, that it was nonsense for us to lose this trade—that Russia could do without its export trade to England, and did not care for it. Was there any authority for that statement? Was not the experience of history all the other way? He had stated, the other night, that the effect of stopping this trade would be that the rouble would fall in value, financial embarrassment would ensue, the Russian nobles would become discontented, and that the ultimate result would be a desire to put an end to a contest which was attended by inconveniences so great. He need scarcely remind their Lordships of an occurrence so familiar as that which, fifty-three years ago, happened to the ruler of Russia, in consequence of the stoppage of rents arising from the stoppage of the Russian export trade, nor, be it remembered with the continent of Europe, for that Russia enjoyed, but the trade with this country. A few years later, up to the first half of the year 1807, the Emperor Alexander was our ally; but after the bloody battle of Friedland he put his name to the memorable Treaty of Tilsit, by which he declared his adherence to the continental system of Napoleon—that system which made him dispense with the trade of England. The nobles were not blind to the debtor and creditor account of that Treaty of Tilsit. They knew perfectly well that the Emperor might gain a slice of Finland and a slice of Prussian Poland; but they, as under the reign of Paul, would be deprived of half their rents by the loss of the export trade. What did they do? When M. Savary (the French Ambassador) appeared at St. Petersburg they sent him to Coventry—they would not let him a house suitable to his dignity, and they never admitted him as a guest into their own private residences. Distress and ruin went on in the Russian kingdom, and, in 1809, the decline of the rouble was so great that, all powerful as Napoleon was then, Russia was inclined to break the treaty. Prince Hardenberg, the Prussian Minister in Russia, in his "*Memoires d'un Homme d'Etat,*" writing upon the effect of the continental system on Russia, used these words—

> "Le système continental ruinait en Russie et les particuliers et l'état; la baisse du papier monnaie se faisait sentir à tous, et principalement au gouvernement comme le plus grand des consommateurs."

An argument often urged, which he would anticipate, was, that if we did not use the Russian exports somebody else would; but the truth was, other countries would not because they did not want them. That is, they did not want them in the politico-economic sense of the word; there was no effective demand for them. Before a new trade could be established, either Russia would have ceased to be a nation, or she would be at peace with us. Finding that, even with the help of the whole Continent, Russia could not make up the loss of the English trade, on the 10th of December, 1810, the Emperor Alexander issued an ukase which discouraged the merchandise of his friends, the French, and encouraged in every possible way the merchandise of his enemies, the English. The consequence was, that 200 English vessels, under the flag of Teneriffe, went into the Russian ports of Riga, Revel, and St. Petersburg, discharged their cargoes, and received in return Russian products; and, in 1811, a few words from the *Annual Register* would show the effect that had been produced by this relaxation. The *Annual Register* of 1811 says—

> "The trade with Great Britain had been highly advantageous to the Russians, and many of the nobility derived a great share of their incomes from the sale of products of which this island

was the principal market. The state of hostility between the two countries was therefore generally unpopular."

Their Lordships knew perfectly well what happened. In 1812 Napoleon threatened to march into Russia with 650,000 men. But the Emperor preferred, as the lesser evil of the two, the invasion of his country to losing his excellent customers the English. He hoped that fact would be appreciated by the Government now. The half blockade now maintained was just sufficient to prevent the honest and honourable merchant from engaging in the trade, but not so effectual as to prevent adventurers from running the risk. He would give an instance, of which he did not think his Friends on the Treasury bench were quite aware. Before the late Conferences at Vienna, and at a time when peace was expected, a number of speculators entered into contracts with Prussian houses for Russian produce, to be paid for at the termination of the war, and pending the Conferences such negotiations were very common. Upon these transactions the speculator paid in advance never less than one-half, sometimes two-thirds, and not unfrequently the whole of the first purchase money. The price of crown flax in England was 52*l.* per ton; in Archangel it was 27*l.* per ton; it was brought to England for 7*l.* more, which included freightage, insurance, and other incidental expenses, and that made its cost 34*l.* per ton. There was 18*l.* over, or, in other words, 50 per cent interest for the speculation if it succeeded. If it did not succeed; then there was 18*l.* for land transport through the Russian dominions, the whole of which would then find its way into Russian pockets. Neither the country nor the Government could form any conception of the extent to which these speculations prevailed. He had nothing to say for the morality of the speculators. Perhaps they might be troubled with a few twinges of conscience when they remembered that, while they were enriching themselves, they were enriching also the bitter enemies of their country; but he was afraid the still small voice would be hushed altogether by the prospective 50 per cent, and confused notion that the Government stood in the position of *particeps criminis* by conniving at the existence of this illicit traffic. With respect to the speculations that had been entered into with regard to the effect that had been produced in the value of the rouble, he thought that any reason but the right had been assigned. He admired the ingenuity more than the ingenuousness of these arguments. They reminded him of a worthy alderman after a City feast, who attributed his horrible dyspepsia, not to the enormous quantity of turtle he had eaten, but to his having imprudently taken a wineglass of cold water. In a despotic country like Russia the Government was the merchant, and had always sought to maintain the credit of the country, and to keep up the rouble at the proper figure consistent with that credit. The rouble at the breaking out of the war was at 38*d.*, or at par; but when war was proclaimed the merchants conceived that the war would be carried on as all previous wars had been, namely, that the trade would be stopped, the rouble fell from 38*d.* to 32*d.* The Russian Government did all they could to prevent the evil by prohibiting the exportation of bullion, and so far they did right for themselves; but this would have been of no avail, if the Queen's Government had not come in to the rescue, and lent their aid and comfort to the Queen's enemies in their hour of distress. The Order in Council of the 15th of April appeared, trade was reopened by the British merchants, and the rouble came up to the value it had before possessed, or very nearly so—it rose to 35½*d.* or 37*d.* The accession of Viscount Palmerston to the Premiership led to the anticipation that vigorous measures would be adopted. The very name of Palmerston spread dismay in St. Petersburg, and frightened the Russians out of their wits. The alarm was not allayed when, on the 9th of February, 1855, the *Court Circular* contained the announcement that an Order in Council, using the ominous words of the 25 Edward III. in prohibiting intercourse with the Queen's enemies. The information was telegraphed to St. Petersburg, and caused a panic; the exchange fell, and universal gloom pervaded the commercial circles of the Russian capital. But of our noble Premier, the bark was worse than his bite. It was soon discovered that this Order in Council was only directed against some contract for machinery, the rouble returned to a price which bore about the same proportion to our public credit at 89—the present price of our own funds. He could not help thinking that Ministers had never been sufficiently impressed with the important weapon which was to be found in the influence of the Russian exports upon the Russian finance. The rise and fall of the rouble troubled the Russian Government more than Sebastopol. They expected a drain of bullion, but they were reassured by our Order in Council, from which they learnt that, while with one hand we were ready to put a match to a cannon, we were also ready to sow gold broadcast among them with the other. It was with this impression that the Russian Government turned their attention to see if they could not injure us. They found that the export trade in flax, hemp, tallow, and bristles were just sufficient to keep the exchangeable value of the rouble up to the credit point, and that was enough. But there was another export—that of corn; and an ukase appeared by which the Emperor, with the view of distressing us, prohibited the exportation of grain. By the mercy of Providence a plenteous harvest saved us from the calamity which this prohibition might have brought upon us; but who, looking at the inclement weather which up to the very moment he was addressing their Lordships had not yet changed, could think without apprehension of the possible consequences of that attempt of the Emperor of Russia to inflict the maximum injury upon us, and the minimum injury upon his own subjects? Their Lordships would do well to remember the old schoolboy maxim, *Fas est et ab hoste doceri*. Let us adopt the Russian policy, and inflict the maximum injury upon the enemy and the minimum injury upon ourselves. Now a few more words to those he (the Earl of Albemarle) had addressed to the House on a former occasion on the subject of certificates of origin. He believed they would be effective, and several correspondents had favoured him with plans for rendering them still more so; but admitting that they would not answer the purpose of shutting out Russian produce—admitting that he made his noble Friend the President of the Council a present of them—admitting that they were not worth a sixpence, he thought we could do without them. The trade with Russia was in the hands of so few merchants, and they were men of such capital and standing, that he felt confident if the Government would rescind the Order in Council he would be content even with a certificate of origin drawn up by the Emperor of Russia himself. He had returns which showed how insignificant were the contributions of the Hanse Towns, the Prussian dominions, and Holland—the only countries which produced them—in the different articles which were supplied from Russia. He was prepared to make a liberal allowance in these certificates of origin for what each of these countries used, and he would not advance the certificate of origin beyond that quantity. He was, indeed, prepared to give up the certificate of origin for argument sake. His remedy was this. Reverse the orders in Council and prohibit the importation of goods of Russian origin or of goods partly composed of Russian-grown produce, and throw all the *onus* of proof upon the importer here in England, and you will immediately stop the whole of the trade between this country and Russia direct or indirect. Let neutral flags make neutral cargoes, but let the importer of goods bearing a Russian aspect be told, that he must prove his case, and that he must show to the satisfaction of the Custom-house authorities that the goods imported were the growth of a neutral State. Any broker in England practically acquainted with the subject would be readily enabled to discriminate between Russian and Prussian goods; and his own firm conviction was, that if the plan he had shadowed forth were adopted it would operate effectually in crippling the trade of Russia. Indeed, he believed the effect would be instantaneously felt, and that the greatest advantages would accrue to this country in the war in which it was engaged. There was now only one other point which he was desirous of impressing upon their Lordships, and he did so with the hope that the observations he might make would go beyond that House. There was an impression abroad—and he was not certain that it had not been confirmed by the statement of a Minister of the Crown—that there were two parties in Russia—the peace party and the war party. The war party was said to consist of the Muscovite noblemen, and the peace party of the Germans of the conquered provinces. Now, he believed the contrary to be the fact—he believed the fact to be that the Muscovite noble was the real friend of peace, as he naturally would be, inasmuch as the whole burden of the war was thrown upon him, but that the case was different with the German party, who, having little or nothing to lose, had no interest in peace, though they had a great interest in war. They felt that the moment the war was over their occupation would be gone, and they were therefore the real enemies of this country in the present war. Having been the originators of the war, they were now doing their utmost to prosecute it, and they would prevent a peace from being concluded as long as they had the power to do so. At the head of this German clique stood Count Nesselrode, and leagued with him were the Luders, Osten-Sackens, and Dannenbergs, and others whose name was legion. They were the men who were the real enemies of peace and civilization, and he hoped that the knowledge that they were detected would find its way somehow or other into Russia. That there was such a thing as fanaticism in Russia could not be doubted for a moment, but the way to deal with it would be to place the country in a state of isolation, and thereby cripple its finances, show the population that the enemy of the Czar, the noble and the serf, was the German foreigner; and if the Russian people were shown that the cry of the Church being in danger proceeded from a foreigner and a heretic, who cared for nothing but the plunder which he would gain from the continuance of the war, that was the way to cure their fanaticism and there would soon be a loud call for putting an end to the war. Sixty millions of people could not live upon fanaticism alone, and the Czar of Russia would be driven to take his choice between anarchy and peace.

Moved, to Resolve—

> "That it is the opinion of this House that in order to bring the War with Russia to a speedy termination, it is necessary to restrict the Trade with that Country by more efficient measures than any which have been hitherto adopted or announced by Her Majesty's Government."

Lord STANLEY of ALDERLEY said, he most entirely concurred with his noble Friend as to the importance of the object which he had in view; he concurred in the great importance of doing all in their power to restrict and, if possible, to destroy the trade of Russia; but, as far as he could understand it, he did not agree with his noble Friend in the means by which he proposed to effect that object. The noble Earl had spoken as though the trade with Russia had been in no way interfered with by the efforts which had been made to blockade the ports of that country during the past year. He (Lord Stanley of Alderley) was not about to enter into details, because he had already done so upon a former occasion, but, in order to show their Lordships the way in which the blockade of the enemy's ports had been carried out, he must be permitted to remark that at the breaking out of the war the greatest part of the produce of Russia lying in her ports ready for exportation was, in point of fact, the property of English and French, rather than of Russian subjects. He admitted that the blockade of the ports of the Black Sea had been not only imperfect, but might almost be said to have barely existed; but, as he had mentioned before, the reason was that, though strict orders were issued to effect a blockade, in consequence of erroneous views the English and French Admirals conceived that the blockade was to be instituted by blockading the Bosphorous alone; the legality of a blockade of this nature was declared by the Government to be untenable. The matter having been referred to the Governments of England and France, orders were issued for a more effective blockade of the ports of the Black Sea, and the reason why it was not so effective as it might otherwise have been was, that by the time the orders arrived, the season was so far advanced that the whole of the fleets of the two nations were entirely occupied in assisting and superintending the embarkation of the troops from Varna to the Crimea. But, notwithstanding the imperfect blockade of the Baltic and the Black Sea, the trade of Russia had been reduced between 50 and 60 per cent, even giving her the benefit of the excess of exportation from Prussia, though there was no reason why it should be considered that that excess of exportation had consisted entirely of Russian produce. The noble Earl opposite (the Earl of Hardwicke) had declared that the measures adopted by the Government had not affected the commerce of Russia, but had only transferred it to Prussia, and that no injury had been inflicted in this way upon the Russian nation. A statement which he held in his hand, however, would show the effect which the blockade of last year had had, and would prove that the result must live in the memory of the population of Russia. The communication to which he referred was dated Berlin, May 5:—

> "The inhabitants of the islands along the Russian coast of the Baltic are described as having made all preparations for quitting their exposed dwelling-places, and retiring to some distance in the interior of the continent. Oesel and Dagoe, which are the largest, have the most to lose, more particularly the capital of the former, Arensburg, which still boasts a considerable market for timber, which in former days was still more flourishing than at present. The island of Nargen, off

Revel, is already desolated and deserted. The forest that formerly furnished the inhabitants with firewood for the winter was burnt last autumn, in consequence of taking fire accidentally, about the time our countrymen quitted the island. The Emperor has commanded that henceforth a highway toll shall be levied on all vehicles travelling on the road from Engelhardshoff, by way of Riga and Mittau, to the Courland frontier; the amount levied is for the benefit of the Courland and Lifland nobility and the town of Riga. This impost is described as varying from 4 to 1½ silver copecs for every ten wersts (about six English miles). It was reckoned that this would fall very heavily on the commercial interests of the place, the whole trade being carried on by land, and just now very brisk."

So that the Emperor of Russia, who, they were told, was to be at once coerced by a diminution in the trade with this country, which was described as being so important to him that if the small quantity which now came through Prussia were put a stop to, he would fall down at our feet—the Emperor of Russia had so little regard for that trade that he did not hesitate to put an additional tax upon every vehicle passing along the road by which the produce of Russia was to be conveyed to Prussia. A great part of the exports of Russia consisted of corn, and it was to be supposed, that a diminution in the amount would have a most injurious effect on the revenue of the Russian nobles; nevertheless, the Emperor of Russia had put a prohibition on the export of corn, and seemed to feel, therefore, that the reduction in the revenue of the Russian nobles, which would follow that prohibition, was not likely to be extremely injurious. The noble Lord had referred to a certain order in Council, which he said ought to be rescinded; but what was that order? It was one issued because everybody felt that it was impossible to insist upon all the rights to which the British Government laid claim. We were engaged in war in concert with an ally who entertained different views about the right of search and about the laws regarding neutrals. The British Government, therefore, waived—though they did not abandon—the right to which they laid claim —namely, that by which all goods of an enemy found on board a neutral ship were confiscated. Considering the position of Russia, he did not know that there was any great generosity in doing this, because Russia presented an immense inland territory with comparatively a small seabord, and we might blockade every port she possessed, so that not a single craft could show its nose out of harbour without being taken by the cruisers of both nations. Another Order in Council, which seemed to have raised the ire of the noble Earl, was one the effect of which was said to be to allow English subjects to trade with the foreigner. Now, the Order in Council of the 15th of April, 1854, to which he supposed the noble Lord referred, no doubt did permit all vessels under a neutral or friendly flag to import all goods and merchandise whatever, to whomsoever they might belong, and allowed British subjects freely to trade with all places, wherever situated, which were not in a state of blockade. The only effect of these Orders in Council, however, was, that the English Government waived their rights with respect to enemy's property on board neutral ships, and made it legal for them to bring enemy's property and dispose of it without being liable to confiscation. Suppose, however, these Orders in Council were rescinded, what would his noble Friend propose to do? The noble Lord would then call upon the Government to insist upon searching every vessel which came out of a Prussian harbour, and to arrest and seize all property found on board those vessels which the owner could not disprove was Russian produce. But merely rescinding your Orders in Council was not sufficient to do this. By the Customs' laws of this country all manufactured articles—and a very slight process was necessary to give them this character—were considered the produce of the country from which they were exported, and he was afraid that the mode of meeting the difficulty by a certificate of origin would be entirely illusory. His noble Friend had stated that the returns quoted by him (Lord Stanley) on a former occasion were "cooked" and were entirely fallacious. Now, he was at a loss to understand in what respect those documents were wanting in correctness; but his noble Friend a few days ago had moved for returns which he now held in his hand, showing the importations of hemp, flax, and tallow, the three principal articles of Russian produce, received through the Prussian ports in the first four months of the last three years. With regard to hemp, the increase was certainly very large. In the first four months of 1853 the importation from Prussia was 227 cwt.; in 1854, 323 cwt.; and in 1855, 42,745 cwt. But, on comparing the whole amount exported from Prussia during the last year, and allowing it to be placed to the account of Russia, he found that, so far from the imports of the first four months of this year representing one-third of the amount usually imported in a year, it did not represent one-fourth, or even one-sixth; so that there was every reason to think that the quantity of this article imported from Russia was diminishing and not increasing. The next article was flax, the importation of which he found by this return was only 12,423 cwt. during the first four months of the present year, while in the corresponding period of 1854 it was 58,518 cwt.; and in 1853, 47,617 cwt.; so that, so far as the export of that article through Prussia was concerned, instead of increasing, the trade had been reduced by nearly one-fourth. With regard to tallow, the importation from Prussia during the first four months of 1855 was 144,035 cwt., and in the corresponding period of 1854, 3,694 cwt.—certainly a considerable increase. As regarded flax, the actual decrease in the export from Russia, taking into account all export through Prussia, amounted to no less than a decrease of about 52 per cent. He felt bound to apologise to their Lordships for having so long trespassed on their time, but he could assure them and the country, that Her Majesty's Government felt as strongly as the noble Earl who had brought forward these Resolutions could feel, the great importance of crippling the trade of Russia and of keeping up a blockade with all the energy and strictness that could be shown by the naval forces of this country. He was satisfied that the commanders of the maritime forces of the country would establish a strict and effective blockade of Russian ports and that the seaboard export trade of Russia would be annihilated. With regard to that portion of the trade of Russia which oozed out through Prussia, he saw so much difficulty—on account of the difficulty of distinguishing that which was Russian produce from that which was Prussian—in devising any scheme which should put an end to it, that he feared to attempt it would be to inflict the maximum of injury upon ourselves for the minimum of injury inflicted on Russia. For these reasons he did not think that it would be prudent to adopt any other step beyond that of establishing and enforcing an effective blockade.

Lord RAVENSWORTH said, the noble Lord had admitted the importance of the discussion and he fully concurred with him in that admission, and, therefore, could not withhold his thanks from the noble Earl who had brought it forward for having given their Lordships an opportunity of considering a matter which had so important a bearing on the question of peace and war, and upon the trade and commerce of this country. The real point involved in the Resolution of the noble Earl, it appeared to him, was how effectually to cripple the trade of Russia, and the question to be decided to-night was, whether all had been done that it was possible to do to effect that object. The noble Lord who had just addressed the House had been somewhat guilty of inconsistency in admitting the importance of this subject, but at the same time leading their Lordships to suppose that the value of the trade of Russia so carried on through neutral ports was not so great to the Power with which we were at war as those who took a different view of the subject were disposed to believe. He could not, he confessed, understand how far the noble Lord meant to assert that it was of comparatively trifling importance that we should continue to permit Russia to export the greater part of her produce through Prussia; but he thought he might assume that it was of importance to Russia as affording an outlet for her produce, which in a large measure provided her with resources for carrying on hostilities against us. In the present and previous discussions which had taken place on this subject he considered that two points had been established. The first was, the utter and entire absence of any efficient blockade of the ports of the Black Sea and the Sea of Azoff. The second was, the evasion of the blockade of the Baltic by means of the land traffic through neutral ports. Those two points were established; and he might therefore assume that Her Majesty's Government were not indifferent to their importance. With regard to the second point, an able political article had appeared in one of the newspapers, which, after pointing out the advantage to Prussia from Russian produce being exported through her ports, went on to show that as long as she possessed that advantage it was scarcely possible for her to depart from a position of neutrality. It was, therefore, in his opinion, a matter of serious importance that they should consider whether means could not be devised for reaching the Russian trade so carried on indirectly through the neutral ports of Prussia. The value of that traffic could scarcely be diminished in the eyes of their Lordships by the figures which the noble Lord had cited, and, so far from being of little importance, all the best authorities concurred in the estimate that last year it had amounted to 10,000,000*l*. sterling. The noble Lord had urged that the Government had taken all the means in their power to repress it by a strict blockade. That might be so; but there were two opinions held on the subject of blockade, which it would be well to consider. The more rigid political economists and freetraders, including Mr. Ricardo, who had published an able pamphlet on the subject, urged that the whole question of blockade in these days of free trade and national intercourse, ought to be considered as utterly useless and obsolete, and they urged that it would be wiser to put aside all notions of blockade, and permit the same intercourse, as far as regarded commerce, as existed in time of peace. It might be deemed obtuse and old-fashioned to make the assertion; but he could not help thinking that the principle of free commercial intercourse with a country with which we were at war was as absurd and untenable as for a country to attempt to carry on a great war with a peace establishment. But the Government had taken the medium course between these two extreme opinions; and he must say, with all respect for Her Majesty's Government, that that appeared to him to be by no means the safest course, but one which, on the contary, had led to great inconvenience to our commerce and disappointment to our merchants, while it had tended to the advantage of the enemy and the profit of the neutral trader. What the Government were now urged to do was, to take a step further in their own direction, and, instead of being content with the means they had hitherto adopted for destroying the enemy's trade, to take other measures which would render that blockade what it was not, really efficient. One argument had been used by those who consider the whole question of blockade useless, which he must admit was logically used. They said that unless you had a complete blockade you could only deprive your own merchants of the advantages they before enjoyed from the enemy's trade, while you left it free to neutral ships to carry on that trade without impediment and to the advantage of the enemy, so that in such a case it might be urged that the expense and trouble of a blockade were all thrown away. The noble Lord the President of the Board of Trade, in answering the noble Earl, asserted that there had been a reduction of the exports of Russian produce, and read some returns which supported, although he (Lord Ravensworth) must say in a very small degree, the assertion of the noble Earl. The President of the Board of Trade argued that a diminution of Russian produce had taken place. Perhaps it had; but was that any reason why it should not be still further reduced? [Lord STANLEY of ALDERLEY: I spoke of the trade through Prussia.] The Russian trade flowed through Prussia; but he contended that so far from there having been any diminution, there had been an enormous increase by the overland carriage of produce from Russia to neutral ports. The noble Lord had referred, as a proof of diminished exports, to the prohibition placed by the Emperor of Russia on the exportation of corn from Russia; but the fact was, the Emperor wanted that corn kept in the country to feed the immense armies he had raised. But to show the importance of this indirect trade to Prussia, he would read a return as to the manner in which that Power had availed herself of the Order in Council of August, 1854, which permitted Russian produce to be imported into this country in neutral bottoms. In the year 1853 the exports of tallow from Prussia were 54,000 cwt.; in 1854 they were 253,205 cwt. Her exports of hemp in 1853 were 3447 cwt., and in 1854 they were 366,220 cwt. Her export of flax in 1853 were 242,383 cwt., and in 1854, 667,879 cwt. Her exports of flax and linseed in 1853 were 57,848 quarters, and in 1854, 116,227 quarters. He thought these figures sufficiently proved the value of that export trade to Prussia, and so long as that trade was carried on through Prussian ports, so long would the war be popular and profitable to Prussia; and so long would that country resist any attempt by diplomacy, or any other means we could use, to bring her into that great European alliance on which we must depend for diminishing and controlling that colossal Power with which we were at war. Having shown the extent and value of the trade through neutral ports, he would now direct the attention of their Lordships to the mode by which that trade might be restricted. He simply should propose that Her Majesty should be advised to impose a duty of from 20 to 25 per cent *ad valorem* on all cargoes of Russian produce imported into this country in ships of whatever nation from all ports in the Baltic and Black

Sea. He could see no sort of objection to such a proposition. We were at war with a great Power, and with that Power a great trade was carried on. It was our interest at once to choke that trade in their own ports, if possible, and if we could not blockade their ports effectually, we could impose a duty on cargoes coming from these ports, while, if not equivalent to a prohibition, would throw an additional burden on Russia, tend greatly to restrict her commerce, and swell our own resources. He could see no practical difficulty in the way of such a course. It would act as a vigorous home-thrust at the resources of the enemy, and at the same time prove a great encouragement to British enterprise; because it had been clearly proved by all the authorities who had spoken on the subject that almost all the articles now procured from Russia could be got from other parts of the world, and especially from our own Colonies. He believed that India alone, if its resources were properly developed, and if encouragement were given to the growth of its fibrous plants, would supply an ample quantity for all the demands of this country. In the paper which he held in his hand, *The Calcutta Review*, there was a list of thirty-one fibrous plants, all of which were found in great abundance among the productions of India, and, with very little cultivation, would yield any quantity of fibre which our manufacturers might need. The writer added, that among the many important questions which were now pressing upon the attention of the country none was more important than the means of providing an effective and ample substitute for Russian flax and hemp; for if there was any advantage obtained by war, it was in the development of trade in new quarters consequent upon the restrictions imposed on the trade of the belligerent Power. He thought the suggestion he had made to the Government was worthy of consideration, because, if restricting and discriminating duties levied in our ports would lead to a diminished supply of the articles in question, it would give encouragement to the trade of India and of our Colonies. It might be urged that it would be an artificial encouragement, and inconsistent with the principles of free trade; but the paramount object was to put a stop to the war. That was the point to which all our efforts and all our energies should be directed, and, as to any future inconvenience which might arise from any undue encouragement to other parts of the world, great corresponding benefits would accrue. Any increase of commerce with India would have the effect of increasing the internal communications of those productive regions, and that would be an advantage which would not cease with the present emergency. It would be the means of stimulating the undeveloped resources of those mighty countries in a manner which no immediate calculations could adequately represent. Even supposing some inconvenience arose from the measure, that inconvenience would be slight and trifling compared with the object they had in view. But was inconvenience to commerce the only inconvenience of war? Was there no inconvenience in raising by taxation an annual sum of 81,000,000*l.*? Was there no inconvenience in adding by one stroke of the pen 16,000,000*l.* to the already accumulated debt of the country? Was there no inconvenience in approximating to a 10 per cent income tax? All these inconveniences would have to be endured so long as this unhappy war should continue; and was the hypothetical inconvenience of one small branch of the community to be set against them? Having had some means of ascertaining the feelings of the commercial interest, it was his firm belief that any vigorous step for the purpose of concluding the war would, whatever temporary inconvenience it might inflict, meet with their general assent and approbation. Let them look at the character of the enemy with whom we were engaged, and the sacrifices he had already made, to gain his ends. The noble Marquess (the Marquess of Lansdowne) had stated on authority, which he had termed unquestionable, that not less than 240,000 of the enemy's troops had already perished in these campaigns; and yet, so far as he could judge from the papers which had been laid on the table, it was evident that the Russian Ministers had gone to the Conference at Vienna without any intention from the beginning of bringing them to an amicable termination. With an enemy of that description they should be prepared to meet him on all points. This war was not a mere territorial war, but also a commercial war, and throughout the whole of his dominions the effect of the restriction he (Lord Ravensworth) had proposed would be felt. He desired that England should make her power known and acknowledged throughout the whole Russian empire. It should not merely be said that she had to dread the power of our arms by sea and land, but that she should know also the value of our commerce; and the Russian agriculturist, as well as the Russian soldier, should know the power of this great country; so that the same apostrophe might be addressed by the Russian cultivator which was addressed by the Roman poet to the Goddess Fortune—

> "Te pauper ambit sollicitâ prece
> Ruris colonus; te dominam æquoris
> Quicumque Bithynâ lacessit
> Carpathium pelagus carinâ."

LORD WODEHOUSE did not say that arguments of considerable plausibility and weight could not be urged against the policy adopted by the Government, but he maintained that, when that policy was fairly considered and more narrowly examined, it would be found to be both wise and effectual. It appeared to him that it had altogether been forgotten by his noble Friend that one of the objects which Her Majesty's Government had in view in promulgating the Orders in Council was, that we might be in strict agreement with our ally the French in the conduct of the war. Considered as a matter of national law, there could be no doubt that, being a belligerent Power, we possessed the right of searching neutral vessels for enemies' goods, but the question was whether, when we were engaged in operations in alliance with a country whose maritime laws were not the same as our own, and considering that the strict exercise of the right might involve us in difficulties and disputes with neutral Powers, it was not wise to waive that right to a certain extent. The noble Lord who spoke last complained that the blockade had not been effectually carried out in the Black Sea and the Sea of Azoff. He (Lord Wodehouse) must venture to doubt that statement, for from the 1st of February, when the blockade of those seas was announced in *The Gazette*, Her Majesty's Government lost not a moment in enforcing the blockade, and he would express his belief that before long there would not be a single Russian port which was not effectively blockaded. Another plan to which allusion had been made, not so much in that House as out of doors and in another place, as a means of stopping the trade with Russia, was the establishment of the system of certificates of origin. It was, however, obvious to all who had considered the subject, that the evasion of those certificates, either by converting the raw material into manufactured articles, by procuring false certificates, or in a hundred other modes, was attended with so little difficulty that such a system must prove ineffective; take the article of tallow, for instance, the large importation of which was certainly remarkable, and which it was their great object to stop; yet tallow was the very article which it was most easy to convert either into stearine or some other manufactured article, so as to render certificates of origin perfectly useless. Neither was the plan of imposing a restrictive duty of 20 or 25 per cent on all produce imported from ports in the Baltic or Black Sea a sound one; for the importation might easily be made to various neutral ports in other States—to Amsterdam, for instance, and thence to England, so as to evade the duty, and the effect would be that we should be inflicting the maximum injury upon this country without inconveniencing Russia. With regard to the returns alluded to, no direct inference could be drawn from them, because one set referred to the whole year, while the other related to only four months, and the increase in the Russian exports for four months before April could easily be explained, for the noble Lord had overlooked the fact, that, whereas the ordinary course of Russian trade was by sea, and the ports were not usually open before that month, in the present condition of the trade of Russia the conveyance was all overland, and the most favourable time for transit was the winter; so that there would naturally be an increase in the imports of Russian produce from neutral ports at the beginning of the year. The question was not one of free trade or protection—considerations which could not be allowed to enter into a war, but simply as to the means of inflicting the greatest injury upon the enemy. Upon the whole, he considered the policy pursued by the Government had been a wise one, and that it had been attended with beneficial results.

LORD BERNERS had, on the 6th of March, when he brought forward a Motion with respect to the exportation of munitions of war, been informed by the noble Earl the President of the Council, that the Prussian Government had given an assurance to Her Majesty's Government that they would take steps to put a stop to the transit of warlike materials; he wished to know whether the Government now entertained any expectation that those assurances would be fulfilled.

Lord COLCHESTER observed that the real question was, by what means the trade of Russia could be most injured. The noble Lord opposite considered that the object had been best attained by issuing the Order in Council, while the noble Mover of the Resolution and his noble Friend behind him (Lord Ravensworth) thought that that in itself was insufficient and had failed to effect the purpose intended. It was clear that the Orders in Council had not had the effect of stopping the Russian trade. It was well known that there were two great principles always adopted in warfare—one that a belligerent might follow an enemy's property wherever he could find it, and the other that free ships made free goods. It appeared to him that the blockade of the Baltic, although vigorously maintained, had failed in its object, and that the effect of a continued blockade there would be of no use while Russian produce could be conveyed over land. He, therefore, upheld that it would have been consistent with the law of nations if the old principle of warfare had been continued, and to have extended the Orders in Council so that no Russian goods could have been exported from any neutral port in the Baltic. He thought that out of the recommendations made by the noble Earl (the Earl of Albemarle) and the noble Lord (Lord Ravensworth), measures might be taken to effect more completely the object they had in view—the destruction of the Russian trade.

Earl GRANVILLE: In answer to the question put to me by the noble Lord opposite (Lord Berners), I am informed by my noble Friend the Foreign Secretary, that he has no official knowledge yet of the practical result of those measures which the Prussian Government have engaged to take relative to contraband of war. With regard to the plan of the two noble Lords, they have been so conclusively answered by my two noble Friends near me, that I will not injure the effect of their speeches by dwelling on the subject. With regard to searching all vessels that trade with the Baltic, to see whether they have enemy's goods in them, I think it would not be advisable at any time; but I will ask noble Lords to consider whether in a war like this, undertaken with disinterested objects, and one in which we wish to have the sympathies of the world, we should be likely to secure that sympathy and moral support if we were to give instructions to our cruisers to search Dutch, Belgian, Swedish, Danish, Spanish vessels, and vessels belonging to the United States, in order to find out whether they had Russian property on board. Even if it were wise to do anything so offensive and so likely to lead the rest of the world to sympathise with Russia instead of against her, I believe you would fail in your object, because, although there was some confusion in the noble Lord's speech (Lord Ravensworth) with regard to the distinction between Russian produce and Russian property, yet there is the greatest distinction between them. You may seize a cargo of Russian tallow, but you would probably find that it had been paid for by a Pomeranian Jew or a Greek, who, I believe, usually advance money upon these articles; and, although you may find that Russian property in any vessel, yet, by your international laws, you are utterly incapacitated from taking them. With regard to the question of blockade, which was brought under the notice of the House by a noble and learned Lord not now in his place, I sent him an enclosure from Admiral Dundas; and his answer was—that, as far as he was concerned, if he had been aware of the facts thus conveyed to him, he should not have made the remarks which he addressed to your Lordships. It would, however, probably be much more satisfactory to your Lordships if, instead of discussing the past, I were to show the state of things which at present exists. I will, therefore, read an official document which will show the orders given to our admirals in the White Sea, the Baltic, and the Black Sea—

> "With respect to the blockade in the White Sea, on the 1st of May, 1855, the coming-off squadron was directed, in his orders, to establish a third blockade of the ports of Archangel and Oregon, and not to fail to communicate the earliest information of any blockade which shall have been *de facto* established. No notice of this blockade has yet been received. In the Baltic, Rear Admiral Dundas, in his orders of the 7th of April, 1855, was directed to establish a strict blockade of the Gulf of Finland (on arrival in the Baltic), as well as of the Russian ports in the Baltic and in the Gulf of Bothnia. The Gulf of Finland, from Hango Head to the Dagerort and all the Russian ports from the Dagerort to the Filsand light, were placed in a strict blockade by a competent force on the 28th of April. With reference to the blockade in the Black Sea on the 4th of January, 1855, Admiral Sir E. Lyons was

directed to take care to give requisite notifications after blockades have been instituted, and to be careful that the blockades are instituted by the 1st of February next. On the 10th of January, his attention was called to the above, and to the necessity of blockades being established *de facto* by the 1st of February. On the 14th of January, he was informed that, by the letter of the 22nd, their Lordships entirely approved of his establishing an effective blockade. On the 1st of February, 1855, the allied naval forces in the Black Sea put in execution the blockade of the river Dniester, the ports of Akerman, Ovidiopol, and Odessa; the ports Ochahoff Point, Kimbonrow, including the ports of Nicolaeff and Cherson, the rivers Boug and Dnieper, also the ports between Kimbonrow and Cape Tarhan, including the ports in the Gulf of Perekop, the port of Sebastopol, the ports comprised between Cape Aia and the Straits of Kertch, including those of Yalta, Aloutcha, Soudah, Kaffa, and Theodosia, the port of Kertch, the Straits of Kertch, the entrance to, and all the ports in, the Sea of Azoff, including especially the ports of Berdianski, Taganrog, and Arabat, the river Don, and the ports of Anapa and Soujak. The ports of Eupatoria, Strelitza, Kamiesch, Kazatch, and Balaklava, are and will remain open, free from blockade, until further orders."

I hope your Lordships will pardon me for having given this explanation.

The Marquess of CLANRICARDE said he thought an efficient blockade of the White Sea was a most important point for consideration, but, if it were intended to establish an effective blockade, the vessels which were to be employed for that object ought to have been despatched from this country at least a month earlier than they had been. There was open water in a part of the White Sea all the year round, and the blockading force might have been ready to act, and to prevent all commerce from taking place in it the moment the navigation became open. He also felt bound to say that the force sent out to establish the blockade of the White Sea appeared to him utterly incompetent and insufficient for the service to which it was appointed, and he wished to call the serious attention of noble Lords upon the Treasury bench to this subject. He did not know whether the French intended to send out any auxiliary force, but he was convinced that our present force was entirely insufficient. It consisted of the *Leander*, an old frigate of 44 guns; a very good steamer of 200 tons and 8 guns—the *Phœnix*, he believed; and two other vessels carrying a few guns. In approaching the ports of the White Sea so small a force would be exposed to considerable danger, because it was perfectly well known, from the observations of our fleet last year, that, though there was no large naval force in the White Sea, there were two or three large vessels—steamers drawing little water, and efficient boats in those seas—and there were about forty gunboats, each carrying a very heavy gun. If, therefore, any mischance happened to the blockading fleet, if a sailing vessel got becalmed or a steamer run aground, considerable risk would be run. The uncertainty that prevailed last year with respect to the course that was to be pursued was very detrimental to British interests, and no less than 670 vessels were allowed to sail from Archangel before the blockade was instituted. No uncertainty as to the course to be taken ought to prevail at present, and he could only regret that the White Sea fleet had not sailed at an earlier day. With regard to the Resolutions now before their Lordships, the noble Baron who spoke upon the other side of the House (Lord Ravensworth) seemed to consider the matter under debate as a question of the best mode of crippling the trade of Russia. From the various opinions expressed upon the subject, he thought there would be very little chance of coming to any definite conclusion upon that point:—but that was not the real question for consideration now; and, though it might be useful to discuss that subject, the real question they were called on to decide to-night was, whether or not they could feel any confidence that the Government were determined to do their best under all the circumstances of the case. He rejoiced that it was not intended to revive the practice of searching neutral vessels, and he was glad to hear the opinion of the noble Earl (Earl Granville) that it was inexpedient to adopt that principle in the present war. [Earl Granville observed that he had not given any opinion on the subject.] He had understood the noble Earl to say that it was not expedient in the present war to assert the right of searching neutral vessels and he had also understood him to refer to the Orders in Council, which announced that the belligerent right of searching neutral vessels was suspended, though not entirely resigned. For his own part, he was inclined to go a little further, because he did not believe that any maritime Power would hereafter venture to assert a right of searching neutral vessels, unless she was prepared to go to war with every civilised nation in the world engaged in commerce. No doubt it was of great importance to injure the trade of Russia as much as possible; but it appeared that last year the trade of Russia was carried on nearly to as great an extent as before the war commenced. At this moment, he believed, there was nearly as much Russian produce in this city as the average quantity in former years—there were 40,000 casks of Russian tallow in London, which was about the average annual importation; and with regard to linseed, a greater quantity had been imported last year than in any previous year. Prussia was of course the great gainer, and undoubtedly it was to her interest, so far as the Russian trade was concerned, to maintain her present position. Large sums of money had been expended both by the Russian and Prussian Governments in order to afford facilities for the transit of goods by the overland route; but it was a grave question for their Lordships to decide whether the country should or should not go to war with Prussia in order to enforce a more strict blockade. The trade of Russia consisted of two kinds—that of raw produce and of manufactured goods. The latter trade was carried on overland with Asia, and with it we had not in the slightest degree interfered; the former was with Europe, carried on by Sea, and through Prussia, and this had not yet been affected to any appreciable extent. He was sure the noble Lord opposite would not attempt to enforce the old maritime law, and to run counter to the maxim, that free ships make free goods. In point of fact, though we had abstractedly maintained this doctrine, within the last two centuries, it had been more frequently suspended and laid aside than it had been enforced, and it had been laid aside by treaty with every maritime country in Europe during the last century. It would be a most dangerous doctrine for this country to endeavour to reassert; and the noble Earl opposite, if he was in power at this moment, would never attempt to enforce that doctrine. Although he thought this discussion might be of service, as showing how ready this country was to take all proper means of carrying on the war, yet it was not prudent for them to lay down a doctrine that no noble Lord had yet shown any practicable mode of carrying out. They had been told by the Government that there was to be an efficient blockade of the Russian ports, and, though this would not entirely cripple the enemy's trade, he took it as an assurance that the Government were determined to injure that trade by every sound and legitimate means in their power. If, therefore, his hon. friend pressed his Motion to a division, he should feel bound to vote against it.

Earl GREY: Though I think the speech of the noble Earl who proposed this Resolution has received a complete answer, and that my noble Friends, the President of the Board of Trade and the President of the Council, have shown, as completely as it is possible to do, that the various plans proposed for further restricting the trade of Russia would fail to accomplish their purpose, still the importance of this subject seems to me so great, so serious an evil would arise if this House should give any countenance whatever to the dangerous and mistaken policy of attempting to put any further restriction upon the trade of the world for the purpose of injuring the enemy, that I must ask your Lordships' permission to say a few words, in order to point out some of the bad consequences of such a policy which do not appear to me yet to have been sufficiently dwelt upon. Two different plans have been proposed for further restricting the trade of Russia. First of all, there are, it is said, restrictions which we may adopt at home. This course is suggested by the noble Lord opposite, who proposed to impose a heavy differential duty upon all produce, whether Russian, or belonging to other countries, coming from certain parts of the continent. [Lord Ravensworth: On certain enumerated articles.] Just so; and I am informed that our reciprocity treaties now in force would not necessarily prevent the adoption of that course. My noble Friend the Under Secretary of State (Lord Wodehouse) has, however, forcibly pointed out, that all you would do by this would be to drive the producers to send these enumerated articles to a neighbouring port. They would have no occasion to send them to the United States, but they might send them to Rotterdam, to Ostend, or some such port; or they might get New South Wales' tallow, mix Russian tallow with it, and so bring it in in defiance of the prohibition. Thus all you would do would be to make a very trifling addition indeed to the inconvenience which the importer of these articles would have to undergo. Assume for a moment, however, that you succeed in your proposal, and make these articles so much dearer to your own consumers. What would be the effect of this? What is it that has carried us so far through the present war with less suffering than is usually entailed by war? What is it that makes our revenue steadily increase, and renders the people of this country able to submit to the enormous burdens which you have found it necessary to impose upon them. What has enabled us to do all this is simply that this war has interfered less than most wars with the general commerce and industry of the country, and that, in spite of the existence of this unhappy struggle, though they are subjected to a certain degree of pressure, trade and commerce continue to flourish. But what would be the effect of increasing the price of these articles—articles of raw produce, remember, which are of the first necessity in carrying on some of the most important branches of your domestic industry? The great branches of trade and manufacture for which these articles are indispensable will be immediately carried on in foreign countries, in advantageous competition with yourselves. You will drive abroad skill and capital from this country, and you will raise up trades in foreign countries to compete with your own. For let me observe to your Lordships that the circumstances of the present time are totally different to those of the last war. In the last war all Europe was devastated from one end to the other; there was no country in which men could take refuge to engage in industrial pursuits with a feeling of security; and besides this, manufacturing industry had at that time scarcely taken root in any of the nations of the Continent. But what is the case now? Look at Belgium—look at Switzerland, and many other countries which are exhibiting day after day an increasing power of manufacturing industry;—they are already treading on our heels in some branches of industry, and remember that every restriction you adopt which tends to make raw materials dearer here than in these countries, tends also to enable them still more successfully to compete with our manufacturer. Is it, then, wise—is it safe, at a moment when your own people are burdened with all the sacrifices they have been called upon to make, to give to other nations this advantage in the race of commercial and manufacturing competition, by driving these important branches of trade into their hands? It would, my Lords, be easy to point out many more difficulties which would arise if you enter upon this policy of endeavouring to check the trade of Russia by restrictions imposed at home. The effect of placing that kind of differential duty upon goods coming from particular parts of the world is to raise up in this country protected interests, and we know what the consequences of this would be—you create in many persons a great interest in maintaining that state of things, and thus raise up great difficulties in returning to the former system of duties at the termination of the war. I say, then, that you cannot accomplish your object by means of duties imposed at home without doing infinitely more mischief to yourselves than to your enemy. But, then we are told that we ought to revert to the old policy of attacking an enemy's property in neutral ships. [The Earl of ALBEMARLE: No, no; I avoided that subject altogether.] Well, but I heard a good deal from the noble Earl of the repeal of an order in Council, which only says that during this war you shall not take an enemy's property in neutral ships; and, if I mistake not, the great burden of his song was—giving up certificates of origin, which he said were not worth sixpence, in which I perfectly agree with him, for I think they are worth much less than sixpence—giving up these, the noble Earl insisted that this order in Council must be revoked. Now, after what I have stated is the purport of that order, it is perfectly clear that if you are to make any further restrictions, your first step will be to attack the enemy's property in neutral ships, and that you must revert to the old principle of maritime law. Now, are you prepared to take that step? I believe it is one which you can never revert to again, and, in point of fact, if you look back to the history of the last two centuries, you will be unable to find an instance in which any country has submitted to this law, except when it was too weak to resist it. When we consider the vexation and oppression to which of necessity such a law would give rise, is it possible to conceive that any Power would willingly submit to its being carried into effect? Let me, for the sake of illustration, take the case of a ship sailing under the flag of the United States with tallow on board. That ship is boarded by one of your cruisers; it is asserted that the property belongs to an American subject resident in Memel or some other town, and papers are produced to establish that such is the case. Do you suppose that the United States would submit to your entering into the question and deciding it in your courts as to whether the sale of the tallow to one of their citizens had been a colourable sale or a *bonâ* *fide* transaction? It appears to me, my Lords, that the mere statement of the case is enough to prove the impossibility of reverting to such a law. Are you then prepared to enter upon a course of policy which, as my noble Friend the President of the Council has justly remarked, will infallibly embroil you with every neutral State, and which will deprive you of that sympathy which, at the present juncture, is of so much importance? Upon this subject, my Lords, history teaches us some useful lessons, and, I must say, that I was surprised to hear the noble Earl, who has brought this subject under the notice of your Lordships, advert to the case of the great Revolutionary War with France, and the commercial policy pursued during that memorable struggle, as an example of wisdom which it would be expedient at present to follow. I will not enter into details, but the broad results of that system of commercial policy I think every man is acquainted with. With regard to ourselves, the enforcement of our belligerent rights, as they are called, involved us in a calamitous war with the United States, and raised against us feelings of hostility over the greater portion of the world, and it also gave rise to a feeling, which even yet is not entirely dispelled, that England is disposed to make use of her great naval power in a manner tyrannical to other nations. Why, even at home, the grievance of the celebrated Orders in Council was such that they were eventually broken down and repealed, in spite of the opposition of a very powerful Government. How did the adoption of such a course of policy succeed in the case of the first Napoleon? The whole continent of Europe was practically under his domination, and his orders were received from one end to the other. Napoleon issued the Milan and Berlin Decrees against commerce, and I think that all the most intelligent observers of the events of those days concur in thinking that it was mainly to the attempt to make war upon this country by compelling all Europe to submit to a most galling system of commercial restriction that the fall of that great man was owing. The effect of the restriction which he imposed was felt an intolerable oppression and annoyance in every household in everyday life, and it was the operation of that system which created that intense feeling in Germany and in Russia which was eventually the main cause of the fall of Napoleon. Mr. Ricardo, in one of his able works, has stated that the population of Russia, in the war against France, were actuated, in the support they gave to their own Government, by the feeling of animosity engendered by the commercial restrictions imposed by Napoleon. These are examples which history affords us; and let me ask your Lordships, will you, with these examples before your eyes, commit the folly of reverting to a policy which we see has been so disastrous in its results; or will you blame a Government for not acting upon such insane policy? I have observed, with more regret than I can describe, that this Motion of the noble Earl behind me appears to be adopted by the powerful party opposite, and I must say, that in adopting it they incur, I think, great responsibility. I think that they incur a grave responsibility in giving any support to those Resolutions, while they give so little explanation of the reasons by which they have been led to take that course. They have, in adopting this course, given your Lordships new reason to rejoice that the division of last night was such as not to bring into the councils of Her Majesty noble Lords who are prepared to adopt a course of policy so short-sighted and pernicious as I have described. If this Resolution is to be supported by noble Lords opposite, it would make me regard their accession to office not merely with regret, but with dismay. It is by such measures of ill-advised and unreasoning hostility in pursuing an enemy, without considering what would be the effect on the rest of the world, that a great empire might be brought to destruction, and I can only repeat that, if noble Lords opposite support such a policy, I can only view with increased satisfaction the vote at which your Lordships arrived last night.

THE EARL OF DERBY: My Lords, it was not my intention to have troubled your Lordships with a single word upon this subject, nor should I have felt myself called upon to do so, or, indeed, justified in doing it, if it were not for the very extraordinary speeches which I have this evening heard delivered by a noble Marquess (the Marquess of Clanricarde) and by the noble Earl who has just sat down. The noble Earl has infused into the discussion a little more of that party acrimony and political animosity than has been apparent in the course of this debate, for up to the time when the noble Earl rose to address your Lordships the discussion was singularly free from those elements. At the same time I am at a loss to know by what perverse ingenuity the noble Earl has persuaded himself that, by assenting to this Resolution, the party with which I have the honour of being connected—a party which appears to be a special object of animosity to the noble Earl—does in any way pledge itself to doctrines which he considers so dangerous, and the dangers and evil consequences of which he has depicted with all the colours of his vivid imagination. I know not, my Lords, by what parity of reasoning the noble Earl has persuaded himself from anything that has occurred in the course of this discussion, that by supporting the present Resolution we have been advocating the principle of exposing this country to the risk incurred by Napoleon from the discontent and dissatisfaction of the nations of the world, who felt their commerce and their industry destroyed and stifled by the oppressive character of the Berlin and Milan decrees. I know no parity between the two cases; I know no risk which the country would run by this Resolution being adopted to its utmost extent; I know no consequence which could arise which would be productive of danger to the country; but, on the contrary, I believe that every man in this country, with the exception of the noble Earl, has come to the conclusion that while the people of this country would willingly submit to the greatest sacrifices, the greatest privations, and the greatest losses, provided those losses and those privations, carried on and inflicted on the enemy by a Government of energy and determination, tended to bring this war to a speedy and honourable conclusion. But, my Lords, with regard to the Resolution itself, which the noble Earl says the Conservative party incur so great a responsibility in supporting, it appears to me to be very nearly approaching to what is called a truism. The Resolution simply declares,—

> "That it is the opinion of this House that, in order to bring the war with Russia to a speedy termination, it is necessary to restrict the trade with that country by more efficient measures than any which have hitherto been adopted or announced by Her Majesty's Government."

Well, therefore, the noble Earl talks of the Berlin Decrees, the adoption of the old maritime system, the danger of a conflict with the United States, and God knows what. Why, there is not a syllable about any of these things in the Resolution. But what is the Resolution? I have already stated its terms, and I am ready to admit to the noble Earl—if he will accept any admission from me—that, more especially considering the circumstances of our alliance with France, which has been adverted to in the course of the discussion by some of Her Majesty's Ministers, I should be the last man to advise that we should place ourselves upon a footing with regard to belligerent rights which would be at variance with the course adopted by France. I am far from contending that in the present circumstances of the world it would be advisable or safe for the purposes of this war to adopt or to enforce the old maritime law of this country, which might expose us to serious risks of increasing the number of our enemies, and might place in opposition to us the neutral Powers of the world; but there is nothing of that kind in the Resolution of the noble Earl. I have been much struck by the variety and by the direct contradiction of the arguments which have been used by the various noble Lords who have opposed the Resolution. The noble Marquess, indeed, (the Marquess of Clanricarde), made a speech, from the greater part of which I thought that he was about to assent to the Motion of the noble Earl, for the whole point of his argument was that the blockade had hitherto been very imperfectly conducted—that the trade of Russia had in fact not been crippled as it ought to have been; that it was the duty of this country to cripple the trade with Russia to the utmost possible extent; that even now the blockade of the White Sea was insufficient in point of amount and too late in point of time; that we had done nothing to check the trade with Russia, and that it was going on with undiminished activity through Prussia. If, up to this time, however, the measures which have been taken have been inadequate—if the trade through Prussia is unchecked—and if it is admitted by the noble Marquess that it is an object of primary importance to cripple the trade with Russia—the natural conclusion is that he would agree with the noble Earl that it is an object to bring the war to a termination "by more efficient measures than any which have hitherto been adopted or announced by Her Majesty's Government." The noble Marquess concluded, however, by saying—

> "It is quite true that nothing has been done; it is quite true that more effective measures ought

> to be taken; but, inasmuch as I have so great confidence in the Government that, in spite of all I have seen, I hope that more efficient measures will be taken, I will not join the noble Earl in expressing an opinion that more efficient measures ought to be taken."

But the noble Marquess is entirely at variance with the noble Lord the President of the Board of Trade, who states that most efficient measures have been taken. He says—

> "You do not know how much the trade of Russia has been crippled. You will see very shortly that the trade is stopped. You may fancy that produce is coming in, and that the markets of London are glutted with it; but, in point of fact, we have taken such steps that trade in Russia is at an end; and the people of Russia are suffering the greatest distress from the stoppage of their trade."

That is a discrepancy between the noble Baron and the noble Marquess which I leave them to settle between themselves. Then comes the noble Earl who spoke last, and what does he say? He agrees with the noble Mover of the Resolution that the trade of Russia, through Prussia, is going on in the most flourishing manner, and with the greatest advantage to the latter Power; and he says that, in the first place, we cannot check it; and that, in the second, we ought not if we could; but he adds that it ought not to be checked. He says that to stop the trade through Prussia you must either resort to the principle of the old Berlin decrees and check and paralyse the whole commerce of the world—you must have recourse to a violation of the rights of neutrals and of the old maritime code, or you must interfere by means of the imposition of duties. Now, I will discard the first alternative at once; and I ask, what does the noble Lord say with regard to the imposition of financial restrictions? He admits, at first, that those financial restrictions are means which we have entirely within our own power—that there are no treaties of reciprocity which throw any difficulties in the way of the principle contended for by my noble Friend behind me of the imposition of differential duties upon articles of Russian produce imported from the Baltic or from the Black Sea. But he says, "How do you mean to carry into effect those financial restrictions?" He treats with great contempt certificates of origin and all regulations of that kind. I do not mean to say that those cretificates of origin may not be evaded and falsified, and rendered comparatively ineffective; but I say that every obstacle which you place in the way of the trade of the enemy does so much the more towards obtaining your object of putting a pressure upon your enemy. But what does the noble Earl say to the proposition, or rather the suggestion, of my noble Friend of imposing differential duties upon produce of particular descriptions coming from those two quarters. He says—

> "You will only drive them to take their produce a little further by land, and they will in future take it through Prussia, from Prussia to the ports of Holland and Belgium, and from those places they may import it into this country."

True, they may; but does the noble Earl, who has calculated so closely the disadvantages and consequences of raising the price of the raw material, think that that further land passage and further transhipment and more extended voyage would not have a most material effect in checking the import of that produce, and of so increasing its cost as to place it at immense disadvantage in competing with produce of the same kind, which the noble Earl (the Earl of Albemarle) has shown could be supplied from other countries even more extensively than from Russia. No doubt, if of tallow, of hemp, and of flax Russia had the exclusive monopoly, instead of supplying only one-tenth, we should be inflicting a grievous injury upon ourselves by excluding all importation; but when the Russian produce, consisting of one-tenth, is brought into competition with the other nine-tenths, and you increase the difficulties and expense of transit of the one-tenth, you put a most decided check upon Russia, and you encourage the cultivation and importation of the other nine-tenths. But the noble Lord the President of the Board of Trade lays the greatest possible stress upon the application of that very principle. He says that it is by the more extended transit and lengthened passage that you practically do what he desires to do—and what every one desires to do—always excepting the noble Earl (Earl Grey) — namely, cripple the trade with Russia as an effectual means of carrying on the war in which we are engaged. The President of the Board of Trade lays great stress upon that principle; but the noble Earl says—

> "If you do that, what will be the consequence? You will raise the price of those articles to the people of this country; you will expose them to undue competition with foreign manufacturers, and will create a great amount of dissatisfaction among the population."

But if that argument is good for anything, it is good for everything—it is as good against blockades as against all restrictions of any kind soever. The principle is, that you must not raise by financial restrictions the price of Russian produce in this country—that you must not check Russian trade, but that you must foster and encourage the commerce with that country in spite of the war. Then, away with your blockades at once; do not let us go to the expense of blockading—or let us hear no more the argument in this House that you cannot prevent Russian trade, and that you ought not if you could. The speech and arguments of the noble Earl are absolutely destructive of the whole policy of the Government, in attempting to impose restrictions on the commerce of the enemy, destructive alike of the system of blockade and of the system of restriction, however you may attempt to check, thwart, or control the trade of Russia. Those are the doctrines of the noble Earl; those are not the doctrines of the House of Commons, or of the House of Lords; they are not, I will venture to say, the doctrines of the people of England; and to attempt, upon such doctrines and such principles, to conduct a great war with a powerful nation is of all conceivable absurdities the most absurd. One word, before I sit down, upon another point. What says the noble Marquess against the prohibition imposed by financial duties upon the transit trade of Russia? He says that it is a measure of all but direct hostility against Prussia, and that it would be next door to provoking Prussia to go to war. At the present moment the feelings and the sympathies of the people of Prussia are strongly in accordance with the Western Powers in spite of the opposition of their Government; but there is one principle, one question, which may exercise with the people of Prussia an influence adverse to the Western Powers and favourable to the continuance of the present state of things, that is the pecuniary interest derived by Prussia from the profitable trade which is driven in Russian produce arising out of the facilities offered her by the present state of the law respecting neutrals, and which may tend to destroy any sympathy that she might otherwise feel. Deprive her of that advantage, impose commercial restrictions that will take away that artificial stimulus, and destroy the profit she derives from the existing state of things, and so far, in my judgment, from that being a motive on the part of Prussia to a hostile feeling against you, you may depend upon it that the result upon her, because upon the interests of the people of Prussia, will be, that they will feel that it is much safer to be on friendly terms with England; and feeling the screw which will be placed upon her by the ambiguous position she holds, and will continue to hold under the supposition of the noble Earl, she will be more likely to unite herself cordially with the Western Powers, than she will by continuing in her present position, by which she is obtaining great pecuniary advantages. I will not say in what particular mode, effect ought to be given to the Resolution of the noble Earl, but I do say my noble Friend behind me has suggested a course, safe, practicable, and I believe, effectual—one which is not open to the arguments and objections which have been raised by the noble Earl opposite, but is in accordance with the principles maintained by Her Majesty's Government and by the noble Marquess, and one which I believe would have a powerful effect without interfering with the commerce of the world, and without, except in a trifling degree, deranging the commerce of this country; for the noble Earl has shown that of all articles now of Russian produce we can probably obtain from elsewhere an abundant supply, and that we have abundant stocks in hand at the present moment. I say my noble Friend behind me has shown the mode in which this Resolution may be carried into effect, without being open to the objection of the noble Earl, and in accordance with the principles of Her Majesty's Government; and feeling that the facts which he alleges are almost undisputed, and that the present measures have not been effective, I cannot conceive upon what principle I can refuse to give my assent to a Resolution, the object of which is to carry on the war with vigour, and which states that to effect that object, it is necessary to restrict the trade with that country by more efficient measures than any which have hitherto been adopted or announced by Her Majesty's Government.

EARL GREY, in explanation, said, he had to apologise to the noble Earl who had just sat down, for imputing to him the extremely restrictive principles in favour of which some noble Lord had spoken, and with whose observations he understood the noble Earl to have agreed.

THE DUKE OF ARGYLL observed, that the noble Earl opposite (the Earl of Derby) had stated that the argument in favour of further restrictions on their trade was an argument which, if true at all, told against the whole conduct of the war and the operations of the blockade; but everything depended upon, whether those restrictions resulted from the blockade or from differential duties, for inasmuch as the disadvantages arising from a blockade were disadvantages common to all nations, the disadvantages arising from differential duties were disadvantages under which the people of one country alone were placed. He could not imagine how it was that an argument, the fallacy of which was so apparent, could have been received with such a cheer.

EARL FITZWILLIAM observed that, though he neither felt the apprehensions expressed by the noble Earl on his left (Earl Grey), nor agreed with the strictures of the noble Earl on the other side (the Earl of Derby), he thought the conduct of Her Majesty's late or present Ministers—who were almost identical—had been such as to impose upon him the necessity of voting in favour of the Resolution of his noble Friend, and he did so the more willingly because he believed it would stimulate the Government to throw off their inertness and prosecute the war by more energetic measures.

THE EARL OF ALBEMARLE in reply, said, not a single argument he had used had been answered. True it was, that observations had been attributed to him against which the arguments had been levelled—the giants had been first raised and afterwards killed, but nothing had been urged against the Motion, which remained unshaken.

On Question—

Their Lordships then *divided*:—Content 31; Not-Content 47: Majority 16.

List of the CONTENT.

DUKE.
Montrose
MARQUESSES.
Bath
Downshire
EARLS.
Mayo
Stradbroke
Derby
Malmesbury
Ellenborough
Orkney
Mornington
Bradford
Hardwicke
Eglinton
Lucan
Albemarle
Sandwich
Fitzwilliam
VISCOUNTS.
Bangor
Gough
BARONS.
Colchester
Southampton
Bateman
Willoughby de Broke
Ravensworth
Berners
Kenyon
Rayleigh
Abinger
Colville of Culross
Tenterden
Kilmaine

The Duke of Argyll

List of the NOT CONTENT.

Lord Chancellor
DUKES.
Argyll
Newcastle
MARQUESS.
Clanricarde
EARLS.
Aberdeen
Abingdon
Bessborough
Carnarvon
Clarendon
Elgin
Granville
Grey
Harrowby
Ilchester
Kingston
Minto
Portsmouth
Somers
Yarborough
Zetland
VISCOUNTS.
Canning
Falkland
Sydney
Torrington
BISHOPS.
Chester
Hereford
Manchester
Ripon
St. Asaph
BARONS.
Ashburton
Broughton
Byron
Camoys
Dufferin
Foley
Kinnaird
Lurgan
Leigh
Mostyn
Petre
Rivers
Saye and Sele
Stanley of Alderley
Suffield
Vivian
Wodehouse
Wrottesley

Resolved in the *negative.*

House adjourned to Friday next.

HOUSE OF COMMONS,

Tuesday, May 15, 1855.

MINUTES.] PUBLIC BILLS.—1° Formation, &c. of Parishes; Coal Mines Inspection; Justices of Peace Qualification; Hardware, &c. Manufactures; Mortmain.
2° Alterations in Pleadings.
3° Spirit, &c. Duties (Excise); Sewers (House Drainage).

RAMSGATE, &c., HARBOURS.

MR. MACKINNON: Sir, on the present occasion I feel myself bound in duty to come forward and move for a Committee, or obtain a promise that some steps will be taken to diminish or do away with the charge of tolls on ships, both British and foreign, passing the Channel on one side or the other of the Goodwin Sands. I do so in consequence of the directions of the Committee on Ramsgate Harbour, of which I was Chairman.

As briefly as I can, I will state to the House the facts of the case. About a century ago, the harbour of Ramsgate was concluded, in the 32nd year of George III., an Act was passed by the Legislature naming trustees for Ramsgate and authorising them to levy a duty or toll of from 2*d.* to 3½*d.* per ton on every vessel, British or foreign, that passed up or down the Channel, these tolls to be levied on

British ships when they were cleared from port, and on foreign vessels whenever they entered an English harbour. This ought to continue so long as the harbour of Ramsgate wanted repair, which the trustees took care should always be the case. Not only is this toll most impolitic towards foreigners by making them avoid our harbours and seek refuge in the ports of France or Belgium, but it is most generally felt by the shipping interest, who, according to the Report laid before the Board of Trade, dated July, 1853, are taxed by the passing tolls to the amount of 500,000*l.*, which large sum is paid by that interest without any remuneration or advantage whatever; now, in the Trinity House duties they have the advantage of lights, buoys, and beacons for their shipping. It appears that in 1822 a Committee of this House considered the question, and reported that 1,500,000*l.* had been expended on Ramsgate Harbour up to that period, and since 1822, it now appears that nearly 500,000*l.* more have been laid out, making up the enormous sum of 2,000,000*l.* on that harbour, which evidence before my Committee stated might have been done for less than half that sum—not to exceed 700,000*l.*! What an immense waste of money drawn out of the shipping interest! Now, it appears that the receipts of the trustees of Ramsgate Harbour amount, from tolls levied on ships to about 25,000*l.* yearly, that their income from their capital in the funds, houses, and land near the harbour amounts to about 6,000*l.*, making, together, 31,000*l.* a year; now, it appears from the report of General Williams, of the engineers, that the sum of 7,000*l.* a year is amply sufficient for all the purposes of keeping up and repairing Ramsgate Harbour. On these grounds, therefore, it was recommended by the Committee of which I was chairman, that the whole amount received from passing tolls should be done away, that the trustees should have the power to levy 6*d.* per ton on ships entering the harbour for refuge, which toll would make up, with the 6,000*l.* a year, the income of the trustees, a sum of upwards of 7,000*l.* a year, so that the tolls could be abolished on passing vessels without any deficiency of means in the trustees to repair the harbour of Ramsgate. On these grounds it is, Sir, that I call on Her Majesty's Government to take such measures as may be necessary for bringing about this beneficial result. Before I sit down, let me say that in no manner whatever do I mean to cast the slightest imputation on the trustees; they are all men of high integrity and honour, well-known and respected; their offence is not one of commission but of omission; they all reside in London, go to Ramsgate once a year to eat a good dinner, and then return to town, all the business of the harbour is left in the power of engineers and superintendents, who seem to act as they please without supervision or control, and are constantly pulling down and building up, purchasing enormous masses of stone not required, and expending vast sums of money to little or no purpose. Under this view of the case, convinced as I am that a public benefit will accrue, I now make my Motion, unless the Board of Trade assure me they will remedy this crying evil, which cannot long continue in these days.

Promise made by Board of Trade.

Motion *withdrawn.*

Motion made, and Question proposed—

"That a Select Committee be appointed to ascertain the condition, revenue, and expenditure of the Harbours of Ramsgate and the Cinque Ports."

Mr. BOUVERIE said, that the hon. Gentleman had confined his observations solely to Ramsgate Harbour, and had left the Cinque Ports altogether out of view. He was sorry he could not assent to the Motion of the hon. Member for a Select Committee. The object of any Select Committee must be to inquire into facts, whereas with regard to Ramsgate, inquiry was altogether exhausted. There had been already four several inquiries into the state of that harbour, and his opinion was that they should now be prepared to deal with it. The harbour was maintained mainly by a toll levied upon the shipping passing up and down the Channel. These tolls produced a very large revenue, but in 1850 a reduction of them was made to the amount of 4,600*l.* a year, and in 1852 they were further reduced to the amount of 5,000*l.* per annum. The tolls now levied were 63 per cent less than the rate which the trustees of Ramsgate Harbour were allowed to levy. The trustees, therefore, deserved credit for the endeavours they had made to lighten the burden on the shipping passing Ramsgate harbour. This Motion respecting Ramsgate harbour practically involved the question as to the propriety of passing tolls, and they could only be justified on the principle that the bulk of the passing shipping on which the tolls were levied derived some benefit from the harbour or the lights. To a certain extent, he thought it had been clearly made out that ships passing Ramsgate did derive benefit up to a certain amount of tonnage. A very large number of ships took refuge in the harbour from the Downs, and upon those ships no more than the passing tolls were levied. The Downs, which constituted the greatest anchorage in this kingdom, were thus relieved of the presence of many ships with which they would be otherwise encumbered, and he thought it would not be desirable to take away from the harbour all sources of further existence. If the tolls were taken away the harbour must be maintained from other sources. In short, Ramsgate harbour must have a revenue, and that was just the difficulty. At present the harbour was not in an efficient state. Works absolutely necessary were in the course of construction, and others were required, and thus a considerable extraordinary expenditure was occasioned. When they had put the harbour in an efficient state, there would arise the question of how it was to be maintained. By dint of other sources of revenue, by the aid of the property the trust already possessed, and by the continuance of the passing tolls for a limited period, the necessary funds might be provided, and at the same time relief be given to ships from the pressure of the tolls; but the best way would be to alter the management of the harbour, which was now in the hands of independent trustees—gentlemen of high character—mostly men of business in London, but who, from their other avocations, were unable to give all that attention to the concern which it required. He was prepared, therefore, to propose, and hoped in the course of the present year to be able to lay on the table of the House, a Bill to provide for taking away from the present trustees the management and direction of the harbour, and vesting it in another authority under the control of the Board of Trade. When that was done, the Board of Trade would be able to ascertain how far the extraordinary expenditure of the harbour was likely to go, what the ordinary expenditure would be when the extraordinary had ceased, and then, he thought, they would be able to deal with the question of the passing toll in a satisfactory way.

Sir GEORGE PECHELL said, he was sorry that the hon. Gentleman the Vice President of the Board of Trade had taken the part of defending the enormous and atrocious exaction of passing tolls. The only principle on which passing tolls could be justified was, that something was offered for the money in the way of a harbour of refuge; but neither Ramsgate nor Dover offered a secure protection to shipping at all times. Dover was only a mousetrap; it was a dangerous place for a loaded vessel to attempt to enter, and, when in, no one knew when it might come out again. When the navigation laws were repealed, it was understood that such local charges as these were to be abolished as speedily as possible, and he hoped no time would be lost in granting this relief to the shipping interest. The hon. Gentleman had not given any good reason for refusing this inquiry, and he should therefore support the Motion of his hon. Friend the Member for Rye.

Mr. JAMES MACGREGOR said, he should support the Motion. The steps proposed by the hon. Gentleman the Vice President of the Board of Trade were not of sufficient scope to meet the question, which embraced not only Ramsgate, but the whole of the Cinque Ports. A reform in the administration of Dover harbour was quite as much needed as in the administration of that of Ramsgate, for a large expenditure had been going on there for many years without the harbour being, comparatively speaking, much improved. The harbour of Sandwich had also a grievance, for it had been greatly injured by the works now going on at Dover. He could not help thinking that a Report of a Committee on all the Cinque Ports would be of great use, and he should therefore support the Motion.

Mr. CARDWELL said, he thought it would be a great disappointment to the House to be told that they were still at the stage when inquiry was necessary in the matter of passing tolls. In the case of Ramsgate, that statement was too ridiculous, for inquiry had been exhausted. First, there was the Committee of 1850, then the inquiry by Mr. Walker, and afterwards other inquiries by Captain Vetch, Sir John Rennie, and lastly by Sir William Cubitt, who was sent down by himself in conjunction with the right hon. Baronet the Member for Carlisle, when First Lord of the Admiralty, and who reported that at the end of the present year it would be perfectly safe to abandon the passing toll altogether. In accordance with that Report, he had prepared a Bill for the abolition of this passing toll at Ramsgate, but which was not introduced in deference to the recommendation of the Commissioners who had been appointed to inquire into the burdens upon shipping all round the kingdom, and who thought that all legislation ought to be deferred until they had presented their Reports, when a general and comprehensive measure could be laid before Parliament. Their Reports, both for England and Ireland, had now been presented, and the time was come, therefore, he thought, for legislation; and he trusted that his hon. Friend (Mr. Bouverie) would very speedily bring in a measure, not with regard merely to Ramsgate and the Cinque Ports, but having reference to the broad and general question of all these burdens. The question involved not only burdens on shipping, but also some of the most important questions of treaty with foreign countries. He should certainly unite with the hon. Gentleman the Vice-President of the Board of Trade in opposing the present partial, meagre, and unnecessary inquiry. Somebody had said that the Ramsgate harbour money was wasted, and wasted in hospitalities and in eating and drinking. But the trustees of that harbour were independent gentlemen who received nothing for the labour they performed, and when it was proposed to abolish the trust, the chairman and members of that trust waited upon him, and said that they had no object in the world except one, and that was that their trust should be taken from them and placed upon some satisfactory footing, and that there should be done for Ramsgate harbour that which would most contribute to the uses for which it was instituted.

Mr. HUDSON said, he was obliged to the right hon. Gentleman for the way in which he had dealt with this question, and he regretted he had not remained in office to carry out his liberal principles and measures. He heard with regret the statement of the hon. Gentleman (Mr. Bouverie) that it was intended to continue passing tolls. He had hoped that the principle of passing tolls had passed away. He must contend that ships which passed Ramsgate harbour without receiving any benefit ought not to be compelled to pay any toll. He could tell the hon. Gentleman that his measure would be opposed by the shipping interest, and he had no doubt the hon. Gentleman, if he did not abandon his view on the subject, would sustain defeat on the obnoxious principle of passing tolls. He agreed that no inquiry was needed with respect to Ramsgate harbour. The trustees had not exceeded their taxing powers—but the system of legislation had changed, and the necessity for passing tolls was now neither obvious nor expedient.

Mr. MACKINNON said, he would not protract the discussion any longer, as he had obtained his wishes—namely, an assurance from the hon. Gentleman (Mr. Bouverie) that he would bring forward a measure to do away eventually with these passing tolls. He would withdraw his Motion, relying as he did on the promise—the positive promise—of his hon. Friend.

Motion, by leave, *withdrawn*.

HARDWARE, &c., MANUFACTURES BILL.

Mr. HADFIELD said, he had to move for a Committee of the whole House to consider the laws for securing the property of manufacturers of iron, steel, cutlery, edge tools, hardware, gold, silver and and silver plated, Britannia metal, German silver, copper and brass articles, and other metals, mother of pearl shell, tortoiseshell, bone, horn, ivory, leather, and wood, and also for securing the wages of the workmen engaged in such manufactures. His object was to introduce a Bill to extend the provisions of the 6 & 7 *Vict.*, chap. 40, to the hardware and other manufactures of Sheffield, Birmingham, and Wolverhampton. The exclusion of those three towns from the operation of that Act had been productive of considerable inconvenience, which it was the desire of their inhabitants to have remedied.

Mr. BOUVERIE said, that the provisions of the 6 & 7 *Vict.*—at present applying to the woollen, linen, worsted, cotton, flax, and silk manufactures of this country—appeared to be of a very beneficial character. They had reference to workmen who embezzled tools and other materials entrusted to them by their employers, and they also provided a very simple and summary process by which the workmen could recover their wages. *Primâ facie*, therefore, there was no objection to the extension of this Act to the iron and metal manufactures of Sheffield and other towns; but it was desirable that the Bill which the hon. Gentleman proposed to bring in should be circulated in the places to which it would refer, in order to afford them an opportunity of expressing their opinions upon it.

Motion *agreed to;* House in Committee.

Resolved—

> "That the Chairman be directed to move the House, that leave be given to bring in a Bill the better to secure the property of Manufacturers of iron, steel, cutlery, edge tools, hardware, gold, silver and silver plated, Britannia metal, German silver, copper and brass articles, and other metals, mother of pearl, shell, tortoise shell, bone, horn, ivory, leather, and wood, and also for securing the Wages of the Workmen engaged in such manufactures, by extending the provisions of the Act of the sixth and seventh years of Her present Majesty, chapter forty, commonly called 'The Woollen, &c. Manufactures Act,' to the said hardware and other manufactures."

The House resumed.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. HADFIELD, Mr. ROEBUCK, Mr. MUNTZ, and Mr. SCHOLEFIELD.

Bill read 1°.

SCREW PROPELLERS.

CAPTAIN SCOBELL said, he rose pursuant to notice to move for a Select Committee to inquire into the circumstances under which compensation was granted to the patentees of the screw propeller, as used in Her Majesty's ships and vessels. He considered that this question concerned one of the most important inventions—saving the electric telegraph—that had been invented for many years. He would deal with the question in a manner as little personal as possible. He would attack nobody, for he was only demanding justice on behalf of an individual who had been unjustly treated by four consecutive Boards of Admiralty. A noble and learned Lord (Lord Lyndhurst) had already taken up this question in another place, and he was not a person to have done so unless he had been convinced that a great grievance existed. The question related to the screw propeller, used in the Royal Navy. So important did this invention seem to the Admiralty of the day that two votes of 10,000*l.* each were taken, one in 1851 and the other in 1854, to reward the patentee, not of the best screw, or of the earliest screw, but for the screw that should be adopted in the Royal Navy. These were the terms of the grant, and before he resumed his seat he should show to the House that the grant had not only not reached the person for whom it was intended by the House when the grant was made, but that they had been excluded from the dispensation of the Vote. That was his statement, but he only asked that the circumstances should be inquired into, and to this he considered there could be no objection. He would candidly tell the House that he had ascertained that the Government would not grant this inquiry, and he, therefore, appealed to the House to do so. Did the parties who had received this money ask for an inquiry? One of them, though he had since recanted, had asked an hon. Member to second this Motion. And the House also had before them the petition of Mr. Lowe, asking for an inquiry and impeaching the utility of Mr. Smith's screw. He mentioned this in order to show that the five parties who received the money voted by Parliament had quarrelled among themselves. He would now lay before the House evidence to show that the screw used in Her Majesty's ships was not that of either of the parties to whom the 20,000*l.* were given. The person who really got the money was Mr. Henry Currie, a banker in the City, then a Member of the House, and sitting on that (the ministerial) side of the House, who had previously applied to Sir Robert Peel and to Lord John Hay without success. Mr. Currie had stated his own case in a letter to the Solicitor to the Admiralty, dated the 30th of May, 1854. His statement was to the effect that he had become the director of a company to which Mr. Smith had conveyed his patent; that the company, having expended their money in experiments and trials at law, had consented to an amalgamation with other companies which were the proprietors of four different patents; that in 1851 he was instructed to put himself in communication with the Government, and the merits of the five patents were again investigated; that the result was an agreement by the then First Lord of the Admiralty (Sir F. Baring) to pay him the 20,000*l.* upon his personal security to relieve the Government from all further claim; and that the distribution of the money was left entirely to him, but was made according to the award of the eminent patent agent, Mr. Carpmael. Mr. Currie concluded by saying that, in his opinion, the screw used in the navy was Smith's, and Smith's alone. He (Captain Scobell) contended that, according to the documents in his possession and the judgment of the Judicial Committee of the Privy Council, the invention was Captain Carpenter's, and Captain Carpenter's alone. Captain Carpenter was a captain in the navy who had not endeavoured to make a profit of his invention by private trade, but who desired that the screw he had constructed should be adopted in Her Majesty's navy; and the question was, whether Captain Carpenter's screw had not been adopted in the *Duke of Wellington*, the *Agamemnon*, and other vessels which had sailed or were to sail for the Baltic and the Black Sea? Mr. Lowe, one of the five persons who had obtained a share of the money granted by Her Majesty's Government, had applied to the Judicial Committee of the Privy Council four or five years ago for a renewal of his patent, but the application was refused, on the ground that the invention did not possess sufficient merit. About the years 1838 or 1839, before Mr. Smith's screw was known, Captain Carpenter made communications to the Admiralty, stating that he had perfected a screw, which he believed to be very useful to the ships of Her Majesty's navy, and in 1840 he took out a patent for the invention. Some experiments having been made by Captain Carpenter on the Thames, in the presence of Sir Edward Parry, Surveyor General of the steam department of the navy, and others, on the part of the Government, Captain Carpenter was appointed to the command of the *Geyser*, a ship of war, and was ordered to the Mediterranean, having been permitted to fit his screw to the pinnace of that vessel. The pinnace to which the screw was adapted was tried in the Mediterranean in the presence of Admiral Sir William Parker, and her sailing qualities excited great admiration and surprise. Captain Carpenter did not return to England until 1845, when he found that many persons had been endeavouring to establish claims to his invention; and he was informed, in reply to an application to the Admiralty, that a certain sum of money had been granted to the inventors of the screw used in the navy. Captain Carpenter had, however, unsuccessfully urged his claim to this reward. Last year Captain Carpenter applied to the Judicial Committee of the Privy Council for a renewal of his patent, and officers employed by the Government declared that his screw was that which was in use in Her Majesty's navy. The Attorney General appeared before the Judicial Committee to watch the proceedings, and he did not object to the renewal of the patent, but desired that the Government might have the use of Carpenter's screw. The Judicial Committee, however, refused to assent to such an arrangement, and at this moment the Admiralty were wrongfully using the screw, though it was impossible for Captain Carpenter to bring an action, for this wrong, against the Government. Mr. John Ellis, one of the witnesses examined, stated that the screw of the *Agamemnon*, which he manufactured himself, was Captain Carpenter's screw. The screw invented by Captain Carpenter combined the maximum of power with the minimum of resistance, and Sir Edward Parry, who, as he had previously stated, was Surveyor General of the steam department of the navy, in 1838, and who had been ordered to witness the experiments with Captain Carpenter's screw, testified that those experiments, as far as they went, were satisfactory. The next witness examined before the Judicial Committee was Mr. Robert Galloway, the surveyor of steam vessels to the Board of Trade. He gave evidence distinctly to the effect that the screw used in the navy was a screw formed on the model of that of the *Agamemnon*, and that he had never seen one of Smith's screws used, either in the Royal Navy, or in the mercantile marine. Here was additional evidence that the screw used in the navy was that of Captain Carpenter. Then Mr. Thomas Lloyd, the chief Admiralty engineer, gave evidence that there was no vessel in the Royal Navy fitted with the screw before 1843, and that there was no vessel fitted with one entire turn of the screw, which was the description of screw made by Mr. Smith. The evidence of Captain Carpenter described the various applications made by him to the Admiralty, and the replies he received, showing that there was no chance of his obtaining redress from the Board. Then came the judgment of the Judicial Committee, which was given on the 30th of May last, and in which he found it distinctly stated, that "The Government did not contest the validity of the patterns or the utility of the invention;" adding, "that it has been proved at the bar that this very invention is at this day, and has for some time, been in use in the Royal Navy." Now, after evidence like this, he would appeal to the sense of justice of the Lords of the Admiralty, and ask whether they were not prepared to remedy the error which had been committed? The Judicial Committee then showed that Captain Carpenter had been no party to the arbitration. But now, 20,000*l.* having been paid, the question was what could be done? Before this sum of 20,000*l.* was given by the Government a bond of indemnity was entered into. Therefore, the money was recoverable; and one of the persons who ought to have the whole or part of it had been unjustly deprived of compensation. It might be asked, why did not Captain Carpenter bring an action against those parties giving the indemnity; but the answer was, that he could not, as the bond was given to the Admiralty, and none but the Admiralty could act upon it. He had shown that a sum of 20,000*l.* had been voted by that House, and that it had gone into the hands of five screw companies, who amalgamated together, under the advice of a director in one of them, who was of course an interested party. He now called on the House to show that when an individual, however humble and however disregarded for many years, appealed for justice to the last resort within those walls, that justice would not be denied him.

Mr. KERSHAW seconded the Motion.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the circumstances under which the sum of 20,000*l.*, voted by the House of Commons as a reward or compensation to the Patentees of the Screw Propeller, as used in Her Majesty's ships and vessels, has been applied, and as to what persons have preferred claims, either to the Admiralty, or other Public Departments, to share in the Public Grant in respect to their Patent rights, and to report thereon."

Sir FRANCIS BARING said, that, as he was the party practically responsible for this transaction, in so far as he had committed the Admiralty to what had taken place, he trusted he might be allowed to make some explanation on the subject. The hon. and gallant Member having altered the Motion of which he originally had given notice, and which contained charges against the Admiralty of having misappropriated public money, nevertheless repeated those charges in his speech. He was anxious, therefore, to explain the facts of the case, because, if the House thought that they had the real history of the case before them from the statement of the hon. and gallant Gentleman, they were greatly mistaken. Now, what were the real facts of the case? When he (Sir F. Baring) was at the Admiralty, considerable difficulty was felt in respect to the claims of different parties with reference to the screw propeller. According to the opinion of the Admiralty and its officers, the screw propeller used in Her Majesty's service was not the specific screw of any one patentee; but the Admiralty, having in regard to the screw so employed, infringed several patents, thought that the patentees were entitled to consideration. Application was made to the Admiralty for compensation. Now, the Admiralty did not refuse to consider these claims, but the answer given was that, inasmuch as various claimants were at law one with another, the Admiralty did not know who was the proper party to pay. For some time the question remained in that state, most inconveniently for the Admiralty, until at last it came across the mind of some of these claimants whose patents had been infringed, that it would be a much more sensible plan, if, instead of spending their money in lawsuits, they combined together and applied together to the Admiralty for compensation. That was the history of this amalgamation, of which the hon. and gallant Gentleman had spoken, and it appeared to be only a sensible proceeding on the part of persons having contested rights. In consequence of this arrangement Mr. Henry Currie called on him, and, as the hon. and gallant Member had said that that Gentleman was a Member of Parliament sitting on that side (the meaning of which statement was very well understood), he begged to remind the hon. and gallant Member that, though that Gentleman was a Member of Parliament, he sat on the other side of the House. Mr. Currie called upon him as the agent of these parties claiming compensation, and he wished to point this fact out, because it had been endeavoured to be represented that the Admiralty employed Mr. Currie. That gentleman had a document signed by all the parties he represented, authorising him to settle their claims and receive their money. He would now state what the law with respect to patent right was in this case. If the Admiralty made a screw in the Government yards, and used it in the Queen's ships, the patentees had no legal means to obtain money from the Admiralty. If, again, the Admiralty employed a contractor to make a screw, and used it in the Queen's service, there was no legal remedy for the patentees as against the Admiralty, but they might go against the manufacturer. Therefore, the contractor so employed either added to the charge for his work another charge to cover the payment for the patent right, or arranged that the Admiralty should pay for the latter. When Mr.

Currie called on him, his first object was to ascertain whether that gentleman represented the proper parties to be paid. On consulting the officers of the Government departments he was informed by them that, so far as their professional opinion was concerned, these were the proper persons to be paid. The then Attorney General, the present Lord Chief Justice of the Common Pleas, who had attended before the Privy Council on behalf of the Government, while several of the cases were being heard, and who was fully acquainted with all the details of the transaction, also gave it as his distinct opinion, in a private conversation which he had had with him, that he could safely and properly pay the parties with whom he was dealing; and, further than that, having communicated with various engineers and contractors who were exactly in the same boat with the Admiralty in regard to these parties having, in executing work for the Admiralty, equally infringed on their patents, he was informed that they had all either actually paid, or made arrangements to pay, these companies who asked compensation from the Admiralty. Having fortified himself with these various opinions he went still further, and required Mr. Currie to give a guarantee to secure the Admiralty from any further claim; and if, after all this, he had still refused to pay the claim, he thought he would have been justly liable to considerable blame. He would not even have had the excuse that the money was claimed by an officer of the Royal navy, for at the time when he made his agreement with Mr. Currie, he had not heard that Captain Carpenter had made any claim against the Admiralty for money compensation for infringement of his patent right. In this he was supported by Sir Baldwin Walker and Mr. Lloyd, who were equally unaware of any money claim having been made by Captain Carpenter at that time. He hoped, therefore, that the hon. and gallant Member for Bath would not now think that he had acted inconsiderately in making this agreement with Mr. Currie. The bargain was a payment for the past and a purchase for the future; it was not a reward for an invention, but a payment for invasion of patent right, which had been made by others, and which he thought the Admiralty ought to make also. The 20,000*l*. was very well spent, and altogether the bargain he made was a very good one, for Captain Carpenter, in estimating the value of his patent right, had not only claimed the 20,000*l*., but had sent in a Bill to the Admiralty of somewhere about 44.000*l*. more, making altogether a claim of 64,000*l*., besides some little postscripts which he was anxious to put in. He certainly could not understand Captain Carpenter's logic in this. The vote of 20,000*l*. was granted by Parliament as a final payment for all rights past and future, and how, then, could the gallant captain claim this 20,000*l*., which he would have to receive as a final payment for all claims past and future, and yet send in an additional bill for 44,000*l*.? The hon. and gallant Member (Captain Scobell) seemed to speak as if Mr. Currie had been employed by the Admiralty to distribute the money among the claimants, but, on the contrary, Mr. Currie came to the Admiralty as the agent of the claimants; the money was paid to him as their agent; and it would, indeed, have been very unwise for the Admiralty to make itself at all responsible for the conduct of that agent in distributing the money. In fact, it was distributed by an arbitrator chosen by the different claimants themselves. He had been accused of having misappropriated the public money. Now, the last Vote distinctly referred to the sum of 10,000*l*. which was paid before, and paid under a particular agreement with other parties. This part of the case had never been concealed, and he had twice explained the whole transaction to the House. The Government would, therefore, have misappropriated the money if they had given a single sixpence of it to Captain Carpenter. Subsequently to the agreement above stated being made, Captain Carpenter put in a claim which the Admiralty referred to Mr. Lloyd and Sir Baldwin Walker, who afterwards reported that Captain Carpenter's screw was not the one used in Her Majesty's service. It had been said that Captain Carpenter had obtained a decision in his favour, but it must be remembered that the trial was not one affecting the rights of parties, and all that was decided in that case was, that Captain Carpenter had a patent right which ought to be renewed, and which was renewed for a certain period. That opinion, therefore, was not worth anything in a court of law—it was a mere extra-judicial opinion of Lord Justice Knight Bruce, and could be of no weight in settling Captain Carpenter's claim. The patent right was not contested.

He (Sir F. Baring) certainly wished to say nothing uncivil, but the Admiralty considered the patent to be perfectly worthless, and were quite willing that Captain Carpenter should have it secured to him for 100 years if he pleased, so far as they were concerned. When, therefore, the opinion of the Privy Council was so much relied upon, let it be recollected that when the matter was *bonâ fide* fought in a court of law, Lord Cranworth declared that the screw used for the navy was mainly the result of the experiments and exertions made, as well as of the expense incurred by the Admiralty. It was a remarkable fact that the screw of the *Agamemnon* happened not to be the same that was generally used by the Admiralty. It having been found necessary that a portion of it should be cut away, in its altered state it in some degree resembled Captain Carpenter's screw, and from this circumstance perhaps the *Agamemnon's* screw had been represented as the model of the screw used in the navy generally. The question before the House, therefore, was not one adapted for a Committee by any means —it was a strictly legal question; and when it was said that Captain Carpenter's case was a hard one, it should be remembered that that gentleman had still his remedy against the contractors who manufactured for the Admiralty. A legal trial had been resorted to by the private parties since the amalgamation of the different screw companies, and the decision then given was in favour of those parties. In the case of seven distinct ships, bills had been filed by them in Chancery, and injunctions were granted in each instance. A court of law having, therefore, decided over and over again against Captain Carpenter, why should that gentleman, because he chanced to be an officer in Her Majesty's service, be allowed to take what was fairly the property of other people? The opinion of a Committee of that House, under these circumstances, would be of no more value in this matter than the paper on which it was written, because the contractors would consider themselves bound by the decisions of a court of law, which decisions recognised the right of other parties. He had trespassed thus far on the attention of the House, because it had been represented elsewhere that a great job had been perpetrated in this case; but, as regarded his own conduct, and that of the Admiralty, it was a matter of perfect indifference to him whether the Committee now moved for were granted or refused.

Mr. KEATING said, he wished to state the grounds on which he should vote in favour of the present Motion. He had not understood that the hon. and gallant Member (Captain Scobell) had imputed to the right hon. Baronet who had last addressed the House, or to any one connected with the Admiralty, anything like a charge of wilful misappropriation of the public money. Had such an imputation been made, he (Mr. Keating) could not assent to the Motion; but the case, as he understood it, was this—that there was used in Her Majesty's ships a screw propeller of a certain form, and that Parliament had voted a sum of money to recompense those who were interested in the patent or patents which might be infringed by the use of the screw propeller in Her Majesty's service. The Admiralty took this Vote of Parliament, and placed themselves in the situation of trustees of 20,000*l.* of public money, to be distributed as the public intended it should be; and the hon. and gallant Member, by his Motion, asked the House, on the materials he had laid before it, to appoint a Committee to inquire whether the money had been distributed in the way the public intended; or whether, by inadvertency or mistake, the Admiraly had by an arrangement they had entered into deprived one or more parties entitled to a share of any participation in that money. The right hon. Baronet had stated the case of the Admiralty, and said that they received the 20,000*l.*, took all means of ascertaining the parties entitled to it, and that among those parties it had been distributed. He was sure the right hon. Baronet had intended it so to be distributed; but his intention had not been carried out. The mode in which the distribution of the money was made did not appear to have been so businesslike as the right hon. Baronet supposed. It was said that the Attorney General was consulted; he investigated the claims of the parties who received the money, and pronounced them to be the only parties entitled to it. Neither the Attorney General's opinion, however, nor the case upon which it was given, was before the House; but, assuming that this was the correct version of the opinion of the Attorney General, although it might justify the Admiralty to themselves in paying over the money as they did, yet, as the Attorney General was not infallible, this did not, he conceived, preclude the House from inquiring whether the money had been distributed according to the intention of the public. The right hon. Baronet repudiated the idea of Mr. Currie having been appointed by the Admiralty to distribute this money. He said, the money was paid to Mr. Currie as the representative of the five companies entitled to it. Mr. Currie, however, appeared to be of a different opinion, as in the bond of indemnity it was stated that the money was received by him, not to be paid to certain individuals named, but to any persons who were entitled to it by means of a patent right to the screw in use in Her Majesty's navy, and that he was the person to decide who were so entitled was clear from his being called upon to give the identity. On these terms Mr. Currie appeared to have received the money, and, such being the terms, he (Mr. Keating) considered that the selection of Mr. Currie to regulate its distribution was most unfortunate. He did not wish to impute to Mr. Currie, or any one concerned in the matter, the slightest wish to do anything wrong, but as, from the recital in the bond, it appeared that Mr. Currie was one of the parties claiming to be entitled to a portion of the money, he thought it unfortunate that that gentleman was selected to distribute money in the distribution of which he was an interested party. It was said that Captain Carpenter might sue other parties, although he could not sue the Admiralty. But the real question for consideration was, whether the money was distributed in the way in which it was intended to be distributed. In the proceedings before the Judicial Committee of the Privy Council, presided over by Lord Justice Knight Bruce for the purpose of extending the patent, that learned Judge seemed to think the Admiralty must be considered as not having contested the validity of the patent, and as admitting that the invention was in use in the navy. With respect to the suggestion that Captain Carpenter might proceed at law, if he were to do so he could not recover any portion of the 20,000*l.*, but would take upon himself a very considerable burden, and find the utmost difficulty in succeeding after such a lapse of time. But had all the persons who had received the money established a right at law? He (Mr. Keating) believed not one had done so. Mr. Lowe, indeed, had tried a court of law, and was assisted by the first legal advice, the hon. and learned Member for Stamford being leading counsel in the case. [SIR F. THESIGER: Against him.] The result of the elaborate and extensive proceedings taken by him was a compromise; and if Captain Carpenter proceeded in the same manner he would probably have to go through the same kind of process. What Captain Carpenter now asked was, the means of inquiring whether he had not a right to participate in the money voted by Parliament, and beliving that a fair ground for inquiry had been made out, he (Mr. Keating) should support the Motion.

ADMIRAL WALCOTT said, he understood the right hon. Baronet opposite (Sir F. Baring) to say that no claim was sent in to the Admiralty by Captain Carpenter before the money was handed over to Mr. Currie. He had the authority of Captain Carpenter for saying that he did, previous to that time, lay before the Admiralty a memorial, setting forth that he was the inventor of the screw, and making a claim for compensation. He should vote for an inquiry, because he thought Captain Carpenter's claim could be tested in no other way; and it must be remembered that the testimony of that distinguished officer Admiral Sir George Cockburn, was in his favour. In his opinion, it was a misdirection of the money which had been voted by the House, to place it in the hands of a gentleman who was an interested party, with authority to appropriate it, and he therefore thought a case for inquiry had been made out.

SIR FRANCIS BARING said, he must explain that his statement was that, when he entered into the agreement with Mr. Currie he was not aware of Captain Carpenter's money claim, nor were Sir Baldwin Walker and Mr. Lloyd; and he believed the records of the Admiralty did not contain any formal application.

SIR FREDERIC THESIGER said he regretted to state that he entertained a very different opinion to that expressed by the hon. and learned Member for Reading (Mr. Keating) who had given the weight of his authority in support of the Motion. The hon. and learned gentleman, however, had formed his opinion upon an imperfect view of the circumstances of the case,—probably upon the partial representations contained in the book published by Captain Carpenter. He (Sir F. Thesiger) was most anxious to avoid saying anything that might derogate from the fair and just claims of Captain Carpenter, whom he believed to be a gentleman of great scientific attainments, but it was impossible to do justice to this question without considering Captain Carpenter's merits with respect to the important invention to which the Motion referred. He (Sir F. Thesiger) was bound to say he had come to the conclusion that Captain Carpenter was not entitled to claim any merit whatever in respect to any share in the invention of the screw propeller. Those who had paid any attention to the history of this important invention were aware that it had exercised the ingenuity of many able persons, that it had been the subject of no less than forty-four patents, that the honour of the original invention had been very warmly contested, and that enormous expenses had been incurred in deciding the rights of the different competitors. He believed it would be admitted, whatever merit might be due to the various parties who had turned their attention to the subject, that, so far as the practical application of this important instrument was concerned, the merit belonged to Mr. Francis Petty Smith, who, in 1836, four years before the date of Captain Carpenter's patent, took out a patent for a screw propeller, which was then a propeller making the entire turn of the screw, but which afterwards, when it was used on board the *Archimedes*, was converted into two half-turns. This was, in fact, the origin of the present two-bladed propeller, which is merely a modification of Mr. Smith's original invention. In 1839 and 1840, Mr. Smith fitted his propeller to the *Archimedes;* he placed the propeller in the dead wood, just before the rudder; and the attention of the Admiralty having been called to the invention, they directed Captain Chappell and other nautical and scientific gentlemen to test the comparative advantages of the screw and the paddle. In 1840, prior to the time when Captain Carpenter took out his patent, Captain Chappell had made a very interesting report of the result of the experiments in the *Archimedes*, which was published. It had been stated that Mr. Smith had derived no personal benefit from this important invention, but it was to that gentleman that the country was mainly indebted for the advantages which had been derived from the introduction of the screw in place of the paddle. Mr. Smith, having no means of his own by which he could carry out his patent, Mr. Currie and other gentlemen came forward to assist him, and a company was formed for the purpose of working the patent. The right hon. Member for Portsmouth (Sir F. Baring) had done frank justice to Mr. Currie in the allusions he had made to the character and conduct of that gentleman; and those who knew Mr. Currie would be satisfied that he would not condescend, for any personal advantage of his own, to avail himself of any means of advancing his interests to the prejudice of others. In 1838, long before Captain Carpenter obtained his patent, Mr. Lowe had taken out a patent for a propeller, and, although the specification of that patent was vague and indefinite, the drawings attached to the specification described or represented a two-bladed propeller. The discovery was, perhaps, not entirely due to Mr. Smith, who practically first applied it, nor to Mr. Lowe; but the Judicial Committee of the Privy Council expressed their opinion that the discovery was attributable to the expenditure of money supplied by the Admiralty for investigating this subject by a sort of process of exhaustion. He believed that if hon. gentlemen inquired into the matter they would be disposed to consider that Captain Carpenter's invention did not relate to a portion of a screw at all, but to the use of flat blades. In 1840, when Captain Carpenter took out his patent, four of the parties who claimed the merit of the invention, and who subsequently combined their interests, were in the field. The fifth had brought the validity of his patent to the test of an action at law, and had established his right. Now, during a period of ten years—from 1840 to 1850—these different persons were litigating their rights, and bringing the validity of their patents to the test of an action at law; but during the whole of this period Captain Carpenter, who said that the screw which was in use was his invention, was never heard of, and never brought forward his claim in any tangible shape, while the engineers who were contesting the matter never once urged Carpenter's patent as an objection to the originalty of other patents or as an answer to the claims put forward by the parties to whom they were opposed. Then came the question as to the Admiralty. The Admiralty very properly said they could listen to no application to pay for the use of the propeller till the parties had settled their several actions at law. The patentees had been tearing themselves to pieces, but did they now combine together to exclude all other persons who should not associate with them from any benefits which they might be able to obtain? On the contrary, they adopted the fairest course that could be taken under the circumstances. Their object was peace and self-protection, and therefore they referred the matter to an engineer of very great ability. This engineer, taking the forty-four patents into consideration, gradually brought them down to five, which appeared to him to have that claim to original merit which entitled them to join together, and to derive any advantage that might arise. This was the state of things when a *scire facias* was obtained by the engineers for repealing Mr. Lowe's patent. The Attorney-General, now the Lord Chief Justice of the Common Pleas, was counsel on one side, and he (Sir F. Thesiger) on the other. It was evident to both of them that no advantage was to be gained by a contest of this description, and the engineers, on their advice, entered into an arrangement by which they agreed to pay in all money received, or to be received, for propellers paid or contracted for, the account to be furnished and settled by the 1st of May. The persons who entered into this arrangement were the most eminent engineers in the trade, and they entered into it perfectly well knowing that Captain Carpenter's claim was utterly unfounded. The period had now arrived when the patent rights could be made available with the Admiralty, and accordingly Mr. Henry Currie went as the agent of these parties to the Admiralty, not to ask a reward for the merit of the invention, but to ask the Admiralty to pay those who were now admitted to be the persons entitled to claim for the past use of the screw propellers, and to purchase it for themselves for the future. The right hon. Baronet then at the head of the Admiralty (Sir F. Baring) referred the question to the person who was usually resorted to by the Board on these occasions, and on his report, and seeing that the parties had been confirmed in the establishment of their rights, the right hon. Baronet paid the money that was justly due from the Government. That money was paid to Mr. Currie; and when it was insinuated, as had been done in another place, that Mr. Currie had distributed this money among his friends, he begged to call the attention of the House to what Mr. Currie really did do. An arrangement had been made beforehand by all the parties that Mr. Carpmael, an eminent patent agent, should be selected to ascertain the proportions which the different persons interested were to receive of the sums obtained either from the engineers or the Admiralty. If that gentleman had conceived that Captain Carpenter had the slightest claim, he would, of course, have interposed and told the parties so. Under his award Mr. Currie acted, and from the beginning to the end had transacted the business in the most disinterested way, with the anxious desire that the interests of all parties should be ascertained and protected. During all this time the screw propeller, which Captain Carpenter says was his own invention, was used in hundreds—he had almost said thousands—of vessels. It was an invention of the greatest public benefit, and one to which any person entitled to the merit of the discovery would have been most anxious to make good his claim. Nevertheless, from 1840, when the patent was taken out, down to 1853, Captain Carpenter never asserted his right at all, or challenged the use of what he stated to be his invention, and even allowed other persons to go into the field against the engineers, who sought to obtain the free use of the screw. But in 1854, however, Captain Carpenter applied to the Judicial Committee of the Privy Council for an extension of his patent. Now, it was important that the nature of that proceeding should be understood. No patent, it was well known, was valid, unless it possessed the merit of novelty. If an action were brought on a patent, it was an answer to show that some person had discovered the patented invention before the patentee; but when a person went to the Judicial Committee of the Privy Council for the extension of a patent, the question of novelty was never entertained. In one case, a patent had been extended, although its novelty was in question by proceedings in Chancery, and the patent was afterwards declared to be invalid for want of novelty. Therefore, the extension did not at all affect Captain Carpenter's rights. He had never established the validity of his patent by any trial at law. According to his own petition, however, he went before Vice

Chancellor Stuart, asking for an injunction against the Peninsular and Oriental Company. That was not granted, but the Vice Chancellor told Captain Carpenter that he might proceed by action at law. To the other patentees injunctions had been granted, which were only granted in cases where the patent had been established by an action at law, and this, therefore, proved that those patents had been so established. Therefore, if it were asked, why did not these parties appear before the Judicial Committee of the Privy Council, and oppose Captain Carpenter's application, the answer was obvious. Considerable expense was incurred in opposition before the Judicial Committee, and Captain Carpenter never having challenged his right to the patent would not have that right established or rendered more valid by the extension of a patent. Therefore the parties were content to leave Captain Carpenter to pursue any course he pleased before the Judicial Committee. The words in which the judgment of the Judicial Committee was pronounced had been made good use of by the supporters of the present Motion, but they amounted only to this, that on the evidence before them the screw propeller used in the *Agamemnon* was the screw propeller in the specification of Captain Carpenter; but as to whether it was a novelty, or as to whether it was not borrowed from other inventions, nothing was said. Consequently, the rights of Captain Carpenter, whatever they were, remained exactly as before. This brought him to the consideration of the practical question of what they were now called on to do by the present Motion. But Captain Carpenter never had brought his action, because he knew perfectly well that the question of the novelty of his invention would necessarily be raised in answer to it, and he had no hesitation in declaring, moreover, that if Captain Carpenter had brought any such action, he would most unquestionably have failed in it. Captain Carpenter, however, had declined to submit himself to the ordeal of a Court of Law; he preferred to come to this House, through the hon. and gallant Member for Bath, to ask for a Select Committee, the only foundation for which could be that he had a valid title to a portion of this compensation. The question was, then, was the House prepared to take this course under the very peculiar circumstances of the case? Were they prepared to substitute, what he must call, the very imperfect inquiry of a Select Committee for a solemn trial at law? If the House did decide thus to supersede the functions of a Court of Law, it would be setting a very inconvenient and a very perilous example; and he confidently hoped, therefore, that they would reject the Motion.

SIR GEORGE PECHELL said, the elaborate character of the hon. and learned Gentleman's remarks showed the necessity for an inquiry. With regard to the disposal of the 20,000*l.* by a former Board of Admiralty, no one could suppose that the right hon. Baronet (Sir F. Baring) was not actuated by the most proper motives. If the Admiralty had acted in 1839 and 1840 in the same manner that it had done since, the question of invention would not now be in such a confused state. He sincerely regretted that a brother officer should be placed in the position of Captain Carpenter; but it could not be doubted that the country was especially indebted to Mr. Francis Petty Smith, whose merits had been admitted almost universally. He did not expect any advantage to be gained by the *scire facias* proceedings recommended by the hon. and learned Gentleman (Sir F. Thesiger). An inquiry by a Committee of that House appeared to him far preferable. He hoped justice would be done to Captain Carpenter; but whether it was to be done out of the 20,000*l.* must be left to the lawyers.

MR. J. G. PHILLIMORE said, the question that had to be considered was not whether Captain Carpenter was the original inventor of the screw propeller, but whether, supposing he were so, he had had an opportunity of substantiating his claims. Now, Mr. Currie never pretended that he had investigated Captain Carpenter's claims. That an inquiry was necessary was obvious from the fact that there had been an error in the distribution of the 20,000*l.*, Lord Cranworth having stated that the patent of Mr. Lowe—one of the parties who received a portion of the money—was not one that had conferred on the public the real benefit of the screw propeller. Again, of all the people in the world to decide upon Captain Carpenter's claim, Mr. Currie was the person most unfit. This observation implied no disrespect to Mr. Currie, whose disqualification arose from the circumstance, that he was the representative of the rival claimants and had a direct interest in the matter in dispute. Captain Carpenter might not have tried his claim by an action in a court of law; but then the whole of the five other parties who participated in the 20,000*l.* did not bring actions before they received their share of the money. Captain Carpenter had already spent 3,000*l.* on his patent, and he might well have shrunk from incurring the enormous cost attendant upon litigation, but a Select Committee would afford him that opportunity of establishing his right to which he (Mr. J. G. Phillimore) thought he was equitably entitled.

Sir CHARLES WOOD said, he was astonished to hear the hon. and learned Gentleman who spoke last repeat, after the explanations that had already been given to the contrary, the assertion that Mr. Currie was the person who acted as the judge upon the competing claims to the invention of the screw propeller. The claims of the parties were submitted for investigation to one of the most eminent engineers in this country, and were afterwards examined by the Surveyor of the Navy, when it was ultimately decided by the Admiralty that five individuals—some of whom had established their right in a court of law—were entitled to receive compensation for the use of their patent rights. All the eminent engineers in London had agreed to be bound by that decision; and, although the Privy Council might have declared that Mr. Lowe was not the original inventor of the screw, yet it also decided that his patent right had been more or less infringed. A more honourable man than Mr. Henry Currie did not exist, but that gentleman never adjudged the question who were the parties entitled to compensation, or what amounts they should respectively receive. The sums were apportioned by Mr. Carpmael, the patent agent. The House could not admit the plea which had been urged to the effect that Captain Carpenter belonged to a profession by no means remarkable for its wealth. The real question was, was he an inventor or not? And a Committee of that House was surely not a competent tribunal to decide the preliminary question whether or not he had a patent right. He had no claim against the public, the Admiralty, or private individuals, unless he had a valid patent right; and, if his right had been infringed, a court of law and not a Select Committee of that House could afford him his remedy. He thought, therefore, it would be a mere waste of time to go into a question of this kind, as the Report of the Committee would be of no value, and Captain Carpenter could not make any claim until he had taken the preliminary steps of establishing the validity of his patent in a court of law.

Mr. RICE said, he wished to offer his testimony to the value of Mr. Smith's invention. A great deal had been stated as to this money not having been bestowed according to the intention of the public. He did not believe that the public had any intention in the matter, but that the Admiralty had proposed that this sum should be given as a recompense to those who were interested in the invention, and that this money was distributed in the best mode it could be. He thought it would be a very inconvenient precedent if they carried this matter before a Select Committee, and he should therefore vote against the Motion.

Mr. MONTAGU CHAMBERS said, he thought Captain Carpenter had perfect right to the patent of the screw-propeller, and the House had a right to see that a proper distribution was made of the money voted for the purpose of remunerating those who possessed patent rights. He could not avoid, however, expressing his surprise that Mr. Currie, the party selected for the distribution of 20,000*l.*, should represent a company having a claim to the largest proportion of that money. It was said that Mr. Currie was not placed in the situation of an arbitrator or distributor. This was strange, as Mr. Currie in a letter described himself as the distributor, and in the bond it appeared that he received the money on behalf of himself and others. He must also protest against the course taken by the hon. and learned Member for Stamford (Sir F. Thesiger), of making statements of his own knowledge of certain circumstances connected with this case. He thought that nothing could be more inconvenient or unjust than that a party concerned in the Courts below—deriving from his position certain information, imbibing certain opinions—should state to the House circumstances which the House knew nothing of. The question was, could they and ought they to deal with the case? He maintained that that House was the only tribunal to which Captain Carpenter could apply for a share of the money voted by Parliament. With reference to the expense of contesting a patent, he would venture to say, that, though Captain Carpenter had already expended 3,000*l.*, if he went into a court of law his expenses there would hardly be less than that amount. All that Captain Carpenter asked was, that the House should ascertain whether his claim to a portion of the public money voted by Parliament was well established. Then, with respect to the bond, that might be put in suit by the Lords of the Admiralty, and, in order to enable the Lords of the Admiralty to judge if they ought to place the bond in suit, they ought to refer it to a Select Committee, who would report whether Captain Carpenter's claim was well founded or not. The expenses of this inquiry would fall on the country, and thus expense would be properly incurred in order to do justice to Captain Carpenter. With regard to claimants, there were five, exclusive of Captain Carpenter, whose claim was not heard at all. The decision was made in the absence of Captain Carpenter, and when the claims of the five persons were decided upon, Mr. Carpmael, the patent agent, was called in to name the proportion which the five claims were each to take of the 20,000*l.* voted by Parliament. At the conference between the Attorney General and his hon. and learned Friend the Member for Stamford the case of Captain Carpenter was decided behind his back, and it was, therefore, right and proper for Captain Carpenter to appeal to the House of Commons to have his claim heard and adjudicated. He should vote for the Committee, on the ground that the House of Commons was the only tribunal that could hear the case.

MR. DRUMMOND said, the hon. and learned Gentleman who had just spoken, seemed to regret that his hon. and learned Friend the Member for Stamford (Sir F. Thesiger), had been concerned in a cause which had enabled him to become acquainted with all the details of the question now before the House, and he also quarrelled with his (Mr. Drummond's) hon. and learned Friend for having made a most proper arrangement with the counsel opposed to him, by which a lawsuit was terminated that had wasted the money of both their clients, and substantial justice was done to all parties. Mr. Currie was not interested in the matter one way or the other, but had simply undertaken to distribute the money voted by that House among those who had established a claim

to it in a court of law. Why did not Captain Carpenter go into a court of law? If he had done so, the case would not have been decided behind his back. A Select Committee was the worst tribunal for the decision of scientific cases of this kind, and persons upon whom no suspicion could rest had already examined into and refused the claim brought forward by Captain Carpenter.

CAPTAIN SCOBELL, in reply, said, that the distribution of the money had been placed entirely under the control of Mr. Currie, and that Captain Carpenter's claim had never been examined previous to the distribution. Captain Carpenter had been designedly shut out, because the parties interested did not wish his claim to be referred to Mr. Carpmael. The House of Commons, as the holders of the public purse, had voted a sum of money to the inventors of the screw propeller, and he thought, therefore, that they ought to assent to the appointment of a Committee before which Mr. Smith, Captain Carpenter, or any other claimants of the reward might obtain a hearing.

Question put.

The House *divided*:—Ayes 49; Noes 69; Majority 20.

FORMATION OF PARISHES, &c. BILL.

THE MARQUESS OF BLANDFORD said, that in moving for leave to bring in a Bill to make better provision for the formation and endowment of separate and distinct parishes, he wished to point out that the measure was rendered necessary by an Act which was passed last Session to continue the existence of the Church Building Commissioners until July, 1856. The object of the Bill was, in the first place, to carry out the powers now vested in the Church Building Commissioners by means of the Act commonly known as Sir Robert Peel's Act, which empowered the Ecclesiastical Commissioners to constitute districts which had no churches at the time of such constitution. When churches were built in such districts they became new parishes, and were regulated by the general law of the land with respect to parishes. The number of these districts constituted under the Act was about 250. There were about eighteen Church Building Acts, and an attempt had been made about twenty years ago to consolidate them. Some of the districts were consolidated chapelries, others district parishes. There was a great variety in the districts, and it was necessary to suit the various cases by having separate constitutions for each district. There were, as he had just stated, 250 parishes under Sir Robert Peel's Act, and a strong contrast was afforded by its simplicity as compared with the complex and unworkable character of the Church Building Acts. The Legislature had, in the exercise of a wise discretion, limited the term of the Church Building Commission to two years, and the present Bill proposed to repeal the existing code of Church Building Acts, and so to enlarge Sir Robert Peel's Act as to enable the Ecclesiastical Commissioners hereafter to carry out the general subdivision of parishes that might be necessary. The districts constituted under these Acts had a semi-parochial character, but they were not independent, being still connected with the mother parish. He proposed, on the application of the incumbent or the churchwardens, to enable the Commissioners to give these districts an absolute and independent parochial character. One part of the Bill had reference to the principle of endowments. One means of providing endowments was from the funds of the Church, and under a proper administration that would be a large source of endowments. Another, and a fruitful and successful mode of providing endowments, was that of placing the patronage in the hands of the person endowing the Church. That principle he proposed to extend. At present the patronage was usually vested after the first presentation in the incumbent of the mother parish, for want of a better person to exercise it. The incumbent had no particular right to this patronage, and he proposed, whenever a person was willing adequately to endow a district Church, that the patronage should be vested in him. He proposed to extend this principle to livings under 200*l.* which might be in the patronage of the Lord Chancellor, or of any corporation, aggregate or sole—of course with the proper consent in each case. He trusted that the measure, if the House should agree to it, would prove useful and beneficial, and would promote the usefulness of the Church and aid the cause of religion in this country.

VISCOUNT **PALMERSTON** said, he would not object to the introduction of the Bill. The subject was one well deserving of consideration; but of course he should reserve to himself liberty to deal with the measure afterwards according to the manner in which it might appear to him to be calculated to operate.

Leave given.

Bill *ordered* to be brought in by the Marquess of BLANDFORD and Viscount EBRINGTON.

Bill read 1°.

MORTMAIN BILL.

MR. **ATHERTON** said, that in moving for leave to bring in a Bill to amend the laws relating to mortmain, he did not propose to interfere with the Law of Mortmain strictly so called, but merely to dispense with the restrictions with respect to the conveyance of land for charitable uses on full consideration, with the exception of that restriction which required the enrolment of the deed in Chancery within six months after its execution. With respect to deeds which had been already granted, but not on full consideration, he proposed to retain the restriction that they must be executed twelve months before the granter's death. He proposed that the other requirements of the Statute of George II. should be dispensed with, provided the deed was enrolled within six months of its execution. At present such a deed was void if it contained certain reservations; but he proposed that it should not be invalid in such cases provided the reservations were not such as tended to an undue alienation of land. He proposed also to extend the principle of Mr. Peto's Act, 13th & 14th *Vic.* c. 27, to land disposed for charitable uses, so that the deed of first conveyance might operate as a transfer to the persons appointed to succeed the original trustees.

Leave given.

Bill *ordered* to be brought in by Mr. ATHERTON, Mr. GEORGE BUTT, and Mr. MALINS.

Bill read 1°.

SPIRITS, &c. DUTIES (EXCISE), BILL.

Order for Third Reading read.

Bill read 3°.

On Motion that the Bill do pass,

ADMIRAL **JONES** moved, that the following proviso be added to clause A:—

> "Provided always, That nothing herein contained shall be construed to alter or repeal the provisions of an Act passed in the 11th & 12th years of the reign of Her Majesty, intituled 'An Act to amend the Laws relating to the Warehousing of British Spirits.'"

THE CHANCELLOR OF THE EXCHEQUER said, he must oppose the Motion. If spirits were delivered for consumption in Ireland, the whole of the duty would be payable in that country; but if removed from one bonded warehouse in Ireland to another in England, then the whole of the duty might be paid in England. He believed that the Bill as it stood was consistent with the object which the proviso of the hon. and gallant Member sought to accomplish.

MR. GROGAN said, that the only question was whether the words in clause A were in accordance with that object. He did not think they were.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 28; Noes 56: Majority 28.

Bill *passed.*

The House adjourned at Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, May 16, 1855.

MINUTES.] PUBLIC BILLS.—1° Bills of Lading; Bankruptcy (Ireland); Absconding Debtors (Ireland).
2° Education of Pauper Children; Church-Rates Abolition (No. 2); Carlisle Canonries.

EDUCATION OF PAUPER CHILDREN BILL.

Order for Second Reading read.

SIR WILLIAM CLAY said, he would appeal to the hon. Member for Malton (Mr. E. Denison) to allow the Church-Rate Abolition (No. 2) Bill, which stood next to the Bill for the Education of Pauper Children, to be taken before that Bill. In practical effect, the Church-Rate (No. 2) Bill was the same as that which he (Sir W. Clay) was about to withdraw, and the only reason for its introduction was to get rid of some errors which had crept into the first Bill.

MR. EVELYN DENISON said, he had no doubt it was the general wish of the House to proceed at once with the second reading of the important Bill for the abolition of church-rates. At the same time it would be a great sacrifice on his part entirely to let slip that opportunity of advancing his Bill for the education of pauper children one stage. The Bill was a very short one; there was no objection to its principle; and he might say, indeed, that he had received very general assurances of support. In acceding, therefore, to the request of the hon. Baronet, he would venture to ask the House to allow his Bill to be read a second time without discussion, pledging himself to give hon. Members an opportunity of expressing their opinions upon the Motion for going into Committee.

MR. BAINES said, he hoped the House would agree to the proposition of the hon. Member for Malton. He was anxious that the Bill should be proceeded with, believing that it was calculated to do a great deal of good, and he would be happy to render his best assistance to the hon. Member for Malton, to whom the country was deeply indebted for introducing his measure for the education of pauper children. It was within his own knowledge that many boards of guardians, including some of the best—among others, that of the township of Manchester—had for years been anxious to possess the very powers which the present Bill proposed to confer upon them.

SIR JOHN PAKINGTON said, he did not think it would be fair or reasonable to call upon the hon. Member for Malton to give up the advantage to which he was entitled, his Bill standing first among the Orders of the Day; but, on the other hand, he for one was willing to accede to the proposal which the hon. Member for the Tower Hamlets (Sir W. Clay) had made.

Bill read 2°.

CHURCH-RATES ABOLITION (No. 2) BILL.

Order for Second Reading read.

SIR WILLIAM CLAY said, that, in moving the second reading of this Bill, it would be his duty to state fully and clearly, however concisely, the scope, character, and objects of the measure, and the nature of the provisions by which those objects were sought to be attained. In one respect at least his task would be an easy one. In ordinary cases, when Members introduced a measure for the alteration of an existing law, they were expected, and justly, to state to the House the grounds upon which they rested the necessity of that alteration. From any such duty he was happily relieved, as partly from the frequent discussions which the question of church-rates had undergone, yet more, perhaps, from the progress of events, the debateable ground was much narrowed, and there was an almost entire unanimity of opinion as to the necessity of some alteration of the existing law. The only doubt that remained was, as to the extent and character of the alteration. To that point, therefore, he would address himself, and after explaining to the House the nature of his measure, he should contrast it with the other schemes that had been devised for the same object. The first clause of the Bill provided—and that was its main principle—for the entire abolition of church-rates. The second clause, in conformity with the Bill of last year, continued church-rates, in so far as they were necessary for the liquidation of debt contracted on the security of rates levied under existing Acts of Parliament. The third clause provided, that to churchwardens should be confided, as heretofore, the entire power of providing for the repairs and maintenance of the church, and for defraying the charges incident to the performance of divine service. (Here the hon. Gentleman remarked on the absence of persons connected with the Government.) He had been in communication with several Members of the Government, and he certainly had the impression that the assent of the Government to his Bill depended upon the nature of the explanation which he was now addressing to the House. It was not his fault if no Cabinet Minister was present, and he could only say that he would do his best to persuade the House that the provisions of his Bill were such as ought to receive the sanction both of the Government and of Parliament. Returning to the third clause, he had a twofold motive in retaining churchwardens in the discharge of their present duties. In the first place, he thought it most important to make as little change as possible in our existing laws and institutions. Change was itself an evil, only to be encountered upon some clearly proved necessity, and in this case he did not think such a necessity existed. It should not be forgotten, moreover, that churchwardens had other duties besides those of attending to the repair of churches; they were the ecclesiastical representatives of the parish; they were the officers of the bishop, to whom it was their duty to report any irregularity on the part of the incumbent, and to see that divine service was properly performed; and he believed that in the case of a vacancy it was their duty to take charge of the benefice. Their ordinary and especial duties—those, namely, connected with the maintenance of the fabric of the Church and the celebration of divine service—were regulated alike by usage and by legal decisions, and it seemed to him highly inexpedient to vest their powers in any new functionaries, and thus, perhaps, add supererogatory difficulties to the first working of a measure, most necessary no doubt, but involving great change. He had interfered as little as possible with the status of churchwardens. He had adapted it merely to the altered state of things he contemplated. They would have the same powers and duties (with the single exception of imposing a compulsory rate), and be liable to the same censures and liabilities. They would have the power of receiving voluntary subscriptions and collecting pew rents, in cases were pew rents were imposed, and he had put into the clause words which would give a power large enough to cover any expenditure that might be necessary for the church. He had been asked what precaution he took against the appointmont of churchwardens hostile to the church, and who might, therefore, be disposed to misapply the funds that were intrusted to their charge. His answer was, that he anticipated no practical difficulty on that score. The cases were very few in which the rector or minister did not himself appoint one churchwarden — there certainly were instances in which vestries appointed both, but these were exceedingly rare; but even where both were appointed by the vestry he had the most perfect confidence that they would never be found acting in the way some people apprehended. During the contests that took place with reference to church-rates, there might be some temptation to act from feelings of partisanship; but, when parishes were no longer subject to the imposition of these rates, it would be nothing but a mere feeling of gratuitous malignity that would lead people to elect churchwardens on the ground that they were hostile to the Church. Nothing could be more improbable than such an election; but were persons found to accept the office of churchwarden with such views, it should not be forgotten that they would be subject to the penalties for malversation provided at present by the law; and, in addition, the Bill made provision for auditors, whose duty it would be to review the expenditure of the churchwardens. The next section put it in the power of parishes, if they so thought fit, to allot a certain number of pews, the rents of which might be applied to the objects to which church-rates are now applicable. He knew that objections, partly of a religious and partly of a popular kind, had been taken to this part of the Bill. The objections to pews he believed to be rather a Roman Catholic than a Protestant feeling. Protestant worship was essentially spiritual in its nature. Roman Catholic worship partook more of a ceremonial character. In Roman Catholic places of worship the congregation might almost be said to worship through the intervention of their priest, and the form of service in which they engaged required that the congregation should be, as it were, one with the priest, and separated from him by no barrier. On the other hand, Protestant congregations worshipped less through the intervention of their ministers. Their worship consisted in concentration of thought and homage individually offered, and the privacy of pews was not at variance with that spirit. The whole stream of practice and usage, at all events, was in favour of pews, and the principle had received the sanction both of the highest authorities of the Church and of that House. On this point, therefore, there could be no well-grounded objection to this part of the Bill. But those who took up what he might call the popular view of the question, said he was going to deprive the Church of England of the feelings and affections of the people, for it was the poor man's Church [Cheers]. Hon. Members opposite cheered that statement. It might be new to many, but it was not the less true that, though the poor man had a right to go into the Church, it was a barren right. He might enter its doors, but he had no assurance that he would find more room than he could place his foot upon. It was in the power of the bishop or churchwardens, with consent of the ordinary, to allot to individuals for pews or private sittings the whole area of the Church, and he begged to tell the House that by the Bill which he now proposed, the poor man would for the first time have a right to the free use and enjoyment of his parish church, because it was provided that one-third of the pews in every parish church should be reserved and remain for free sittings. The next section related to the appointment of auditors by the vestries. He left the nomination of auditors with the vestries, because it would be the most open and popular way of appointing them, and would give, therefore, popular control over the expenditure, and tend to check any possible tendency to fantastic views in dealing with the Church or celebrating divine service. These auditors would be chosen from the owners or occupants of pews, and would meet twice a year to examine the estimates and pass the accounts of the churchwardens. It was provided also that the balance of all moneys in the hands of the churchwardens at the expiration of their tenure of office should be handed over to their successors, failing which, they were to be liable to an action for debt by the succeeding churchwardens. The House would see from the explanation he had given, that the two main principles of the Bill were the abolition of church-rates and the removal of all difficulties that lay in the way of obtaining voluntary subscriptions, &c. The questions for the House to decide were, first, whether any change of the law was necessary; and, secondly, whether the change he proposed was the best that could be made? On the former, as he had already said, there appeared to him but little room for remark. Since the decision in the Braintree case the law was, that a church-rate could not be levied unless agreed to by a majority of the ratepayers in vestry. There existed, therefore, no longer any impression that, apart from the determination of the vestry, there was on any one a legal obligation to pay church-rates. In every parish of the kingdom the obtaining a rate was by the law itself proposed as the object of contest, and success in the miserable strife was viewed by the parties opposed to the rate as a simple assertion of power on the part of a portion of the parish to tax for their own benefit the rest of their fellow-parishioners. It was easy to understand the bitter and hostile feelings which such a state of things was sure to engender. If the House wished to see these unseemly contests raging in parishes they would refuse to alter the existing state of things; but if, as he believed, they sincerely wished to put an end to all such scenes, they would consent to the total abolition of compulsory church-rates, as the only mode of putting a stop to contests injurious, not to the interests of the Church alone, but of religion itself. The nation was sick of the present state of things, and members of the Church, as well as Dissenters, felt it to be intolerably painful and wearisome. There was, however, one exception to this feeling. He observed that a right rev. Prelate, in another place, had expressed his opinion that it was mere weakness and pusillanimity to talk of the abandonment of church-rates, because there was no law to enforce their being made; and he went on to state that parties refusing to do their duty in this respect of church-rates might be excommunicated, or, in lieu of excommunication, since the Act of 53 *Geo.* III., might be imprisoned. Now, just let the House imagine such a proceeding attempted in any great town such as Manchester, or Leeds, or Liverpool. It was lamentable to see men in high places so incapable of observing the signs of the times as to suppose it possible to roll back the tide of public feeling, or to think it decent, or even safe, to bring forth again from the dark recesses where they had reposed amid forgotten abominations the rusty weapons of religious intolerance and to burnish them up afresh for a warfare from which even Laud would have shrunk. If such were the sentiments of the Church of England, and if such sentiments were to be carried into action, great and venerable as she was, he would not promise her six months' existence. Happily, however, all the dignitaries of the Church did not hold such opinions, for the Archbishop of Canterbury had introduced a Bill into the other House for the alteration of the law relating to church-rates, and he (Sir William Clay) felt that he need adduce no further evidence as to the universal conviction of the necessity of change than the introduction of such a measure by such an authority. Considering, then, the necessity of change to be admitted, it remains to be considered in what mode that change could be best effected. Many efforts had been made to settle this question by legislation, but all of them had hitherto failed. He had, on a former occasion, given a statement of the several measures that had been within the last twenty years abortively brought forward, and need not now advert to them. No plans of a similar character to those proposed by Lord Grey's or Sir Robert Peel's Government—indeed, that was to say, any charge on the taxes of the country, would, he was certain, be ever again submitted to Parliament. It was only necessary to refer for a moment to the proposition brought forward last year by an hon. and learned Gentleman, to exempt from payment of church-rates all who declared themselves to be Dissenters. The scheme was not favourably received either by the Church or the Nonconformists; and, as he (Sir W. Clay) thought, for very sufficient reasons. It would open a wide door to hypocrisy and fraud, whilst, by calling the attention of men to the differences of religious opinion between themselves and their neighbours, it would increase and exacerbate feelings which it should be rather the aim of legislation to obliterate or soften. Again, a scheme had been proposed by an hon. Gentleman opposite—the Member for Northamptonshire—by which it was proposed to charge the maintenance of the fabric of the church on the land by a separate rate, while, from the rate to be levied for the expenses of the performance of Divine service, Dissenters might be relieved by a declaration of dissent. This plan it was yet less necessary to discuss, as it combines all that was objectionable in all former plans, and would assuredly not obtain any support in that House. Another mode of altering the existing law had been pointed out in *The Edinburgh Review*, by some persons evidently friendly to the Church; and the plan was ingenious and in some respects new. The proposition was to abolish church-rates as respected the expense of the ministration of Divine worship, and to throw the expense of the repair and maintenance of the fabric of the Church on the county rates; the nature and necessity of any proposed repair to be decided on by the county surveyors. A separate account was to be kept of the money so expended on the Church, and every person, without being obliged to define his peculiar form of dissent, should be at liberty to relieve himself from the payment of that portion of the county rate, on stating that he had conscientious objections to the payment. The House would see that this plan resolved itself entirely into a reliance on the voluntary principle, and in that respect it resembled his; but the reliance was less secure. A man might take a deep interest in the maintenance of his own parish church, which he regularly frequented, which was connected probably with his earliest and most sacred associations of thought, but the same feeling was not likely to operate on his mind with respect to a church situate in a different part of the county which he might never have seen, and the care and preservation he might think himself quite entitled to leave to those by whom it was frequented. He might be asked, why he did not propose to take, for the object he had in view, the surplus revenues of the episcopal and capitular estates. In the first place, he believed there was a growing indisposition to divert whatever surplus might arise from the better administration of the Church estates from the purposes of the spiritual instruction of the people. Moreover, while there should exist a fund to which the sordid and those unwilling to subscribe might apply, that circumstance would always operate as an excuse for their not coming forward with voluntary contributions. Therefore, though he admitted that the surplus revenue of the Church might fairly be applied to the object, yet he had not thought it right to introduce into the Bill a provision to that effect. If the Government, however, thought proper to engraft such a principle on the Bill, he should not object. Under these circumstances, he asked the House to assent to his Bill; he believed, in the first place, that it would give perfect contentment to those who had so long and so earnestly sought for the abolition of church-rates; no small merit in a measure of relief. With regard to the maintenance of the fabric of the Church, he could not for a moment bring himself to believe that its members, who in the aggregate formed the richest community in the world, having by far the largest portion of the land of England in their possession, would ever submit to make it manifest to the world, that without compulsion they would not pay even for keeping in repair those venerable structures which had been handed down to them from their forefathers, but would call upon the Dissenters to lend them assistance? Such an idea, if suggested by an enemy, would be considered an insult, and was, indeed, in direct contradiction to facts. During the last half century more churches had been erected than during the previous 500 years. In the last half century between 2,000 and 3,000 churches had been erected in England. In the first thirty years of that half century 500 churches were built, costing 3,000,000*l.* Of that sum 1,152,044*l.*, or 35 per cent, came from the State, and 1,847,956*l.*, or 65 per cent, from private sources. In the last twenty years of the half-century there had been built 2,059 churches, costing 6,087,000*l.*; and of that sum 511,385*l.*, or $8\frac{3}{4}$ per cent, came from the State, and 5,575,615*l.*, or $91\frac{2}{3}$ per cent, from private sources. In Liverpool, where recently there had been great excitement and fierce contests on the subject of church-rates, he found that while the two parish churches were capable of accommodating only 2,600 persons; there were fifty-six churches, capable of affording accommodation to 60,679, built by voluntary subscription; and the expense of maintaining and repairing the fabric, and of the ministration of Divine service, was wholly raised by subscription among the members of the Church. In addition, there were in eighty-seven Protestant Nonconformist places of worship, accommodating upwards of 55,000 persons. Yet, in such a place, a church-rate was demanded, as if it were probable in the very smallest degree, that the persons who had built those churches and chapels, would not also keep in repair the two parish churches? In point of fact, had it been found that in those places where church-rates had been abolished, the churches had fallen into decay from any want of funds? On the contrary, there was unvarying evidence to show that money for the repair of the churches was more readily raised than during the continuance of church-rates. In illustration of this statement, he might refer to a petition from Boston, which he held in his hand, setting forth that the refusal of church-rates in that town had not been found to cause any difficulty in meeting the expenses of conducting public worship in the parish church, but, on the contrary, those expenses were cheerfully met by subscriptions and collections, and a third Sunday full service had since been introduced; that whereas, during the time when church-rates were levied, extensive repairs and improvements in the fabric, although greatly needed, could not be executed for want of the requisite funds, since the time when church-rates ceased to be levied, extraordinary repairs, restorations, and decorations had been effected in that magnificent parish church at a cost amounting to upwards of 10,000*l.*, which large sum had been raised by voluntary contributions. Well, he said, *ex uno disce omnes*—the same was the case throughout the country. He was convinced that three years would not elapse, should the present Bill pass into a law before the whole country would wonder that there had been a moment's hesitation on the part of the Legislature in abolishing this most obnoxious impost. It had been said that the concession of this claim would lead to further demands, that from church-rates Dissenters would proceed to tithe, and would not rest until they had destroyed the Church Establishment altogether. In his opinion, no true friend of the Church ought to desire to confound together, under the same character, church-rates and tithe. They differed in their nature as widely as possible. Church-rates had every characteristic of a tax, tithes every incident and character of property. It would, however, be uncandid on his part, were he to express an opinion that, if the present claim were conceded, the question as to the best appropriation of tithe, and as to endowment for religious purposes, would never be raised. That question must come under discussion, and the time for its consideration would neither be hastened by the adoption of, nor retarded by the rejection of, the present Bill. The just solution of that great question might well task the highest powers of the statesman, the philosopher, and the divine; but come when it would, he trusted the discussion would be on a loftier arena and for nobler objects than a miserable attempt to retain the shillings and sixpences of their nonconforming fellow-citizens to aid in maintaining those churches into which they never came. He had brought forward this Bill with no desire to gain any party triumph, or to give indulgence to sectarian animosity, but for the purpose of restoring good-will between the different sections of the country, for putting a stop, if possible, at the fountain head, to this unfailing source of the bitter waters of religious strife, and promoting the welfare, prosperity, and happiness of their common countrymen.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. PACKE said, that in rising to oppose the Motion, although he was not unconscious of his want of power satisfactorily to deal with the question in an address to the House, he relied upon the strength and upon the justice of the cause he had undertaken, which was no less than that of upholding the interests of the Church of England. He could in no way admit, as had been argued during the discussion on this question, that the Church of England ought to be in any respect considered as a mere sect in common with others. Before a Bill was brought in to abolish church-rates, one of two things was necessary to be done—either a Bill must be brought in to abolish all established religion whatever, or a Bill should be brought in to give pre-eminence to some other religion in lieu of that which was now established by the law of the land. Why did they not, as the hon. Member for West Surrey (Mr. Drummond) had said, abolish the Church of England at once, and then they would have a right to bring in any measure they pleased for the abolition of church-rates. The hon. Member for the Tower Hamlets (Sir W. Clay) said that churches might be kept in repair by voluntary subscription. They knew very well that churches had, to a very great extent, been built by private individuals, but such persons were not so ready to come forward to subscribe money to keep churches in repair. Indeed, it was the fact that many churches had been allowed to fall into ruin for want of subscriptions towards the fabric; therefore, to say that voluntaryism was sufficient to keep parish churches in repair was clearly a mistake. There was a feeling of pride at work when an individual built and endowed a church —there was the pride of establishing a new monument in the country—but there was no such feeling at work to induce a private person to advance the funds requisite to put a new roof on a building already in existence. The House had sanctioned a permanent income to the clergy; but the other part, which was equally important, they were now called upon to refuse to sanction, so that their churches would go to ruin. He did not consider that persons who did not go to church were any more exempt from contributing towards its maintenance than the persons who paid highway rates but never made use of the roads or bridges. He knew that a considerable agitation had prevailed on this subject, but the number of petitions presented in favour of this Bill assuredly did not warrant the impression that there was any great desire for it in the country. He would show what was the case when there was a strong feeling in the country. Up to the 9th of the present month there were presented 728 petitions for that object, with 69,238 signatures. Considering that the population of the country amounted to 18,000,000, that did not appear to be a very large number of names, and therefore he could not regard the petitioners as representing the general sentiments of the people. Of those 728 petitions, twenty-four had been printed, and, as it was the habit to print every original petition, he had no doubt that all the rest of the petitions were duplicates of those printed. It appeared, that out of the twenty-four printed petitions, eighteen were in favour of the hon. Baronet's Bill, and the rest prayed in general terms for the abolition of church-rates. Referring to a subject on which some strong feeling had been excited in the country—the Act of the hon. Member for North Lancashire (Mr. J. W. Patten), restricting the sale of beer on Sundays—he found the petitioners for its repeal amounted to a much greater number—namely, to upwards of 225,000, and therefore he could not regard the 69,000 petitioners for the abolition of church-rates as representing any strong feeling in the country. In respect to church-rates, there had been some inquiry already made, both by a Commission issued by the Crown and by a Committee of that House. The recommendation of the Commissioners, among whom were comprehended some of the dignitaries of the Church and of the most eminent men in the country, was not to abolish church-rates, but to place them on the same footing, in all respects, as the poor rates, so that the expenditure necessary both for the body and the soul should proceed from the same source. Subsequently, in 1851, Mr. Trelawney, a gentleman who had interested himself in this question, obtained a Committee of the House. Upon that Committee was the hon. Member for Manchester (Mr. Bright), another member of the Society of Friends; Mr. Ellis, the late Member for Leicester; and the right hon. Gentleman the Secretary for Ireland, no good friend to church-rates. The Committee sat for some time, but did they recommend the Bill of the hon. Baronet? Did they recommend that church-rates should be abolished? He (Mr. Packe) could find that they had done no such thing. They had made a sort of compromise, and made no Report at all; after having made themselves fully conversant with the question, they were contented to report the evidence which they had taken alone to the House. The two courses which had been usually taken before a new course of legislation was entered upon had been done in this case—the Queen had granted a Commission, and the House had appointed a Committee; but neither the Commission nor the Committee had reported in favour of the measure of the hon. Baronet. He must also complain, with the hon. Baronet, that there was not a single Cabinet Minister present in the House. He must say, that when a measure was proposed materially affecting the existence of Church and State they ought to have the opinion of a Cabinet Minister, in order that they might know whether Her Majesty's Government agreed to the measure or not. He had intended to have proposed a Bill himself on this question. Although he was most anxious to conciliate the opinions of all, as far as his duty as a member of the Church of England would permit, he could not abandon the principle that every person in the country was bound to assist in keeping the churches in England in repair. Although he thought it right that every person should be allowed to worship God as he thought proper, still it was his duty to contribute thus far towards the Church of England, as long as it was the Established Church. He simply meant that it was their duty to keep the fabric in repair, a point which he did not think the Bill of the hon. Baronet effected. He had not introduced his Bill, partly owing to the advanced period of the Session, and partly because he understood that it was the intention of the Archbishop of Canterbury to introduce a measure in the other House of Parliament. The Church could be in no safer hands than those of her bishops, and he should be very glad if they could produce a measure which would be satisfactory to the country. The Bill which he had intended to introduce differed from his Bill of last year, inasmuch as he should not have proposed to require any declaration from Dissenters, but, at the same time, he should not have abandoned the principle, that every person in this country was bound to assist in keeping the churches in repair; for, it must be remembered, the church was the Church of England, and it was the duty of every Englishman, therefore, to assist in its maintenance. The hon. Baronet opposite, in this second Bill, proposed not only to abolish church-rates, but also to make some provision in lieu of them, and he (Mr. Packe) had no hesitation in saying, that by the 4th and 5th clauses of this new Bill Dissenters would be just as much obliged to pay church-rates as they were now. The 4th clause empowered the churchwardens to allot pews in the church to the inhabitants of the parish as they might think fit, and the 5th clause gave them power to recover the pew rents from the persons to whom they had so allotted them, but not a word was said as to the willingness of the allottees to receive the pews, or to attend church; so that the churchwardens of a parish would thus be able, if they chose, to make Dissenters pay church-rates, notwithstanding the passing of this Bill for their abolition. This, he thought, must have escaped the notice of those who had petitioned in favour of this Bill, not a few of whom stated in their petitions that they had examined its provisions and entirely approved of them. A petition had been presented by the hon. Member for Sheffield (Mr. Hadfield), praying for the abolition of church-rates on religious grounds; but the arguments of those who brought forward their consciences to save their pockets ought to be received, he thought, with great caution. He would read an extract, which appeared some time ago in a local paper, having a large circulation amongst Dissenters, which showed what the feelings out of the House were upon this question. It was as follows—

> "Let no person mistake the church-rate question for the Church question. The Church question is not yet mooted, but we give notice to all churchwardens that we shall not the least earnestly, as far as we are concerned, seek for the total separation of Church and State. It is neither the abolition of church-rates nor the exclusion of bishops from the peerage which will satisfy us. We require that the Church of England should be reduced to what she is—one of the sects."

This, it would appear, was what the Dissenters were looking for, or this paragraph never would have been inserted in a paper of large circulation amongst them, unless it was in accordance with the opinions of its readers. The hon. Baronet held out a sort of threat that if this Bill did not pass the Church of England had not six months to live. He, on the contrary, thought that, if it did, the Church might not retain her vigour and efficiency for so long a period, and on that ground he should oppose the Bill. He should conclude by moving that the Bill be read a second time that day six months.

MR. LLOYD DAVIES said, he thought the House would be perfectly unanimous upon one point, namely, that some change in the law was absolutely necessary; but the change that was really required was one of a very different character from that proposed by the hon. Baronet (Sir W. Clay). The hon. Baronet said he intended to make very little alteration; but in point of fact the alteration which he proposed would make all the difference in the world. As for the justice of his measure, why there was not a man in England that had bought land who had not done so subject to the payment of church-rates, and who had not fully taken that into his calculations when he made the purchase. To attempt, therefore, to get rid of the liability would be an act so dishonest and so dishonourable to the party of whom he had bought the land, and to the Church of which he was, perhaps, himself a member, that he (Mr. Davies) scarcely knew any terms too strong in which to characterise such conduct. But what call was there, he would ask, for the Bill? Out of the 14,000 parishes and the 18,000,000 inhabitants of England and Wales, only 857 parishes had petitioned, and the number of signatures to those petitions only amounted to 69,238 persons who had petitioned in its favour. He (Mr. Davies) did not believe that a fourth of the parishes of the country were opposed to the continuance of church-rates, and it was thorefore impossible to say that this was a popular demand. The hon. Baronet had dwelt upon the bitterness of feeling and the animosities that were stirred up by church-rate contests; but his measure, if passed into a law, would not diminish those evils; on the contrary, it would only augment them, for it would convert the small section who were opposed to church-rates, and who now considered themselves the aggrieved party, into the triumphant one, and it would convert the vast body of churchmen into the aggrieved party. The hon. Gentleman had described the machinery by which he proposed to make voluntary contributions supply the place of rates. Now really he would recommend the hon. Gentleman to study the famous culinary maxim of Mrs. Glasse—"First catch your hare." Let him first show that there would be any voluntary contributions, before he talked of his machinery for dealing with them. The whole of this part of the hon. Baronet's Bill was founded upon a pure delusion. The answer the churchwarden who attempted to collect voluntary contributions would receive would be, "You have chosen to take this charge off the land, which had a right to pay it, and why do you come to us, the poor householders?"

In many and many a parish, the church which was surrounded by so many holy and endearing associations would become a ruin, and a jeer to the enemies of the Establishment. Again, if the Bill passed, they would practically close the door upon the poor. He knew many cases in which persons were desirous of attending divine worship, but who refrained from doing so because they had not suitable and decent clothing to go in; and could any one doubt that it would not be an additional obstacle if such persons felt that they could not afford to contribute even to a voluntary collection like their neighbours? He would undertake to say that in the twelve counties of Wales they would not get one per cent by means of voluntary subscriptions, except in the towns. Besides, the churches in Wales were so small, that, after the squire and two or three of the principal inhabitants had had pews allotted to them, there would be no space left for the other parishioners. The hon. Baronet had made a boast that he took care to reserve one-third of the whole area for free sittings. Why, a larger proportion than that was reserved in almost every new church that was built, so that the proposal of the hon. Baronet was no great boon after all. He (Mr. Davies) knew a case in which a parish, in which a majority were Dissenters, had granted a church-rate almost unanimously, when it was explained to them that it was virtually a charge upon the land, and that they were allowed it out of their rents. The Dissenters did not object so much to pay for the support of the fabric which had been from time immemorial a charge upon property; what they did object to was, being compelled to defray expenses connected with the ministrations of the Church. He thought that was a reasonable objection, and he was prepared to admit that charges of that description ought to be borne by the communicants, who, he had no doubt, would be glad to show by their acts, that they really valued the spiritual privileges which they enjoyed. He thought that a measure on this subject ought to have been brought in by the Government itself, and not by a private Member. He considered that the Minister of the day, knowing the diversity of opinion that prevailed, and the amount of discontent there was in the country, ought to have wrested this question from the hands of private Members, and to have brought in a Bill upon public grounds. If the noble Lord at the head of the Government, instead of lying by to see whether the Bill of the hon. Baronet was popular in the House, had come forward and taken such a step, he would have earned for himself a reputation that would not soon have passed away. The present Bill would benefit none but the landed proprietors, who within a very short time after it became law would raise their rents. He could fancy the indignation of the hon. Baronet when that was done; but why should they not? Church-rates were a charge upon the land which had been imposed by their pious ancestors, and if the Legislature chose to relieve property of that burden, why should the landowner not reap the benefit as well as the tenant? The hon. Baronet had not been just to the right rev. Prelate to whose speech in the House of Lords he had referred; for the real object of the right rev. Prelate had been simply to elicit from the highest legal authorities a statement to the effect that the law remained unchanged, and thus to counteract a statement to the contrary effect—and a most incorrect one it was—which had been extensively circulated. The hon. Baronet talked of the exertions of churchmen in building new churches. He (Mr. Davies) never heard of such an argument as that. Why the hon. Baronet would convert their very virtues into a pretext for laying upon them an unjust burden. If benevolent persons had come forward and supplied the grievous lack of spiritual destitution which had prevailed, it would surely be a poor return to burden them with an obligation which had hitherto been borne by the whole landed property of the country. In conclusion, he could only say, that there was something to him positively horrible in the idea of churches becoming desolate. If they destroyed the means provided by the law of the land for the decent celebration of divine worship, he could not but fear that it would react upon religion itself; and on these grounds he should give his cordial support to the Amendment of his hon. Friend.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. COWPER said, he could not altogether concur with the views which the hon. Gentleman who proposed the Amendment seemed to entertain with reference to the question before the House. The hon. Member had stated church-rates to be an essential foundation of the National Church, and that before they were abolished it would be but expedient, graceful, and proper to abolish the National Church itself. He (Mr. Cowper) did not agree with the hon. Member in thinking that the law was an advantage to the Church of England which compelled persons to contribute reluctantly to its fabrics who dissented from its dogmas; on the contrary, the state of the law which excited difference of opinion and strife in a parish, which gave rise to hostility and enmity against the Church, could not be an advantage, but was clearly an evil to the Church of England. It was not seemly that the Church should be dependent upon the exaction of that which there was no due and sufficient means of enforcing. He thought, however, that it was desirable, with a view to the interest of the Church, that such a change of the law should take place as would bring the law more in accordance with the circumstances which had arisen since that law was made. He believed it was admitted that from time beyond the memory of man there had been an obligation upon the parishioners to maintain the fabric of the church; and in early periods, when all of the parishioners were accustomed to frequent the Parish Church, nothing could be more reasonable or natural; but a change had since then taken place, and in many parishes a very small portion of the parishioners went to the Parish Church, or felt an interest in its condition or support; consequently, this obligation to support it had become unnatural and inconvenient. The measures for increasing the number of places of religious worship had not been carried out by the subdivision of parishes, but by the erection of new churches, although, for the purposes of levying a rate, those new churches still continued to remain within the limits of the original parishes. The consequence had been, that those who frequented the new churches became reluctant to contribute to the maintenance of the Mother Church with which they had no connection, particularly when, in addition to such contribution, they were obliged to support their own particular places of worship. That observation applied not alone to those persons who were Dissenters from the Established Church, but to those also, who, being members of that Church, were not members of the congregation of the Mother Church, to keep up which they were obliged to contribute. How that state of things could be effectually remedied was a question which confessedly involved many points of considerable difficulty, and although his hon. Friend (Sir W. Clay), in his opinion, deserved great credit for the manner in which in his Bill he attempted to grapple with that difficulty, yet he felt bound to say that he did not think his hon. Friend had arrived at anything like a satisfactory solution of the question before the House. In fact, he believed that the measure of his hon. Friend, if carried into operation, would rather tend to the increase than to the diminution of the difficulties by which the subject was beset. He contended that if his hon. Friend wished to substitute a voluntary for a compulsory payment of church-rates he ought to have provided some sort of machinery, in the first place, to enable the congregation of any particular church to contribute what they deemed to be necessary for its support, and that he ought, in the next place—they having made such contribution — to give them some effective control over the mode in which it should be expended. For the attainment of these objects the measure of his hon. Friend was in his opinion a failure. He had proposed, it was true, that the disposal of the rate, when collected, should be placed in the hands of the churchwarden; but in the election of that officer the congregation of a particular church would have no paramount voice, and he could not help feeling that the members of a congregation would not regard the expenditure of their property by one who might not be their chosen representative as at all satisfactory. His hon. Friend, however, seemed to be of opinion that any difficulty which might arise in that case might be obviated by the appointment of an auditor, but inasmuch as those auditors were not to be nominated by the congregation, he (Mr. Cowper) did not think that that proposition would afford a solution of the question with which the members of the congregation would be likely to be contented. Nor was he of opinion that his hon. Friend had succeeded in meeting the difficulties of the question when he proposed that the money to be devoted to the maintenance of our churches should be raised by means of pew-rents. The churchwarden could not compel anybody to take a pew, or pay for it against his will; and while pew-rents were voluntary the whole scheme might fail owing to the opposition which in many parishes was entertained to the arrangement which the hon. Baronet proposed to introduce. In rural parishes, where the right of the parishioners to sit in their Church had always been recognised, the attempt to impose a payment on admission would be resented and opposed, and would be obnoxious to the feelings of the members of the Church. There were many objections to this measure which he need not dwell upon. But his hon. Friend had been ingenious in suggesting that the objection to pew-rents was a Roman Catholic objection. He (Mr. Cowper) considered that the hon. Baronet had confounded pew-rents with pews. It was true that it was not the custom in Roman Catholic countries to have the seats in the same form of pews in which they were in England; but all who had entered Roman Catholic churches abroad would be aware that a penny, or a sum according to the part of the church they went into, was demanded for a seat; so that the principle of payment existed as in the Church of England. In many churches the wealthy were fenced off from the poor by high partitions and exclusive distinctions, and he should be sorry to perpetuate such a scandal by legally enacting distinctions between those seats which were paid for and those which were not. Another objection to the proposed system of pew-rents was, that in district churches and proprietary chapels the pew-rents went towards the payment of the ministers, and, in many cases, from the want of endowments, this became a necessity; and the effect of the present measure in such cases would be to starve the minister for the repair of the church, and, of the two, he would prefer that the building should decay and that the minister should be kept. It was most desirable that the difficulties of this question should, if possible, be remedied; but he could not agree with the argument of the hon. Member who had seconded this Motion—that, as this question was difficult of solution, the Government ought to prepare a measure and force it on the attention of the House. He thought it was a wise maxim, when they could not clearly see their way, to stand still and not to move until the way was distinctly seen. A number of measures had been brought forward on this question, but none of these had met the difficulties felt by both parties, and he should not like to see a measure forced upon the country which would please either Dissenters or Churchmen, and which would not satisfy both parties. He agreed with the general principle of the Bill—that it was desirable to abolish church-rates, and to trust more than at present to voluntary contributions. He thought, however, that the measure was in many respects so objectionable that he felt compelled to vote for the Amendment, though he did not agree with the principles expressed by its mover, and he hoped that ere long a measure would be introduced and adopted in accordance with the principles which he had laid before the House.

Mr. LUSHINGTON said, that this subject had so often been debated that it was not necessary for him to go into the origin of these rates, as he thought it must be admitted that the Church had a legal right to them. This was one of the most ancient laws of England, and he was astonished that it had been allowed to remain so long in such an unsatisfactory state. It should have been settled immediately after the Revolution of 1688, when the Nonconformists were first recognised as a body. Twenty years ago the late Sir Robert Peel declared his opinion that the question ought to be settled within the year, but although frequent attempts had since been made at legislation, from that time down to the present the matter had been allowed to remain open. Last year the noble Lord the Member for the City of London (Lord John Russell) announced the intention of the Government to introduce a measure on the subject, but the Government had since failed to do so. Now, it was quite hopeless to think that the question could ever be settled while it remained in the hands of a private Member, and therefore he called upon the noble Lord to fulfil his promise. They had heard of a Bill introduced in the other House on this subject, and he thought that they ought to see whether it would not afford them an opportunity of settling it this Session. He admitted that this question had been most fertile in producing heart-burning and discord, and it therefore behoved the Government to come to some conclusion on it, and in this opinion he was strengthened by the late Chancellor of the Exchequer, who, last Session, said on this subject, "It is hardly possible to exaggerate the strength of the obligation incumbent on the Government to take this question into its view." He thought that the present measure would act unjustly towards both the Church and the poor. They must recollect that in the meeting-houses of Dissenters there was no accommodation for the poor—they were all on the system of proprietary chapels, and the seats were let —and such was the system which it was now proposed to carry into the Church of England. It was clear that if they did adopt this system they would preclude the poor from any free places of worship. When they went into the churches in this metropolis, and in the large manufacturing cities, they saw large numbers of well-dressed people; but the number of the poor was small in comparison, for there was not at present sufficient accommodation provided for them; and would not this Bill take it away from them altogether? He thought that either the Government ought to say that they would bring forward this Session a measure on this subject, or they ought to wait and see whether the Bill introduced by the Archbishop of Canterbury would not enable them to settle this question, which had given rise to so much contention and discord.

Mr. LABOUCHERE did not think that the conclusions arrived at by the hon. Member for Hertford (Mr. Cowper) tallied exactly with the arguments he had employed. The present Bill consisted of two parts; it first dealt with the Dissenters' grievance—it abolished church-rates; it next met that which, if left undealt with, would, as had been stated, become a churchman's grievance, and then went on to provide the machinery by which the voluntary contributions of churchmen should be made available to maintain the fabric of the Church. The hon. Member for Hertford agreed with the principle of the Bill, but he objected to the machinery. No doubt there was much to be objected to, but this could be remedied in Committee; and could such objections to the machinery of the Bill justify the hon. Member in voting against the second reading? He (Mr. Labouchere) hoped the House would not be led away by the hon. Gentleman, but would, by a decided majority, declare that the time was arrived when this question was not to be trifled with, but dealt with in a practical manner, and that the foundation and corner-stone of such alterations should be that the levying of church-rates on those who dissented from them should no longer be insisted on. If the Government did not introduce a measure of their own, they might affirm the principle of this Bill by supporting the Motion for the second reading, and then deal with its provisions as they pleased; for it was within the province of the Government rather than of individual Members of the House to devise machinery by which the contributions of members of the Church of England should be applied to maintaining the fabrics of churches. He should not object to any scheme that would be satisfactory to the heads of the Church, and, if the Government did not bring forward a scheme, he should greatly regret it, without presuming to censure them. Could they not settle this question? He thought they would do so, if by a good majority they carried his hon. Friend's Bill. He had no apprehension that the Bill would cause such a national disgrace and a calamity as the decay of those beautiful fabrics which were an honour and a blessing to the land, nor did he think that in dealing with this question they would be guilty of an act of spoliation. On these grounds he should cordially support the second reading of the Bill, hoping that, in the course of the Session, Government would introduce a measure which would bring the question to a conclusion satisfactory to those who believed that at present Dissenters had a grievance to complain of, while, at the same time, it provided proper machinery for the application of the voluntary contributions which would, no doubt, be forthcoming in abundance for the maintenance of the fabrics of churches.

Viscount PALMERSTON: I certainly, Sir, agree entirely with those who have expressed an opinion that it is most desirable to have this question settled; but it is one thing to express a wish that a great question should be settled, and it is another thing, either to frame in one's own mind a mode by which a satisfactory settlement can be obtained, or to adopt at once any proposal that may come from any quarter professing to effect that settlement. That this is a question surrounded by great difficulties is proved by the statements made by both those who support and by those who oppose the Bill of my hon. Friend the Member for the Tower Hamlets, because we have heard recited the various attempts which for many years past have been made either by individuals or by Governments with a view to settling it in a manner that would be satisfactory to all parties concerned. We have been reminded that all these attempts have more or less failed, and it is upon that very ground that my hon. Friend would press upon us the measure which he has now proposed to the House to adopt. I cannot for myself, as a Member of a Government responsible to the country for any steps which they take, think that I should be performing my duty if I were to go headlong in support of a particular mode of accomplishing a particular object unless my mind was satisfied that such a mode would accomplish the purpose for which it was intended by a probability of its passing into law, and also by a likelihood that, if it did not pass into law, it would effect the object for which it was proposed. Looking at the Bill of my hon. Friend, I confess I cannot see that it contains either of those two features. It is all very well for us to limit our views to the result of a division upon a particular stage of a Bill, but when we are talking of a measure which deeply affects great interests, and, I may almost say, universal feelings, in the country, we must cast our eyes a little further than the door of this House, and we must consider whether a measure which is brought under our discussion is one which is likely to pass into law if we approve of it. I certainly cannot bring myself to think that this measure, as it is now proposed by my hon. Friend, is likely to receive the sanction of both branches of the Legislature; nor do I think that it does contain such arrangements for providing for the support of the fabrics of churches as would be sufficient to secure their maintenance. My right hon. Friend who has just sat down expressed in eloquent terms his conviction that we might rely entirely upon the religious feeling of the country for the support of our churches, and I have no doubt that in many parishes there would be found persons of sufficient wealth and religious feeling to provide the means necessary for that purpose; but I am also apprehensive that in many parishes this would not be the case. I cannot altogether think that those ancient fabrics which are portions of the national property, and have existed for centuries past, ought to be placed in the same category as other places of religious worship which have sprung up in more recent times, and which, from their construction, are not only less expensive in their erection, but are also more easily and more cheaply kept in sufficient repair; and I cannot think that it would be for the credit and honour of the country any more than it would be for the advantage of its religious feeling that those fabrics should be allowed to fall into decay. Now, this question of church-rates undoubtedly resolves itself into two different elements, between which a marked distinction is to be observed. What I mean is, that church-rates are applicable to two purposes which stand on different grounds, at least as regards the conscientious feelings of those who are called upon to contribute to them. One portion of the church-rates is applied to the ministration of worship, while another portion is applied to the maintenance of the fabrics; and I think that one defect in the Bill of my hon. Friend, and in the plans which have been suggested, has consisted in this distinction not being kept sufficiently in mind. I can quite understand, and I can make allowances for that religious feeling, which may render persons not belonging to the Church averse, from conscientious motives, to contribute to the ministration of worship in which they do not partake; I think it is a feeling which is entitled to consideration, and for which it would not be difficult to make a provision that would relieve the persons who entertain it from that necessity. I certainly do not equally understand the scruple that prevents persons from maintaining places of worship which have from time immemorial belonged to the religion of the country. It is all very well to say that those persons make no use of them, but I think there is much force in the argument that they are national property, and that persons contribute to the maintenance of many things which they do not use, and from which they do not directly derive any particular advantage. Viewing them, therefore, not as emblems of sectarian division, but as national fabrics applicable to the Christian worship of God, it really appears to me that there is no ground for this objection against contributing to their maintenance, although, at the same time, I am far from impugning the sincerity of the motives of those who put forward the objection. But the view I entertain of this objection is not the opinion only of a single individual, because it is a well-known fact that in many parts of the kingdom the Dissenters, acting upon the enlarged principles which I have taken the liberty of shadowing out, do contribute cheerfully, and without repugnance, to the maintenance of these fabrics, in the existence of which they take a pride, and which they honour as monuments belonging to the places where they live. The objection to the maintenance of the fabrics is not, therefore, in point of fact, so universally felt and acted upon as has been represented in the debates which have taken place in this House. At the same time, undoubtedly, if it were possible to devise some scheme which would provide adequately for the maintenance of the churches of the country, and which should, by its arrangements, not offer any violence to the consciences of those who differ from the Established Church, I should be most happy to concur in such a scheme. It was upon this general principle that I concurred in the Motion of my hon. Friend for the introduction of this Bill, being desirous to see what measures he would propose for our consideration; but I do not think the measure has succeeded sufficiently in accomplishing the object for which it was intended to justify me in supporting its further progress through the House. Many Gentlemen say it is the duty of the Government to propose a measure. It is very easy to say so. It is exceedingly easy for hon. Gentlemen who are themselves unable to frame any measure which will obtain the assent of Parliament—although I do not say that this measure will not obtain its assent; I am speaking of the past, not of the present—who have puzzled themselves to solve an enigma, to say, "Government must find out the secret of the riddle." My reply to them is, that Governments have in former years undertaken the task, proposals have been made by Governments upon their own responsibility, but those proposals have failed to obtain the assent of Parliament for the concurrence of those great bodies of men whose interests are involved in the question they were intended to solve. I can only say that at the present moment the Government have no proposal to make which can be added to the Bill of my hon. Friend, or which would be calculated to afford a satisfactory solution of the difficulty. No doubt the importance, and, I may say, to a certain degree, the urgency of the matter, have not escaped the attention of the Government, and most happy should I have been if I had been able, instead of stating objections to the measure of my hon. Friend, to propose on behalf of the Government a substitute for it; but, not being at present in a position to make such a tender, and having to deal with the Bill before the House, and to judge of it by the provisions it contains, I am bound to say, however reluctantly, that, as far as I am personally concerned, I cannot support its further progress. I feel that this is a question upon which it would be unbecoming a Member of the Government to trifle with the House. If I was prepared to support the measure of my hon. Friend with some trifling alterations, I should consent to go into Committee to propose those alterations; but as I do not see in this Bill any substantial foundation upon which a measure could be framed that would be satisfactory, I think I should be acting in a manner of which the House and the country would have a right to complain if I were to support it for the sake of any momentary popularity out of doors, or of a few cheers from this side of the House. A person in my position ought not to support a measure unless he thinks that measure is likely to be successful in its future stages, especially when it deals with a question of such importance as this is to the interests, the feelings, and the deepest religious sentiments of the community. With great regret, therefore, and acting under a sense of duty, I must, as far as my personal vote is concerned, oppose the second reading of the Bill.

MR. E. BALL said, he had heard with regret the statement just made by the noble Lord, because he could not help thinking that that statement would tend to add to the difficulties of a question already more than sufficiently difficult of solution. He thought the Dissenters had peculiar claims to the favourable consideration of the House in that case. When the provision for the payment of church-rates had originally been made, the people had all been of one religion—they had received the ministrations of the same clergy, and they had, therefore, been fairly called upon to contribute to the maintenance of the same religious edifices. He certainly was far from wishing to witness the destruction of our great churches; he should regret their destruction, if for no other reason, because he hoped that the dissenting form of worship might one day be celebrated in them. He admitted, too, that the Church of England afforded one great medium for the diffusion of morality and religion, and he was desirous of seeing that Church reformed and not overturned. He believed that it would gain immensely in real stability and usefulness by three great reforms—namely, the abolition of church-rates, an alteration in the form of prayer, and the exclusion of laymen from Church patronage.

LORD SEYMOUR said, he would not have troubled the House if it had not been for the speech of the noble Lord at the head of the Government, which he had heard with deep regret, because, instead of advancing the settlement of the question, it had tended to throw it back for years, and to keep alive feelings of heart-burning and animosity in the country. During the discussion on the subject last year the noble Lord, now Colonial Minister, took a very different view from that which had just been taken by the First Lord of the Treasury, because, when his right hon. Friend the present President of the Board of Control (Mr. V. Smith), was urging on the Government the necessity for a settlement of the question, the noble Lord interrupted his right hon. Friend in the middle of his speech, and said, "We do propose to settle the question—we propose to settle it next Session." But the noble Lord at the head of the Government now said it was not the business of the Government to settle the question, and, by his speech, threw another difficulty in the way of its settlement. No doubt it was an open question, upon which Members of the Government might vote as they pleased, because no Member could be returned for a large town who was not opposed to church-rates. The noble Lord said he did not wish for momentary popularity. Now, he (Lord Seymour) complained that the Government had used this question, not for momentary, but for permanent popularity; they had used it on the hustings, and defeated it in that House. The noble Lord divided the rate into two parts. Let them not quarrel about such trifles as that; but, if they dealt at all with the subject, let them settle it manfully and at once. This measure was not supported, as it had been stated, in order to get rid of a charge upon the land, because, if it got rid of one charge, its immediate effect would be to throw another upon the land. A Bill on this subject had been laid upon the table in another place, and had, no doubt, been submitted to the Government by the head of the Church. They ought, therefore, to be prepared to say whether they would support it, and he should like to know from some Member of the Cabinet whether it had their concurrence, and was likely to settle the question.

Mr. E. Ball

Question put.

The House *divided*:—Ayes 217; Noes 189: Majority 28.

List of the AYES.

Acton, J.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, Sir J.
Atherton, W.
Ball, E.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Beaumont, W. B.
Bell, J.
Berkeley, A.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Berkeley, C. L. G.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Bonham-Carter, J.
Bowyer, G.
Brady, J.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Challis, Mr. A.
Chambers, M.
Chaplin, W. J.
Cheetham, J.
Clifford, H. M.
Cobbett, J. M.
Cobden, R.
Coffin, W.
Cogan, W. H. F.
Collier, R. P.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Currie, R.
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Deasy, R.
Denison, J. E.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Duff, G. S.
Duffy, C. G.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, F.
Dungarvan, Visct.
Dunlop, A. M.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Evans, Sir De Lacy
Ewart, J. C.
Feilden, M. J.
Fenwick, H.
Fergus, J.
Ferguson, J.
Fitzgerald, W. R. S.
FitzRoy, rt. hon. H.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Gardner, R.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Gower, hon. F. L.
Grace, O. D. J.
Greene, J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, R. W.
Grosvenor, Lord R.
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hastie, Alexander
Hastie, Archibald
Henchy, D. O'C.
Heneage, G. F.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hudson, G.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Jackson, W.
Johnstone, Sir J.
Keating, H. S.
Kennedy, T.
Keogh, W.
Kershaw, J.

King, hon. P. J. L.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H.
Laffan, R. M.
Laing, S.
Langston, J. H.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lee, W.
Lemon, Sir C.
Lindsay, W. S.
Littleton, hon. E. R.
Lowe, R.
Luce, T.
Mackie, J.
MacGregor, J.
Maguire, J. F.
Mangles, R. D.
Marshall, W.
Martin, J.
Massey, W. N.
Milligan, R.
Mills, T.
Milner, Sir W. M. E.
Mitchell, T. A.
Molesworth, rt. hn. Sir W.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
Murrough, J. P.
Norreys, Sir D. J.
North, F.
O'Brien, P.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Palk, L.
Pechell, Sir G. B.
Pellatt, A.
Perry, Sir T. E.
Phillimore, J. G.
Phinn, T.
Pigott, F.
Pilkington, J.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Power, N.
Price, Sir R.
Price, W. P.
Reed, J. H.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Russell, F. C. H.
Sadleir, J.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, V.
Seymour, Lord
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Somerville, rt. hon. Sir W.
Stanley, Lord
Stanley, hon. W. O.
Steel, J.
Strickland, Sir G.
Strutt, rt. hon. E.
Swift, R.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Tomline, G.
Townshend, Capt.
Traill, G.
Tynte, Col. C. J. K.
Uxbridge, Earl of
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Watson, W. H.
Wells, W.
Whatman, J.
Whitbread, S.
Wilkinson, W. A.
Willcox, B. M‘G.
Williams, W.
Willoughby, Sir H.
Winnington, Sir T. E.
Wyvill, M.

TELLERS.

Clay, Sir W.
Miall, E.

List of the Noes.

Alexander, J.
Annesley, Earl of
Bagge, W.
Bailey, Sir J.
Baillie, H. J.
Baird, J.
Baring, rt. hon. Sir F. T.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beckett, W.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bignold, Sir S.
Blackburn, P.
Blandford, Marq. of
Booth, Sir R. G.
Bramley-Moore, J.
Bruce, C. L. C.
Buck, L. W.
Buck, G. S.
Bunbury, W. B. M‘C.
Burroughes, H. N.
Butt, G. M.
Cairns, H. M‘C.
Campbell, Sir A. I.
Cayley, E. S.
Child, S.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Christie, S.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Coote, Sir C. H.
Cowper, hon. W. F.
Davies, D. A. S.
Denison, E.
Dering, Sir E.
Disraeli, rt. hon. B.
Dod, J. W.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, E. C.
Elmley, Visct.
Emlyn, Visct.
Euston, Earl of
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir R.
Filmer, Sir E.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Forster, Sir G.
Freshfield, J. W.
Frewen, C. Hay
Galway, Visct.
George, J.
Gilpin, Col.
Gladstone, rt. hon. W.
Gooch, Sir E. S.
Gore, W. O.
Graham, Lord M. W.
Greene, T.
Grogan, E.
Guinness, R. S.
Gurney, J. H.
Gwyn, H.
Halford, Sir H.
Harcourt, Col.
Hawkins, W. W.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Heathcote, Sir G. J.
Heathcote, G. H.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, Sir T.
Holford, R. S.
Hotham, Lord
Hughes, W. B.
Hume, W. F.
Irton, S.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Adm.
Kendall, N.
King, J. K.
Knightley, R.
Knox, Col.
Langton, W. G.
Lascelles, hon. E.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lisburne, Earl of
Lockhart, A. E.
Lockhart, W.
Long, W.
Lovaine, Lord
Lushington, C. M.
Macartney, G.
MacGregor, J.
Maddock, Sir H.
Malins, R.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Masterman, J.
Miles, W.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newark, Visct.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
Ossulston, Lord
Pakenham, T. H.
Pakington, rt. hn. Sir J.
Palmer, R.
Palmerston, Visct.
Peacocke, G. M. W.
Peel, Sir R.
Peel, Gen.
Pennant, hon. Col.
Percy, hon. J. W.
Phillips, J. H.
Phillimore, R. J.
Pritchard, J.
Repton, G. W. J.
Robertson, P. F.
Rushout, G.
Russell, Lord J.
Sawle, C. B. G.
Scott, hon. F.
Seymer, H. K.
Shirley, E. P.
Smith, W. M.
Smollett, A.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Starkie, Le G. N.
Stirling, W.
Stuart, W.
Taylor, Col.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, G. E. H.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Waterpark, Lord
Welby, Sir G. E.
West, F. R.

Whiteside, J.
Whitmore, H.
Wigram, L. T.
Woodd, B. T.
Wyndham, H.
Wyndham, W.
Wynne, W. W. E.

TELLERS.

Davies, J. L.
Packe, C. W.

Main Question put, and *agreed to.*
Bill read 2°.

CARLISLE CANONRIES BILL.

Order for Second Reading read.

MR. FERGUSON said, that, in moving the second reading of the Bill, he would explain the circumstances which had led to its introduction. The City of Carlisle, which contained a population of 30,000, was divided into four parishes, the dean and chapter were the lay impropriators of the tithes of these parishes, and derived a very large income from them, the dean about 1,600*l.*, and the four canons about 750*l.* a year each; the only payment made by them out of these various revenues to the four incumbents who discharged the parochial duties was a sum of 21*l.* 6*s.* 8*d.* a year, and the incumbents were obliged to depend for their support on what they could get from pew rents and some other sources, but in no case did any of their incomes exceed 150*l.* a year. The cathedral church of Carlisle had formerly been a priory, and when it was erected into a cathedral the incomes of the canons was fixed to 22*l.* 5*s.* a year, the sum allowed to the incumbents of the four parishes was 21*l.* 6*s.* 8*d.*; that miserable stipend had never since been increased, whilst the incomes of the canons had advanced to 750*l.* each; the incumbents had a right to have received a proportionate advantage from the increase of the revenues of Church. The Bill had been prepared in pursuance of resolutions adopted at a public meeting of the citizens of Carlisle; it proposed to suspend one of the canonries at the next avoidance, and divide the income between the four incumbents. The Act of 1840 had recognised the principle of suspending canonries and devoting their revenues to other purposes, and there could, therefore, be no objection to the Bill on that ground; if the Bill was adopted it would remove one of the greatest nuisances that now disfigured the Church, and provide for the spiritual wants of a large and increasing population. He begged leave to move the second reading.

Motion made, and Question proposed—"That the Bill be now read a second time."

MR. COWPER said, he trusted the hon. Gentleman would not press the second reading of the Bill. The subject had been, by an Address of that House, referred to a Commission which was now sitting to inquire into ecclesiastical property. That Commission, he believed, would shortly present their Report, and it was natural to assume that they would recommend some mode of dealing with the canonries with which the present Bill purposed to interfere. He hoped, therefore, that the hon. Member would acquiesce in the Amendment which he moved that the Bill should be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. LIDDELL said, he should oppose the second reading of the Bill, as he considered it a direct attack on the entire system of cathedral institutions. The chapter of Carlisle possessed the great tithes of the town of Newcastle-on-Tyne, and the inhabitants of that town had quite as much claim on the funds as the people of Carlisle.

MR. HOWARD said, he thought a strong case was made out for this Bill, and did not believe the chapter of Carlisle had paid sufficient regard to the spiritual wants of the City. He must, however, except from this censure the dean, as he was aware of his experience in teaching and his zeal as a minister to do good in the city. The Bill was a very moderate one, and there were pressing reasons why it should pass.

MR. INGHAM said, that if the House should agree to the second reading the Committee might be postponed for a fortnight, until the Cathedral Commissioners had made their Report.

MR. ROBERT PHILLIMORE said, he thought it an act of rashness to decide upon the principle of suspending canonries in an isolated case. The hon. Member for Carlisle (Mr. Ferguson) appeared to be against all canonries. He was against all idle canons and pluralist canons, but he was not against canons who devoted themselves to the regular ministrations of the cathedral and the spiritual instruction of the people. The hon. Member had pronounced what seemed to be a censure upon pew rents as a source of revenue in great towns, and he, therefore, thought the hon.

Gentleman had committed a little inconsistency in having supported the Bill of the hon. Member for the Tower Hamlets (Sir W. Clay).

Mr. T. CHAMBERS said, he should support the Bill. The tithes were set apart for the spiritual instruction of the people, and a case of hardship had been made out in Carlisle which he thought justified the Bill.

Mr. MOWBRAY said, he must contend that if they legislated upon the principle of this Bill for Carlisle they must be prepared to pass similar measures with respect to other cathedral cities. It could not be said, with any truth, that the dean and chapter of Carlisle had done little for the spiritual interests of the people under their charge, as he happened to know that no curate exerted himself more for the benefit of those under him than did the dean of Carlisle for the benefit of the inhabitants of that city.

Mr. HOWARD said, he must explain that he had endeavoured to make an exception in favour of the dean, from the sense he entertained of the laudable efforts of that dignitary.

Question put.

The House *divided:*—Ayes 102; Noes 98: Majority 4.

Main Question put, and *agreed to.*

Bill read 2°.

The House adjourned at a quarter before Six o'clock.

HOUSE OF COMMONS,

Thursday, May 17, 1855.

Minutes.] Public Bills.—1° Fisheries (British Islands and France); Grand Jury Assessment (Ireland); New South Wales Government; Waste Lands (Australia) Acts Repeal; Railways (Ireland).

2° Parish Constables; Places of Religious Worship Registration.

PUBLIC PROSECUTORS BILL.

Order for Second Reading read.

Mr. J. G. PHILLIMORE wished to ask the noble Lord at the head of the Government whether, as the Attorney General, who had given notice of a Motion to refer this subject to a Select Committee, was unable to attend that night, he would not, out of compassion, give him a Government night for the discussion of the measure?

Viscount PALMERSTON said, that as his hon. and learned Friend was unable to attend, he would himself make that Motion in his absence, and he hoped the hon. and learned Member would not disagree to it.

Mr. J. G. PHILLIMORE would ask the House in that case to listen to the reasons he had for introducing the Bill; it was because abuses in the administration of criminal justice were of paramount importance, and because many of them must be attributed directly and immediately to the want of public prosecutors. He asked the House to declare its opinion that the most exalted functions of the Crown, and the most sacred rights of the subject, should not be left to the discretion of attorneys and policemen, but that the means of enforcing public justice should belong to an influence more august and commanding. Whatever varying boundaries might in other matters be allotted, according to the varying opinions of individuals, to the function of the Government, there could be but one opinion that it was the duty of Government to provide for the pure and exact administration of justice, where the lives and liberties of the subject were at stake. When the law, by its indirect operation, gave an advantage to the rich over the poor, extending more aid to the man who could put it in Motion than to him who could not, precisely to that extent it established a sense of injustice, and produced a mischievous effect upon the moral sentiments of the people. In the present administration of the law frequent instances must necessarily occur where such was the case; because the law threw upon the injured party the whole responsibility of bringing the criminal to justice, in spite of its own theory and language, according to which every offence was crime against the state. Such a state of things was unwise, preposterous, indecent, and without any parallel in any legislation, ancient or modern. It gave cause to scandals and evils to which it was astonishing that we submitted. When, from the reluctance of the party injured to encounter the labour and expense of a prosecution, a ruffian, who had injured a defenceless woman or a helpless child, was allowed to escape with impunity, all the objects for which society ought to be supported were overthrown. The certainty of punishment was the great barrier against offences; but when, in addition to the uncertainty of all earthly things, there was added the uncertainty arising from the criminal apathy of the law, which did not impose upon any one party the duty of bringing malefactors to justice, the chance of escape to atrocious criminals must be multiplied to a frightful degree. The security to life and liberty, which was only to be secured at a great expense and outlay, must be the monopoly of the few; and he felt assured that many of those even whom he was addressing had consented to pay an unjust demand rather than submit to an expensive litigation. It was not his intention in any part of his Bill in the least degree to encroach upon the authority of the Attorney General. The desirableness of the establishment of a public prosecutor was testified to by Lord Denman, by the Recorder of Leeds, Mr. Rutherford, Mr. Roscoe of Liverpool, the Crown Solicitor in Ireland, and by very many of the most eminent magistrates. It was also clearly established by multitudes of cases on record, one of which was that of a stepfather who, clearly proved guilty of most horrible cruelty to a child, was allowed to go free on agreeing to pay a weekly sum to support the child in the union. On a great question of this kind he was almost ashamed to enter into so subordinate a question as that of expense; but the House might be assured, from the evidence taken before a Committee of the House, that, so far from the expense now employed on public prosecutions being increased, it would be considerably diminished by the stop that would be put to frivolous prosecutions for the sake of gain. He would gladly accept any suggestions that might be made to him on the subject; but he thought it was most important that the House should show that the right of the poor and of the rich to criminal justice stood upon an equal footing, and that the woman and the workhouse child should know that they might take their place under the eye of public justice, and, instead of shrinking, as at present, from the difficulties they had to encounter, that they might know they had now provided for them a guardian to whom, when oppressed, they might at once apply, aud by whom they should certainly be supported.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. W. EWART said, he went quite along with his hon. and learned Friend in his views upon this subject; indeed, he thought the necessity for legislation was so evident that nothing could be said against the principle of the Bill. He considered that the provisions of it were perfectly satisfactory, and he trusted that the House would agree to its second reading, and that the whole subject would be then referred to a Select Committee.

VISCOUNT PALMERSTON said, there could be no doubt the subject was one of very deep importance, not only to the personal interests of the community at large, but as involving also the great question of public morality and of the discontinuance of crime. At the same time, the proposal to establish a public prosecutor was one on which it was well known that there existed great diversity of opinion. The example of Scotland an Ireland might be quoted in favour of such a measure; but there were grounds upon which it might be doubted whether that which succeeded in those countries would be equally applicable to the larger area of England, and the more numerous and complicated transactions which came before English courts of justice. At the same time, the House, he thought, would not be prepared either to deny the principle of his hon. Friend's Bill or to adopt at once the arrangement he proposed. It was the intention of the Attorney General, had he been present, if the House chose to allow the Bill to be read a second time, to propose the postponement of further procedure upon it, and that a Select Committee should be appointed to inquire into and examine the subject to which the Bill related. It was not the Bill which it was proposed to refer, but the subject; it was obvious that the reference of the Bill merely would be too narrow for the accomplishment of the object in view. The subject was well worth the consideration of Parliament. No doubt, the appointment of a public prosecutor, if the details of such a measure could be so arranged as to avoid giving rise to any new inconveniences would be a great advantage. Yet, if, on the one hand, those who, from their position in life, were too poor, or from the want of information, too ignorant, successfully to prosecute a wrong before a court of justice—if such persons would derive great benefit from the existence of a public prosecutor, and if vexatious proceedings would be to a great extent stopped, yet, on the other hand, it was obvious that a great responsibility and a great discretion must be vested in such a public officer, and that he must operate through a great variety of private agencies, for he could not in his own person conduct all those prosecutions, or even himself decide which should, and which should not, be carried out. The question, therefore, as it appeared to him, although well deserving of serious consideration, would require great preliminary care, information, and investigation. He would submit to the hon. and learned Member that, whether the Bill were then read a second time or not, further proceedings should be suspended, and that the House should agree to the appointment of a Select Committee, which the Attorney General on an early day would propose, and which should inquire into the whole subject-matter to which the Bill related.

Amendment proposed, to leave out from the words "That the," to the end of the Question, in order to add the words "subject of the said Bill be referred to a Select Committee" instead thereof.

MR. PACKE concurred in the recommendation of the noble Lord, and hoped the hon. and learned Gentleman would withdraw his Bill, in order that the whole subject might be referred to a Select Committee. He hoped, too, that that Committee would have power to call for persons, papers, and records; for this was altogether so novel a proposition in our criminal jurisdiction that he was quite sure it could not be fairly considered without the fullest inquiry beforehand.

SIR FREDERIC THESIGER would take the liberty of seconding the proposal of the noble Lord to postpone the second reading of the Bill till after the receipt of a Report from a Select Committee to be appointed to consider the whole subject. The subject was one of very great and serious importance; and the Commissioners appointed to consider the state of the criminal law had expressed their opinion that the establishment of a public prosecutor would necessarily introduce great changes in the criminal law, and should not be consented to without the greatest caution and consideration. When it was considered that such a measure would probably be followed by an alteration of the law as to the system of grand juries, that it might lead to the appointment of stipendiary magistrates, that it might render unnecessary the existence of clerks of assizes and clerks of the peace, that it might involve a greater jurisdiction in magistrates and a greater power of preventing cases going to trial—when all these circumstances were taken into consideration, it would be obvious that a most careful examination was necessary, before the House adopted any particular measure relating to this question.

MR. J. G. PHILLIMORE said, he concurred in what the noble Lord had said as to referring the whole question with which this Bill dealt to a Select Committee; and he was willing, therefore, that the second reading should be deferred for a month or six weeks.

MR. I. BUTT said, he would assent to the proposition of the noble Lord, provided it was distinctly understood that it was the subject and not the Bill that was referred to the Select Committee. The Bill was liable to insuperable objections, seeking as it did to effect a radical change in the constitutional principle upon which criminal prosecutions were conducted. A responsible public prosecutor alredy existed, the Attorney General having, theoretically, the powers of such an officer, and it was open to him to a great extent to convert the theory into practice. The law on this subject was identical in England and Ireland, the Attorney General having authority to conduct any prosecution himself, or to employ a barrister to do so, where the general tranquillity of the country or the prerogative of the Crown was concerned; and it had unfortunately happened that in Ireland many cases partaking of an insurrectionary character had occurred which had called for the frequent intervention of the Attorney General. He thought, however, that to take the prosecutions in England out of the hands of the magistrates, as the Bill proposed to do, and as was done in Ireland, was not at all necessary, and he should be sorry to see it done.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Ordered—"That the subject of the Public Prosecutors Bill be referred to a Select Committee."

PARISH CONSTABLES BILL.

Order for Second Reading read.

MR. DEEDES, in moving the second reading of this Bill, said, that he had introduced a similar measure in 1853, which had been referred to a Select Committee. His reason for wishing to amend the law at that time was, that, as the law then and now stood, counties had a permissive power of adopting, if they pleased, the provisions of the Rural Police Act, but there was no compulsion put upon any county to adopt that Act, unless it chose to do so; and accordingly there were in England not less than twenty-three counties which thought themselves sufficiently served by the provisions of the Parish Constables Act; and his object was to have those Acts placed in the best possible condition for affording an effective administration of the law. Those twenty-three counties, he thought, had a right to have those Acts amended, if they could be amended for their benefit, and without interfering with those counties which had adopted the Rural Police Act. Now, his Bill would not at all interfere with those counties which chose, of their own accord, to adopt the Rural Police Act, and those counties which might hereafter choose to do so were exempted from its operation; but as the Motion brought forward by the noble Lord now at the head of the Government to make the adoption of the Rural Police Act compulsory had been withdrawn owing to the opposition it received, it was most desirable that the law relating to parish constables, which prevailed in many counties, should be amended and placed upon a satisfactory footing. This object his Bill was designed to effect, while, at the same time, it would render the transition easy and simple for the application of the Rural Police Act to the counties now exempted from its operation, should it hereafter be wished to extend it to them. Although he did not anticipate any objection to the Bill at that stage, he found that he had two classes of opponents—one class consisted of those who had tried to introduce the rural police into their own counties and had not succeeded in inducing them to adopt them; the other, those who had tried the rural police, and who did not like them on account of the expense. He (Mr. Deedes) thought that his Bill would not interfere with either; for the transition, if it should be found advisable to adopt his Bill, would be very simple and easy; and, at any rate, as so many counties were concerned in this question, they were entitled to an improvement of the law. His hon. Friend the Member for Dover (Mr. Rice) had failed in bringing in a Bill upon this question, but he thought that, at all events, he was entitled upon this occasion to his hon. Friend's support. He (Mr. Deedes') Bill in 1853 was referred to a Select Committee, and great pains were taken with it; its provisions were thoroughly considered, and he now offered it to the House in the shape in which it had come out of that Committee. He had not thought it right to alter it in any degree, although he should take the opportunity of moving some slight alterations in Committee. The principal points in his Bill were these. Under the present state of the law, counties acting under the Parish Constables Act, and having nothing whatever to do with the Rural Police Act, had a permissive power to employ a superintendent constable for every petty sessional division. He proposed to make this power compulsory instead of permissive. His reason for proposing this was, he was convinced from experience that all attempts to carry out the law as it now stood, without a supervising power, would be perfectly useless. He proposed also that the system should remain in force for a period of five years, so that if the country at the end of that period was dissatisfied with the working of the measure, it could be put an end to under a mode of procedure pointed out in the Bill. He proposed also that there should be a chief superintendent constable, but this provision was not to be compulsory. He, however, felt satisfied that a chief superintendent constable would, from his experience in the county with which he was connected, be a saving of expense. He also proposed to amend the mode in which parish constables were elected; and towards the end of the Bill there were some clauses referring to the high constable—which office he proposed to get rid of altogether—to the jury-lists, and other details, which would be better considered at a further stage. He did not wish to interfere with any privileges, but it was his desire to make the law for the counties in these respects as perfect as possible. He would only add that he would be ready to take into consideration any alterations that might be suggested in Committee.

Motion made and Question proposed—"That the Bill be now read a second time."

MR. RICE said, he could not agree with the opinion which his hon. Friend had of parish constables, and should greatly prefer the establishment of a new system to the propping up of an old one that was worn out and generally condemned. He must make an observation with respect to the heavy tax which the office of parish constable laid upon the persons who were called upon to perform it. They were usually small farmers, tradesmen, carpenters, blacksmiths, and others of a similar class. Their time was of value to them, and they were much better employed in attending to their business than in discharging the duties of an office for which they were not fit. It was owing to their merit that they were not fit for that office. With respect to the Rural Police Act, he did not think that counties could now adopt it with the same economy as if there was a general system of police. He believed that a general system of police had been recommended by a Committee of the House. He had heard that the average career of a London thief was six years; he believed it would not be six weeks if there was a uniform police throughout the country. He had not proposed a Bill on this subject, because he was of opinion that a question of this kind, involving the protection of property, the prevention of crime, and the maintenance of public peace, ought to emanate from Her Majesty's Government, and, he therefore, regretted that Government had not introduced a general measure on this subject in the course of the present Session.

SIR JOHN TROLLOPE thought it objectionable that, while the Rural Police Act was permissive, this Bill, by its second clause, should be made compulsory. He admitted that the measure would be of great service in counties where there was no police, as it would enable the justices to pay the village constables sufficient salaries; and he had always been of opinion that, if they were properly paid, efficient men could be found in every parish to discharge the duties. He was happy to say that in the rural districts, owing to the improved condition of the people, crime sensibly diminished, and that the offences were of a trifling character committed chiefly by tramps and vagrants and not by residents. In the district of the county in which he acted as a magistrate, they had a gaol built to accommodate seventy-six persons, and at the present moment the number of inmates was less than thirty. It was not, therefore, matter of surprise that the magistrates were exceedingly unwilling to impose the burden of a rural police. A large portion of the expense of prosecutions was now paid by the Treasury, enormous sums were annually voted for the constabulary in Ireland and the Dublin police, and there was a general tendency to take the management of gaols, police, and all matters connected with jurisprudence out of the hands of the local authorities, and centralise it in the Government. The whole of the police Acts pointed to that result, and therefore he objected to make the system established by this measure compulsory on the counties. If his hon. Friend (Mr. Deedes) would make the second clause permissive, his opposition would be withdrawn, but, if that were not conceded, he should persist in his Motion, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this day six months."

MR. COWPER said, the measure was undoubtedly an Amendment on the existing law relating to parish constables. It had been carefully framed, and had gone through the ordeal of a Select Committee; its provisions, he believed, were the same as those agreed to by a majority of that Committee. He, therefore, could not agree with what had been stated, that the Bill ought not to be read a second time, and he should be disposed to vote for it. At the same time he did not think that the Bill, if it came into operation, would altogether give satisfaction to all counties; but whatever was objectionable in its provisions might be modified in Committee.

MR. MILES wished the hon. Gentleman had attended to the suggestion of his right hon. Friend (Sir J. Trollope), as to the propriety of Government taking up the question and contributing to the support of the police of the country. It was the more incumbent on the Government to do so as they had, by abolishing transportation and by granting tickets of leave, doubtless increased the number of criminals in this country, and should, therefore, bear a portion at least, of the expense of instituting an efficient police. He thought the noble Lord at the head of the Government ought to take up this question and bring in a Bill for the general constabulary of the whole kingdom. He could assure the noble Lord that his experience as a magistrate sitting at quarter sessions had enabled him, much to his regret, to ascertain that crime, at least in the district in which he resided, was rather upon the increase than undergoing any diminution. In that particular locality the number of cases of undetected crime was especially on the advance. But the noble Lord might ask why, under these circumstances, not have recourse to the services of a body of rural police? His (Mr. Miles's) answer to that question would be, that the expenditure attendant upon the employment of rural police would be greater than the inhabitants of the county were willing to support. In Somersetshire the county rate already amounted to from $1\frac{3}{4}d.$ to $2\frac{1}{2}d.$ in the pound, and if to that sum were added the charge necessary for the maintenance of a body of rural police the rate must fall very heavily upon those by whom it was paid. If a general system of rural police, however, were introduced, the expense attendant upon their support would fall much less heavily upon the ratepayers of each particular district; and he felt bound to say that he thought it was the duty of the Government to frame some such system. In the absence of any Government measure, however, upon the subject, he deemed it to be his duty to give his support to the Bill under the consideration of the House.

VISCOUNT PALMERSTON said, the hon. Member who had just sat down had brought two very unfounded charges against him. First, the hon. Member asserted that it was owing to Her Majesty's Government that the punishment of transportation had ceased, and that, as a consequence, crime had increased; and in the next place the hon. Gentleman said, that the Government had not introduced any measure on the subject of a rural police. Now, to the first charge he begged to make answer, that it was perfectly well known that the cessation of transportation was not the result of a deliberate determination of the British Government here—on the contrary, the British Government very reluctantly submitted to a necessity imposed upon them by the decisions of the Colonies abroad. It was because those prosperous and improving communities, feeling that their civilisation and character were injured by a perpetual inflow of criminals from this country, resolved that they would not have any further increase to their population by the transportation of criminals from the mother country. It was simply in deference to the strong remonstrances, as well as to the decisions of our thriving Colonies, that the system of transportation was abandoned. Therefore, as far as that charge went, Her Majesty's Government were perfectly free from the origination of that decision which the hon. Gentleman had imputed to them. At the same time, they were quite aware that great inconvenience was likely to arise from the cessation of transportation to the Colonies, and that the question would have to be met as to what was to be done with those persons who hitherto, after having gone through the whole or a part of their sentence, had been absorbed in the general population of the Colony to which they had been transported. It had been suggested that penal settlements should be established in various islands, some near our coast, and some in remote parts of the world. But the objection to all such plans as this—not that the Government were at a loss for any place in which to confine convicts during the period of their sentence; for there were ample means at home, or in islands adjacent for that purpose; but that after the expiration of that period the difficulty arose. Hitherto, after a criminal had undergone his period of sentence, or even before that period expired, if his good conduct justified it, he was allowed to merge in and be absorbed by the free population of the Colony; whereby he had the means of becoming a redeemed man and of converting himself into a useful member of a free community. But that change of character could not be accomplished in an island like that of Norfolk Island, or others that had been suggested, because there there was no free population to absorb them; nor could those convicts be sent to foreign countries, because those countries would justly have remonstrated against England inundating them with what they would call a deluge of crime. Therefore, the Government had no alternative but to resort to the experiment now in operation—and which he thought had so far succeeded—of giving to well-conducted convicts, after a certain period of punishment, the same conditional ticket of leave at home which the Government had been in the habit of giving them abroad. He had thus disposed of the first charge of the hon. Gentleman. With regard to the accusation that the Government had not originated any measure for the better management of the county police, surely the House could not have forgotten the manner in which the measure that he himself proposed was met in a former Session. The Government, having seen that many counties in England had adopted the permissive Bill, which had been passed for establishing a county constabulary; having observed the good effects which that measure had produced by the suppression of crime in those counties where it had been adopted; and having ascertained that there was not that amount of undetected crime in those localities which the hon. Gentleman had stated to exist in his county, where the Constabulary Act was not in force, they felt it their duty to introduce a Bill to make the law compulsory throughout all the counties of England. Having observed that those counties which had recognised the Rural Police Act had thereby expelled from within their limits the foul waters of crimes which had hitherto been stagnant there, and having also observed that those waters had thus been thrown into unhealthy marshes, by which new crimes were generated in places where that salutary measure had not been adopted, the Government at once resolved upon a general drainage system, and accordingly proposed that every county should be compelled to recognise and establish the Rural Police Act. Well, what happened? Was the measure so proposed a measure of centralisation? On the contrary, the whole management of the details of that police force was left in the hands of the county authorities in which it had hitherto been placed. Could it, then, be truly said that the Government had not made any proposal on this subject? But, how was that proposal met? By a most extraordinary combination of Members of boroughs as well as of counties. There came up to London upwards of sixty mayors of boroughs to protest against the Bill being applied to them. Well, in order to accommodate the provincial towns, he consented to omit the boroughs from the operation of the Bill. Having done this, he naturally concluded that the House would agree to the Bill in its application to the counties. Not a bit. The county Members were just as much opposed to its application to the counties as were the borough Members to its adoption in the towns; so that, in point of fact, he had no more chance of passing the Bill in that House than a parish constable in Somersetshire had of apprehending a thief. He was, therefore, obliged to abandon it. The hon. Member had, however, said that the reason why this permissive Bill was not carried into operation in more places was the great expense to which it would subject the counties. But he should like any man to look at the two opposite sides of the account; and consider first what the county would have to pay in direct expenditure for the maintenance of a good county police, and what was lost by all those detected, and the much greater number of undetected crimes, which were committed solely for want of a good constabulary force. He believed, if these two totals were cast up, it would be found that the people of Somersetshire lost a great deal more for the pleasure of having no police at all than they would lose if they maintained a police that would secure property and establish good order in the county. That, however, was a matter to be left to the opinion of hon. Gentlemen to be formed among themselves at quarter sessions. With respect to the Bill now before the House, he certainly considered it to be a very imperfect measure; and its adoption might possibly tend to supersede a desire of establishing a general county police. But he asked himself whether he was justified in resisting a measure, which to a certain degree might mitigate an existing evil, for the purpose of allowing that evil to grow greater, in order finally to compel people to adopt a better measure? He thought not. He thought this measure, imperfect as it was, would tend to improve the parish police, and would, therefore, operate as a partial remedy for an evil admitted to exist. Under these considerations, it was his opinion that the House would do well to adopt it. He should be inclined to think that if they had a good county police, whose functions extended to the whole of the parochial divisions of the county, a smaller force would be required than of parochial constables, and therefore such an arrangement would be superior in point of economy. This measure, however, would no doubt improve what at present was a most defective system, so far as it was improvable, and, therefore, he was willing to agree to it; but when he was reproached with not having proposed a measure of more extended character, he replied that he had done so, and that the measure in question had been rejected by acclamation. The hon. Member had insinuated that if there was to be a general county police force the Government ought to be prepared to agree to a measure by which the police should be paid out of the public revenue. [Mr. MILES: Partially.] But the House should remember that, if the Government were let in as paymaster, it must be let in as commander in chief; and therefore the proposal of the hon. Gentleman went to the establishment of a system of centralisation, vesting the control of the county police in the Executive Government. Now, although that might in some respects tend to the greater efficiency of the police force, he (Viscount Palmerston) did not think that, upon the whole, any advantage would result from withdrawing the county police from the local management of the magistrates. There was a great advantage in placing in the hands of the magistracy the management of all the local affairs of the county; and if you could compel them to have a county police, it would be a good thing that they should have the management of the force.

SIR JOHN PAKINGTON observed, that the noble Lord complained that the hon. Member for Somersetshire made two unfounded charges, and in answer to the first he had stated that the Government at home had not originated the abolition of transportation. It was perfectly true that it was Lord Derby's Government which did away with that system, but the noble Lord had correctly stated the ground for the proceeding—namely, the strong indisposition of the Colonies to receive convicts. But he (Sir J. Pakington) did not think the noble Lord had been equally successful in answering the second complaint made by his hon. Friend, that the Government had not brought in a Bill on this subject. The answer of the noble Lord amounted to nothing more than this, that he had brought a measure forward last year which was not successful. The fact was, the noble Lord had never tried it; he never brought that Bill to a second reading and never tested the feeling of the House upon the subject. At the commencement of the Session referred to, a question was put to the noble Lord, he being then Home Secretary, as to whether he was prepared to deal with the police question; and his answer was very similar to that which he gave the House yesterday upon the subject of church-rates. The noble Lord said the question was too difficult for Government to deal with. But it was the duty of Government to deal with difficult questions. In his (Sir J. Pakington's) opinion, no Government ought to shrink from dealing with a question which was in so unsatisfactory a state as the county police question. It was incumbent upon them to face the difficulties, whatever they might be, more particularly as the whole aspect of the matter had been changed by the cessation of transportation and the adoption of a new system of secondary punishment in this country. Although it was not a Government with which the noble Lord was connected which did away with transportation, it was the noble Lord himself who tried the dangerous experiment of turning convicts loose on the country. Whether that were a wise one or not he (Sir J. Pakington) would not venture to say, as he did not wish to condemn it prematurely; but, at all events, he was prepared to say that it was an experiment which made the settlement of the county police question vitally important. His hon. Friend the Member for Somersetshire had complained of the deficiency of police in his county, and was apprehensive of the expense; if he (Sir J. Pakington) might be allowed, he would advise the hon. Member to try the experiment of the establishment of rural police there. In his own county three months did not elapse after the passing of the Rural Police Act before its provisions were applied by the magistrates; and although, at first, some little complaint of the expense was made, its good effects soon became so apparent that now no one complained, and the magistrates were actually engaged in considering the best mode of complying with the applications from various districts for the extension of the system. He believed that there was not one of the twenty-two counties which had adopted it which had not been benefited thereby. With regard to the present measure, although he should be sorry to oppose any plan proposed by his hon. Friend with the laudable object which this Bill had in view, he thought it a most unsatisfactory measure, being an attempt to obtain an improved police without going to the expense necessary to effect the object. His hon. Friend said, the constables under this Act would have power throughout the country; but it must be recollected that the force would consist mainly of shopkeepers instead of a trained body of men. It did not appear to him that the measure was a good one; but if the House were disposed to try the experiment, he would not oppose it, although he still retained his opinion, now that the system of secondary punishments was changed, that the Government ought to introduce a measure on the subject.

LORD JOHN RUSSELL thought that his noble Friend was quite justified, after the experiment made last year, and the great indisposition that was then felt to assent to his Bill, in declining to propose any measure this year. He (Lord J. Russell) must, however, say that he felt much disappointment at the present state of this question. When he introduced the County Constabulary Bill, he was in hopes that it would have been effectual, and that, as in the counties referred to by the right hon. Baronet, its benefits would have been so apparent, that before this time all the counties in England would have adopted its provisions; and he was convinced that the advantages of such a force would counterbalance any little increased expense. It appeared to him that by passing the present measure they would be taking a retrograde step. By the establishment of a county constabulary force, a trained body of men were placed under one chief, and were able to act in concert all over the county, whereas whatever powers might be granted to the parochial constables under this measure, the fact remained that they would be locally disconnected, and, in all probability, would be engaged in trade. It was, therefore, with considerable difficulty that he could give his assent to the second reading of this Bill.

Mr. HENLEY said, that he was not altogether satisfied that the evidence which they possessed with reference to the evils of the ticket-of-leave system in this country was such as to sanction the alarm felt upon that head by some hon. Members; nor was there any decisive evidence that the state of the counties which had adopted the provisions of the Rural Police Act had been such as to inspire all the rest with a desire to try the experiment. The applications for the extension of the rural police force in the county, referred to by his right hon. Friend the Member for Droitwich, seemed to him rather an argument that the good as yet effected was not so very great. The difficulty of the question seemed to be this—have what rural police they would, from the large area of the ground to be traversed, they could not dispense with the local constabulary—it was a delusion to suppose that if you had a rural police you could get rid of the parish constable. The real fact was, that the condition of the counties in England differed so much, that what was absolutely wanted in one was not at all required in another. He thought that it would be better not to interfere with the present law, but to leave it to the counties to decide for themselves whether they would have an additional police force or not.

Mr. G. H. CAVENDISH supported the Bill.

Mr. PACKE, speaking for the county of Leicester, remarked that the rural police had been adopted in that county, that the expense was by no means heavy, and that it was cheerfully borne by the ratepayers. The adoption of that force in Leicestershire had completely answered the purpose, and the more serious crimes of horse, sheep, and cattle stealing, which used to be very rife, now scarcely ever occurred. He wished that every other county in the kingdom would follow the example of Leicestershire in this respect; for he was convinced that the proposed Bill would afford but a very poor substitute for the rural police.

Mr. ROBERT PALMER observed that the opposition to the proposed Bill appeared to proceed almost entirely from Members representing counties where the Rural Police Act had been adopted. He could only say that in Berkshire the question of introducing the rural police force had been frequently canvassed, and that upon every occasion it had been rejected on account mainly of the heavy expense which it would entail upon the county. It was as much the duty of the Government to prevent crime as to punish it. They had undertaken to pay the expenses of prosecuting criminals both at the assizes and the sessions, and he thought that they ought to pay for, or at least to contribute towards the expenses, out of the finances of the State, of the maintenance of a force whose chief functions would be to prevent crime. But be that as it might, he could not see why the real property of the country should be charged with the whole expense of preventing crime, more particularly since the great majority of offences were against personal rather than against real property. He thought that the Bill was a step in the right direction, and, in the absence of a more general measure he should vote for the second reading.

Mr. DEEDES replied, and said that if the Government would state their intention of bringing forward a measure on the subject, he would at once withdraw the present Bill.

Question put, "That the word 'now' stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Tuesday* next.

DISSENTERS' MARRIAGES BILL.

Order for Committee read.

Mr. HENLEY said, that although this was called a Dissenters' Marriages Bill, it very materially affected the marriages of Church of England people, and that it would encourage clandestine marriages to a very great extent. It was a great grievance to many clergymen of the Church of England that persons who got certificates came to them and insisted on having their marriages solemnised in the church without going through the regular canonical forms. People belonging to the Church of England who did not take out licences, but who had their banns published, had to give three weeks' notice, and he (Mr. Henley) did not see any reason why Dissenters in the same class of life should not be subjected to a similar ordeal. He saw no reason why they should be able to go to a registrar and obtain a certificate without any further trouble, and without in most cases any inquiry being made, and then go to the clergyman and insist upon being married without going through the ordinary canonical observances. The clergyman might know that there were impediments to the marriage — obstacles which rendered it unfit and improper that the marriage should be solemnised, and yet according to this Bill he would have no option. He should be glad to know whether it was the intention of the Government to let the Bill go through.

Mr. COWPER said there were many objections to the provisions of the Bill, one of which was that it limited the amount of publicity. The Bill repealed the publicity now given, by requiring marriages to be announced to the board of guardians —in many cases, he admitted, a most unpleasant proceeding—but it did not provide a security that marriages about to take place should be made known so as to give opportunity for the interference of those who might be able to detect the impropriety or illegality of the marriage. The Bill provided that notice was to be given to the superintendent registrar, who, it was assumed, would make it public, but in this there was obviously no sufficient security. He was surprised at the fourth clause of the Bill, which declared that when two parties lived in separate districts it should be sufficient if notice were given in one district only. He could not see why the amount of publicity should be halved in that manner, it would remove a very obvious security. In licences a notice of seven days was now required. The Bill proposed to reduce the time to twenty-four hours, which he thought objectionable; on the whole it appeared to him that the objects the Bill sought to accomplish would be obtained at a considerable amount of risk, and he trusted the hon. Gentleman would not press the measure at the present moment.

Mr. CHEETHAM explained that the object of the Bill was not to interfere with the marriages among members of the Established Church, but to remedy what was considered by Dissenters a hardship. The first clause of the Bill provided that no notice of marriage need be read or published before the Poor Law guardians of the parish, or transmitted to the clerk of those guardians, and its object merely was that Dissenters should no longer be subjected to a most unjust stigma. With regard to publicity, Dissenters could not provide for this, as Churchmen did, by means of banns. Dissenting ministers would not be willing to take upon themselves the functions of a civil officer by proclaiming the banns; but persons who wished to know what marriages were about to take place could apply to the office of the registrar. As the law at present stood a member of the Church might get a licence and be married on the same day, while he provided in this Bill that a Dissenter should give twenty-four hours' notice.

Mr. WALPOLE said, the more they examined the Bill the more they would find that it was drawn to encourage clandestine marriages to a very great extent. The Bill took away the notice from the only place where it at present existed, but substituted no other which would secure equal publicity. The second clause would enable two minors to make an oath or declaration that there was no impediment to their union, that they had resided fifteen days in a particular place, and that the consent of those persons whose consent is required had been obtained. It would open a very wide door to perjury. Another clause took away the publicity which was properly required from members of the Church of England; while another (the 14th) provided that after any marriages by licence should be solemnised, it would not be necessary to have any proof of the validity of the marriage beyond the production of the licence—that no evidence should be given in opposition. That was contrary to all the laws and the constitution of this country.

Lord JOHN RUSSELL thought that, omitting all question of Churchman or Dissenter, if they enacted a law by which the publicity of marriage was taken away, very great evils would ensue. The hon. gentleman was fairly entitled to press a Bill by which the declaration now required to be made before a court of guardians should be done away with, and it was very natural that Dissenters should feel that this was an objectionable mode of securing publicity; but then it was only proper that some substitute for that publicity should be provided. The hon. gentleman said that dissenting ministers would not like to proclaim banns, and of course no one would wish to impose on them a duty which they thought they could not properly perform, and which was connected with civil functions; but there ought to be some way or other by which society should be protected. While of opinion, therefore, that the relief of Dissenters from anything which was galling to their feelings was a proper object of legislation, he agreed with the right hon. gentleman opposite that the Bill had better be postponed for the present, and its provisions reconsidered.

MR. HEYWOOD hoped the House would allow the Bill to go into committee *pro forma*, and then the amendments could be introduced.

MR. T. CHAMBERS was favourably disposed towards the object of the Bill, but the Bill contained some provisions which were quite unnecessary to attain it, and which might injuriously affect all classes, Churchmen as well as Dissenters, and hoped the hon. Gentleman would adopt the suggestion made to him.

MR. CHEETHAM having expressed his acknowledgments to the House for the spirit in which the measure had been received,

Committee deferred till *Monday* next.

PERSONAL ESTATES OF INTESTATES BILL.

Order for Committee read; House in Committee,

On Clause 1 being read,

MR. HENLEY asked if the Bill had the approval of the Government? It would completely alter the distribution of the personal property of intestates, and he hardly thought it safe to proceed with a measure of so sweeping a character unless it had received the sanction and approval of the law officers of the Crown.

MR. COLLIER said, it appeared to him that the Bill was intended to secure three objects—first to abolish certain peculiar customs; second, to place the children who had lost their mothers on a footing with those who had lost their fathers. Those two objects he thought beneficial. But there was a third object in which he could not agree, namely, the distribution, making all the children equal to the heir. He thought that was bad. If the mover would withdraw that portion of the Bill he would support it.

MR. MALINS said, his hon. Friend (Mr. L. King) proposed to abolish the customs of London and York, which established a different distribution of the estates of freemen of the city of London and persons residing in the city of York from that which applied in other parts of the kingdom. He (Mr. Malins) agreed in the desirability of abolishing customs that interfered with the general law of the land, and he thought that that part of the Bill which related to advancements made to a child by a father, and advancements made by a mother, was also unobjectionable. He was not disposed to dissent from the principle of the Bill, but he considered that some of its details, affecting the rights of heirs-at-law, were open to objection.

MR. LOCKE KING expressed his readiness to accede to the suggestions of the hon. and learned Gentleman, with the view of amending the clauses to which he had referred. He thought the abolition of the existing customs would place heirs-at-law in a much more favourable position than they held at present.

MR. NAPIER considered that it was advisable, whenever it could be done, to have uniformity of legislation for the United Kingdom, and asked whether it was intended that the Bill should extend to Ireland?

MR. DUNLOP thought that the hon. Gentleman had, on the whole, done wisely in taking that course, but he regretted that the objection had been made. The Scotch law was much more accordant with justice than the English; and he was sorry that it had not been adopted. He had himself passed a Bill through the House which assimilated the Scotch law with that of England, except upon this point; but that he could not prevail on himself to give up.

SIR FREDERIC THESIGER suggested that some inconvenience would be occasioned if the Bill came into operation immediately upon its passing. He thought its operation should be delayed for, say a period of three months, in order that persons who had made dispositions of their property depending on the existing local customs might be enabled, if they thought fit, to alter the distribution of their estates.

MR. MONTAGU CHAMBERS observed that this Bill was most admirably drawn, presenting a view of the state of the law which was at once intelligible, not only to lawyers, but also to persons who were not lawyers, and he would recommend it as a model to all parties who were concerned in the preparation of Parliamentary Bills.

Clause *agreed to.*

Clause 10 *postponed,* in order that the words might be inserted to extend the operation of the Bill to Ireland.

Other clauses, with some amendments, *agreed to.*

On the Motion of Sir FREDERIC THESIGER,

A Clause was added to the effect that the Bill shall not come into operation till the 1st of November, 1855; and the House resumed.

NEW SOUTH WALES GOVERNMENT—WASTE LANDS (AUSTRALIA) ACTS REPEAL BILLS.

LORD JOHN RUSSELL moved for leave to introduce two Bills, one—

> "To enable Her Majesty to assent to a Bill as amended of the Legislature of New South Wales, to confer a constitution on New South Wales and to grant a Civil List to Her Majesty."

The other—

> "To repeal the Acts of Parliament now in force respecting the disposal of the Waste Lands of the Crown in Her Majesty's Australian Colonies, and to make other provision in lieu thereof."

His Lordship said that the Bill referring to the Constitution of New South Wales was substantially similar in its provisions to that in regard to the Colony of Victoria, which a few nights since he obtained leave to introduce.

MR. LOWE said, the great importance of the subject, and the novelty of it to many persons, as well as the mistaken course, as he thought, which the noble Lord had adopted in respect to this matter, must be his excuse for delaying the House a short time upon the first stage of the measure. When he before addressed the House upon a similar subject, he could only argue upon the title of this Bill; but since then he had had the advantage of seeing the Bill brought forward with respect to Victoria, which was *in pari materiâ* with the present. He would call the attention of the House to the points involved in this matter, which were of importance to the Colonies, and he would afterwards make some remarks upon the substance of the present Bill. With respect to the point of form, it seemed to him to be quite clear that the noble Lord, by the course which he had adopted, would not do the thing he proposed to do. He presumed the noble Lord meant to give to these Colonies certain constitutions; but if he carried the Bill in its present shape he would not give any constitution at all, and the vote of that House upon the subject would be perfectly null and nugatory. This might seem an extraordinary statement to make with respect to a Bill brought forward, no doubt, after consideration. As he stated the other night, the Colonial Cuncil acted under limited authority; for these Colonial councils were not like the Imperial Parliament, possessing full and undivided authority, but their authority was a limited authority, derived from Parliament; and if the councils went beyond their powers their act would be void, and it would not be in the power of the councils to pass it, or of Her Majesty to give assent to it. Well, the council of New South Wales in the present case had passed an Act repugnant to a number of laws already in force in the Colony, and therefore that Act was clearly void, because the council had attempted to do that which the authority delegated to it did not empower it to do. The Bill being sent home, the noble Lord, having curtailed it by striking out that particular part to which the colony attached the utmost importance—finding it a nullity as it were, and yet cutting something out of it—proposed now to make it lawful for Her Majesty to assent to it. But, even if Her Majesty did give her assent to the Bill, that would not make it a valid law, binding on the people of New South Wales. For by what authority could it be binding? Certainly not by the authority of the Act of Parliament constituting the Legislative Council, for the powers of the council were confessedly exceeded in the Bill they had sent home; nor could it be by the authority of the Bill which the House of Commons was now asked to pass, for that did not assume to make the Bill of the Colonial Legislature valid, but simply to enable Her Majesty to give her assent to it. The only result of passing this Bill, therefore, would be to leave matters just as they stood. To constitute an assent there must be the concurrence of two wills on the same subject—in this case, of the will of the Legislative Council on the one hand, and of Her Majesty on the other. But the noble Lord had altered the Bill which the Colonial Legislature had sent home, and then he proposed to give power to Her Majesty to assent to that to which the Colonial Legislature had not assented. The Bill was a nullity, therefore, and in its present shape could not stand. It might be written on the statute book, but it would have no effect. This was certainly not an advisable mode of proceeding in a matter of fundamental law, in which, above all things, it was most necessary to be clear and explicit. The noble Lord might propose to get over this difficulty by inserting words to give the Bill a Parliamentary sanction, which would provide not only that Her Majesty should give her assent to the Bill, but also that it should be valid, just as if Parliament had given its assent to it. But, if that were done, Parliament would be really taking upon itself to make a law from beginning to end; it would be converting itself into a legislative assembly for the colony, just as if it had undertaken to legislate for the colony in the first instance, as had been done in the case of New Zealand three years ago. If Parliament did thus legislate for the colony—if, instead of leaving legislation to the authority to which it had already been delegated—it chose to take the matter into its own hands, it was bound, at least, not to legislate at the dictation of the Colonial Assembly, but to exercise its own reason on the subject, and to come to its own conclusions, whether the provisions laid before it were right or not. It must take the Bill clause by clause, sentence by sentence, and endeavour to do justice, according to its lights, to the interests of the colonists. He had now shown, he thought, that this Bill would effect no purpose whatever in its present shape, and that the only mode by which it could be invested with an operative result would cast upon Parliament the duty of investigating the subject, and of acting upon its own convictions instead of degrading itself into a mere machine for registering the acts of Colonial Legislatures. This case was of much more importance than that of Victoria. He should never have taken upon himself the responsibility of preventing the passing of the Act relating to that colony, because that was a case of great emergency, and he knew that however faulty the Act might be, it was not objected to by the generality of the colonists. But the case of New South Wales was different, and he felt perfectly justified in doing everything in his power to defeat the passing of this Bill, because he knew it was contrary to the feelings and wishes of the great majority of the most respectable portion of the colonists, because it was made by a Legislature which in no respect represented the public opinion of the colony. He should oppose it because he saw clearly in it the *indicia* of the corrupt bargain on which it had been framed; because it involved in itself principles fatal to all good government in the colonies; and because it gave a civil list of unexampled extravagance, which appeared to be the consideration by which not a few of the votes in favour of it had been obtained. He would not attempt to go into the details of the Bill, but on the Motion for the second reading he should be able to prove all he had asserted. His first great objection to the Bill was that it perpetuated a most iniquitous electoral division of the colony—a division by which all power was thrown just where it ought not to be, and by which property and population were alike swamped and sacrificed—a division which was merely geographical, and which treated all counties as equal, though some of them were the seats of populous cities and others mere sheepwalks. He could not mention a more pregnant instance of the extraordinary manner in which the colony was divided than the county of Cumberland. It was one of the oldest settled counties of New South Wales, it contained four-ninths of the population of the colony, and 12,000 electors, the whole number being only 22,000, and yet, such was the division of electoral districts in this colony, that, out of the thirty-six members constituting the Assembly, that great county only returned eight, the others being given to thinly-peopled districts, more or less under the control of the Crown, and who were, of course, far from representing the general feelings and wishes of the colony. One-third of this body was nominated by the Crown, six being officials, and six non-officials; and even though there were no materials from which to form an opinion as to the real feeling of the colonists, he thought he had shown that the Legislative Assembly was a body the representations of which ought to be received with very great jealousy. But they were not left in the dark with regard to the wishes of the colony, for it appeared from the blue-book that, while eighteen petitions, signed by 8,000 persons, had been presented against the Bill, only two, signed, if he remembered right, by eighty-four persons, had been presented in favour of it. He himself had presented, in the course of this and the last Session, five petitions in this House from New South Wales against the Bill, one of which was signed by 5,000 persons, and there was this anomaly, therefore, that, while the Legislative Council was asking one thing, the colonists themselves were asking another. In fact, the case for the Bill had gone by default, for it appeared, while those opposed to it had called meetings and petitioned against it, its supporters had never dared to call a single meeting, or to present petitions either to this House or their own Legislature in favour of it, with the exceptions he had just mentioned. Therefore, if the House of Commons passed this Bill, it would be doing not only a very irregular thing, but a thing which would be absolutely obnoxious to the wishes of the colonists. His second objection to the Bill was equally forcible. Parliament had established at the Cape two elective chambers; it had given to Canada the power of turning her nominated into an elective chamber; New Zealand had obtained a purely elective provincial chamber; Van Diemen's Land had taken to herself an elective chamber; South Australia had shown her wish to do so, and Port Philip had actually done so; but this Legislative Council of New South Wales now actually petitioned Parliament in favour of a nominated chamber. He firmly believed—and he was a witness as well as an advocate in this case, being perfectly well acquainted with the state of feeling in the colony—that this nominated chamber was nothing but an iniquitous device on the part of a small oligarchical clique, which, having got all the power into its own hands, believed that it would be thus able to retain it and to exclude the people from that fair share to which they had a right. It so happened that the waste lands in the colony had got into very few hands; persons who had left England a few years ago, with nothing in their pockets, to seek a fortune in the Antipodes, were now proprietors, under leases from the Crown, of tracts of land as large as an English county. These persons, co-operating with the nominees and with the Government officers, who secured to themselves, in case they were removed, retiring pensions equal to their full salaries, combined together to make the monopoly of legislation and Government as complete as the monopoly of the land, and so to shut out the legitimate influence of the representatives of the colonists. Yet this was the system which the House of Commons was now asked to confirm, and to register in this irregular manner the edicts of the Colonial Legislature — thus putting the yoke upon the necks of their fellow-subjects. In the next place, the civil list was enormously and profligately extravagant. Owing to the discovery of gold in the colony the salaries of the public officers were raised, and properly so; but it was wholly unprecedented that a Legislature should first raise those salaries, and then vote the officers pensions for life at that increased rate, thus fixing the retiring pensions, merely because the higher scale of salary had been received for two or three years, at the highest standard. The thing would really be inexplicable, were it not that the very Gentlemen who helped by their votes to pass the Bill dealing thus liberally with them—namely, the Colonial Secretary and the Attorney General—sat upon the very Committee which recommended the Assembly to make these grants, and actually voted upon their own salaries. Another objection to this measure was of the same class as the preceding, and was based on the nature of the Legislative body which passed the most objectionable Bill they were considering. That body was so packed and manipulated that it did not represent the great mass of the colonists. But that was not all. These Gentlemen, thinking they had got a good thing in passing this Bill, were determined, if possible, to keep it; and the House of Commons was, therefore, asked to assent to a clause declaring that this Bill, constituting a nominated Chamber, should not be subject to alterations, unless two-thirds of the Legislative Council were in favour of the change. So that this odious system was to be perpetuated until two-thirds of this packed body were induced to consent to its abolition, and the nominated Council would remain in possession of powers co-ordinate with those of the Legislative Chamber. He would put it to the House, after the statement he had made of the irregular and improper manner in which this subject had been brought before them, after the proofs he had adduced that the Legislative Council did not and could not in any way represent the feeling of the colonists, and, after the indications he had given of the corrupt mode in which the civil list had been dealt with, and of the grasping motives which actuated those who brought in the Bill—whether this was a proper measure for the British House of Commons, the professed friends of civil and religious liberty all over the world, to inflict upon our Australian colonies? He spoke freely on this matter, but he had no desire in the least to embarrass the Government. He must, however, call the attention of the House to the difficulty in which both the form and the substance of this measure placed them. They were involved in this dilemma—that they must either send this Bill back to the colony if they meant to do justice, or they must pass an Act here themselves. The first of those courses would, doubtless, save the House from the trouble and, what was of much more value, from the responsibility of forcing such an obnoxious measure upon their fellow-subjects in a distant colony. But in the case of New South Wales, to remit the measure to be reconsidered by the Legislative body would be little likely to redress the evil done to the colonists, New South Wales was lately a penal settlement, and the first consideration of the new Legislative body there was, how it might invest some of its members with the rank of a hereditary peerage, a signal proof of its unfitness to make a constitution. Therefore, the House might clear itself of the responsibility of this odious measure, but only by acting selfishly to save itself from trouble. If, on the other hand, they undertook to legislate here, the House, he feared, was not wholly ripe for the performance of such a task, and would experience much difficulty in dealing with local questions, which might be perfectly easy if they only possessed the requisite local information. Under these circumstances, and acknowledging the matter to be one of great difficulty—for the Bill could not possibly stand when a Crown lawyer came to look at it—he would respectfully submit to the noble Lord whether he might not spare himself much anxiety and the House much trouble, on a subject with which it must of necessity be little familiar, by sending this as well as the Victoria Bill before a Select Committee. No one could be more competent to deal with these Bills in such a Committee than the noble Lord himself; but, if he had not sufficient time for the purpose, there was the right hon. Baronet the First Commissioner of Works (Sir W. Molesworth), who was eminently qualified for such a duty. Let the Committee be impartially constituted, and not composed of men of a particular shade of politics, and then they could take the three Bills, and compare and collate their clauses with the view of seeing whether, if they were to legislate at all on this subject, they could not frame a creditable and uniform law which should apply to all the Australian colonies. Then they would have some chance of doing justice to the wise and well-considered rules and practice of that House, and also of giving satisfaction to those for whom they legislated. If it were shown that the colony did not object to such a measure as this—if it were really content to have a nominative Chamber, caricaturing the worst anomalies of English institutions, let it be so; but he protested against that House being made the tool and instrument by which an oligarchical faction in a colony should rivet a galling yoke upon the necks of their fellow-subjects. He submitted, therefore, to the noble Lord, that having come suddenly as he had done into his present office, he should pause before he pressed this matter forward, and obliged him (Mr. Lowe) to occupy, as he was afraid he must do if this Bill went on, much of the time of the House, and to raise topics which it would not be very agreeable to have discussed, but which might be amicably and speedily settled in a manner to afford satisfaction to the mass of the people of the colony, if they were referred to a Committee upstairs. He apologised to the House for detaining it so long; but this question was really so important that he felt very strongly upon it, and he spoke not as an advocate, but as a witness, who knew the men who carried this Bill, and was cognisant of their secret springs of action, though, of course, he could not then state all the grounds of his allegations. And sure he was, that if this Bill passed, it would only give the signal for a course of perpetual agitation, which must tend to weaken the bonds of union between this country and the colony. The worst effect, however, if they assented to this measure would be, that for these lamentable results they would make themselves responsible, because after declaring that they had delegated these functions to the Colonial Legislature, they would be taking from them the authority which they had devolved upon them by the Act of 1850. Thus that House would be accountable for all the mischiefs, the ill-blood, the heartburnings, and the turmoil of colonial agitation; and their impolitic legislation might hereafter prove a dangerous stumbling-block and cause of offence between the mother country and the colony.

LORD JOHN RUSSELL: Sir, I cannot claim the excuse which the hon. Gentleman has made for me—namely, that I come on this occasion entirely new to the subject, because it was my duty, in the year 1850, to propose and to discuss at great length, and very frequently, the provisions of the Bill (which afterwards became law) for the government of the Australian Colonies; and it is because I have become familiar with the clauses of that Act, and have seen what the Colonies have done in respect of those provisions, that I now ask the House to consent at least to the introduction of a Bill which gives force and validity to one of the constitutions which have been enacted in Australia. What Parliament did in 1850 was this:—it passed a Bill enacting certain constitutions for New South Wales, and for the other colonies which had been separated from it, and giving them power to make such laws for their own welfare as should not be repugnant to the laws of England. The 32nd clause went on to confer on those colonies authority to alter their constitutions, and to establish—in lieu of a single Legislative Council, partly nominative and partly elective—a Legislative Council and a House of Assembly, or of representatives; and, in short, so to modify their organic constitution as they might think fit. Now, New South Wales having had, besides this legislative sanction, an intimation from a right hon. Gentleman not now present, acting as Secretary of State, that the Crown would receive with satisfaction a Bill by which a Legislative Council and an Assembly should be created, and by which the Legislative Council should be nominative, the hon. Gentleman proposes to say to the colony, "Now that you have exercised all these powers, and, acting likewise upon our intimation, have adopted a constitution for yourselves, we will set your constitution entirely aside—we will consider it as though it had never been adopted at all, and appoint a Committee of the House of Commons to frame a totally new constitution for New South Wales." I do submit, Sir, that this course would not be a just one towards the colony. Besides this, there are important powers which, if those Acts pass which have now been some ten months before the Government of this country, will give New South Wales that control over its own waste lands which it and other colonies and colonial Assemblies much desire to possess. Well, if you have a Select Committee searching for a constitution and endeavouring to inform itself of the number of inhabitants in each district, and of the manner in which the representation should be distributed among them—subjects with which the hon. Gentleman is familiar, though many of the other members of the Committee are not—and supposing also that the Committee at length agree to a report as to the nature of this new constitution, and legislation on this subject is, as a necessary consequence, postponed for another year—such a result the hon. Gentleman himself will hardly deny would be calculated to excite great disappointment in the Australian colonies. And this would not be just with regard to the other colonies; for what has happened with regard to Van Diemen's Land? They had passed an Act which was not in conformity with their powers—they had exceeded their powers—but they received the Act in time to alter it, with an intimation from the right hon. Baronet the Secretary for the Home Department, that by making certain alterations they would conform to the Act. This they accordingly did. The Act has been passed by the two Houses, and Her Majesty, by an order in Council, has assented to it. With respect to South Australia, they have, in the Legislative Council, declared that they wished to reconsider the recommendations which they had made, as they had doubts with reference to the constitution which they had proposed. The Act has been sent back for reconsideration, and, provided they conform to the Act of Parliament, the constitution they may desire will most likely be granted to them. If the Waste Lands Bill which I propose to introduce should be passed, they will then have the disposal of the waste lands of the Crown. With respect to Victoria, the hon. and learned Gentleman will not, I believe, offer much opposition to the form of the Bill, so that they will most probably have the constitution they desire and the disposal of the waste lands. But, in the case of New South Wales, which has acted in conformity with the Act of Parliament and the intimation of the former Secretary of State for the Colonies, it is sought to deny to them—at least for a year; it cannot be less—the constitution they have enacted.

The hon. and learned Gentleman has made an objection to the Bill on a point of form, which he admits is easily remedied. I do not pretend to dispute a mere technical point of this kind, but I can only say, that this Bill was not only maturely considered in the Colonial Office, but was also submitted to the learned Gentleman who generally draws the Bills introduced by the Government. He is a man of great experience in these matters, and he, with an alteration which he suggested, and which has been adopted, declared that the Bill would be valid. The hon. and learned Gentleman raises this technical point, and says that if the Queen were to assent to this Bill, it might be an assent to a measure which was invalid; but, as he himself said, a few words would correct this defect. A few words can then be introduced into a clause, or there may be an additional clause to the Bill, stating that this House has assented, and then nobody can deny that this Act is as valid as the Act for the Australian Colonies now in force. But then the hon. and learned Gentleman goes into other points, into which I think it will be difficult for the House to follow him—nor would it be wise for the House to follow, could we overcome this difficulty. The Legislative Council being established in New South Wales, and recognised, the hon. and learned Member says, "Yes; but the representation is so unequally distributed that there is one large county, with four-ninths of the population, which only sends eight Members," and he cannot consider any legislation as valid passed by an Assembly whose basis of representation is so unequal. Are we then to have a Select Committee to go thoroughly into this subject—we, whose representation is confessedly so unequal—we, who have never had 50,000 people for each Member, or any equal basis—are we to say, after the question of the form of its constitution has been asserted by the Legislature of New South Wales—"Yes; but your basis of representation is so unequal, that, until that defect be remedied, we cannot admit as good or valid anything which you may enact"? To say this, would be to invalidate all the Acts which the Legislature of New South Wales may have passed. I am afraid that the hon. and learned Gentleman, who has spoken of myself and others as being ill-informed on this subject, is himself too well informed, he has taken too warm a part in the debates of the Legislature of Australia, or has been too considerable a leader of party in those Australian Colonies, and now wishes us to establish that which he then contended for. I must protest against following that course, or of carrying into effect everything which he may conceive to be necessary. He then came to the great blot of all, which is that, in compliance with the recommendation of the right hon. Baronet the Member for Droitwich (Sir J. Pakington), the Legislative Council, after great deliberation and frequent debates, which show great ability on the part of those who argued the question, came to the resolution that the members of the Legislative Council should be nominated by the Crown, and not elected. That was the decision come to, not only by those persons who were nominees of the Crown, but also by a majority of two to one of the elected members. Is this entirely new? Is it so abhorrent to all our views and principles that the Second Chamber should consist of members nominated by the Crown, and not elected? Our knowledge on this is to the contrary, for in nearly all colonies this principle has prevailed. We passed an Act not many years ago uniting the two provinces of Canada; that Act, I am happy to say, has been attended with the greatest success, and has contributed to the prosperity of that country, and for several years these great provinces have been content with a Legislative Council nominated by the Crown; and, according to the Act of 1852, the Legislative Council of New Zealand is so nominated. For my own part, I do not profess any special love or adherence to that form of constitution above another applicable to colonies—I think both have their advantages and both have their inconveniences. The advantage of an elective Council is this—it represents a great portion of the property and population of the colony; and its disadvantage is, that whereas a nominated Council can, by the power of the Crown, be brought into harmony with the Legislative Assembly should any difference arise, yet, in the case of two Councils, both elective, representing the people, should there be any difference between them it would be difficult to find a remedy. I do not say that the principle of an elective Council should not prevail—it may be the best form; but I say that it is not so absolutely so that we should insist upon it, if the desire prevail in a colony to have a nominated Chamber. I am not exclusively for that form, for I lately brought in a Bill for Victoria, in which an elected Assembly is declared to be valid; and I have, within the last few days, informed the Governor of New Zealand, who has just gone out, that if it should be the desire of the Legislature and of the people to have an elected rather than a nominated Council I should at once advise the Crown to comply with their desire. I think, therefore, that it is best to allow the people to judge what may be the form best suited to the interests of the colony. If you were to have a Select Committee and take fifteen Members of this House who were the best acquainted with the Colonies, I doubt very much whether the Act which they would frame would give half the satisfaction to the people of New South Wales as the Act which their own Legislature has framed. The hon. and learned Gentleman says, that a great number of petitions have been presented against this Bill. There is no doubt of this, or that in the places where a large number of people are collected there has been great industry used to obtain signatures to those petitions; but it is impossible to decide this question entirely upon petitions, for, in the counties in which the body of the people are formed of the old settlers, they are contented with the decision of the Legislature, and, supposing that its wishes will be attended to, have not deemed it necessary to petition in favour of its decision for a nominated Council. I do not know that there was any other topic propounded by the hon. and learned Gentleman, but I must remark that he himself admits there is considerable difficulty in saying what course it would be right to adopt. No doubt these Legislatures have exceeded their powers; but if they had not done so, if they had not trenched upon the powers of Parliament, the hon. and learned Gentleman cannot deny that the advisers of the Crown would have been competent—I should say that it would have been their duty—to advise that the Acts agreed to by the Legislature, with the amendments of the Councils, should be passed into law. If that be the case, where is the fairness of taking hold of what are, after all, nothing but technical difficulties, in order to oppose an obstacle to the enactment of this constitution. The hon. and learned Gentleman admits, that if we were to send this Bill back to the colony, the Legislature is so constituted that we cannot expect a better devised constitution than that which we have now obtained. Then he says, that if we attempt in a Committee of the whole House to frame a new constitution for New South Wales, to act towards New South Wales in the way we have acted towards Van Diemen's Land and South Australia, it is not likely, as our acquaintance with the affairs of South Australia cannot be very deep or minute, that we should come to a very satisfactory conclusion. Thus we are, by the hon. and learned Gentleman's own confession, debarred from the two modes of meeting the difficulty which I have not adopted, but which I rather understood the hon. and learned Gentleman the other day to recommend, although he now thinks that neither of them would be satisfactory. Then the hon. and learned Gentleman proposes an entirely new mode of proceeding; he proposes that we should say to the colony of Victoria—that colony having considered their constitution and being exceedingly anxious, as I was assured by a gentleman who took the pains to travel to Vienna to see me upon the subject, to have it enacted very soon, and more especially to obtain the powers they have asked for with respect to the waste lands, while they do not set much value upon the clauses we propose to omit—"You cannot have your constitution, because we mean to throw it into a 'hotch-pot,' because we mean to appoint a Select Committee, which shall extract from it a perfect theoretical constitution for Australia; because we mean to establish such a constitution as suits ourselves; and, therefore, although the Secretary of State has repeatedly declared that you should have your constitution immediately, you must wait for it another year; but then you will have the satisfaction of obtaining a good constitution from a Committee of the House of Commons." I think this would not be a satisfactory mode of proceeding. I am quite ready to admit that these Legislatures have exceeded their powers, and, by trenching upon an Act of Parliament, have placed us in a position of considerable difficulty; but I own I cannot see that the course suggested by the hon. and learned Gentleman would be preferable to the course we propose to adopt.

Mr. GAVAN DUFFY said, that he concurred in the objections taken to the principles of the Bill by the hon. and learned Member for Kidderminster (Mr. Lowe); and he did not think the noble Lord, in replying to them, had stated them quite fairly. The noble Lord declared the opponents of the Bill were resisting the wishes of the colonists; but he believed the ground of the hon. Member's objection, and certainly the ground of his (Mr. Duffy's) objection, was, that it did not represent the wishes of the colonists, but had been passed in opposition to their vehement protest. Parliament had offered to New South Wales a boon fit for a great Legislature to offer to a great colony—namely, responsible Government; and this measure was a dishonest attempt to render that offer null and void. The colonists were determined to get rid of their present system of Government; but if this Bill passed, the present system would be maintained, and the present Legislature would in fact, under a new guise, continue to have the supreme control. It was proposed that the very men whom the colonists were determined to get rid of should have the power of nominating the Legislative Council in which the supreme authority would be vested for five years. This alone was a fatal objection. Then how was the Legislative Council to be constituted? Why, in the most objectionable manner. In the first place, one-fifth of its Members would be able to hold offices of emolument under the Crown. It might be desirable to have in the Council men trained to public business, but it was shown in an able pamphlet by Mr. Chapman, the late Colonial Secretary for Van Diemen's Land, that persons who held offices under the Crown in the southern colonies were frequently quite unfit for the business of legislation, and it was not uncommon to see a dumb Ministry, not a single Member of which was capable of explaining its views. By constituting a Council in such a manner they would prevent that reform of the land system which was universally desired by the colonists. The new Council would be a sentry over the monopolies of the class from which it would be mainly selected, the squatters and land jobbers. It would, perhaps, be very effective for this object, but undoubtedly it would be an entire failure for all purposes of legislation, as it would neither possess the confidence of the country, nor have any reliance upon itself. Then, how were they to get rid of the Council, if the state of feeling arose which the hon. and learned Gentleman had suggested? No alteration could be made in it, excepting with the consent of two-thirds of its own Members.

LORD JOHN RUSSELL said, he had omitted to state that he proposed to give power to the Legislature to make alterations in itself by the usual majority.

MR. DUFFY said, he was speaking at a great disadvantage before he had seen the proposed measure of the noble Lord; he was referring to the Bill as it had been sent from the Colony. They ought to remember that they were legislating not only for the half million of people now in the colony, but also for the constant flow of population from this country, and they should take care not to legislate in such a manner as to check that flow, and to deprive the colony of the services of perhaps better men than it now contained. In Canada they had substituted an elected for a nominated Upper Chamber; at the Cape the Upper House was elective; and in New Zealand the Upper Chamber was about to become elective. Why should they establish in this colony the very thing which they had destroyed elsewhere? Another objection to the Bill was, that, although the large mass of the population thought the House of Assembly was elected upon an unfair basis, and with an unfair distribution of the representatives, the present arrangement was rendered permanent, and could only be got rid of by two-thirds of its Members committing political suicide. In truth, it was in no sense the Bill of the colonists; the elected Members, with a few notable exceptions, were taken from a class with whom the people were at war; and the official Members, in voting for an Upper House of nominees, acted under the impulse of the Colonial Office. In this sense it was less the Bill of the colonists than that of the right hon. Baronet the Member for Droitwich; and even the elected Members, a majority of whom had supported it, had voted for it in the expectation that they would be nominated to the Upper House. Men of intrigue got into the present Legislature who would never find their way into a new one created wholly by popular suffrage. The noble Lord said it was very hard to set aside the wishes of the colonists, but from the petitions presented to Parliament, they were decidedly opposed to a nominated Upper House. He had analysed those petitions, which were very numerous, and, taking the number of signatures, he found 12,152 against the Bill, 228 in favour of it, and forty-eight, out of a population of nearly 500,000, in favour of a half and half House, partially nominated and partially elected. The noble Lord found it difficult to decide what to do under the circumstances. It appeared to him the best course to send the Bill back for reconsideration, with directions to the Governor to dissolve the present Legislative Council, and to call another, in which he would take care that the nominees were men enjoying the people's confidence, and not merely partisans pledged to support a nominated Upper Chamber. If a fair election took place he had no doubt the new Council would frame a constitution representing truly the opinions of the colonists. If another course were adopted, and the Bill sent to a Select Committee, it could be deliberately considered in a fortnight or three weeks, and brought into harmony with the expressed wishes of those who were so deeply interested in it. If neither of these things were done—if the Bill was sent back in its present shape, while in New Zealand, in Victoria, and in Van Diemen's Land the Upper Chambers were elective, he was sure the people of New South Wales would not be contented, and the constitution would become a permanent source of irritation. The Earl of Derby had said that Cabinets hated colonies. If this Bill passed in its present shape the feeling would be reciprocal—colonists would hate Cabinets—and they might judge from the state of a neighbouring colony, that such a feeling, once roused in New South Wales, would not soon or easily be allayed. Whatever course the hon. Member for Kidderminster might adopt, he should take every opportunity of opposing the measure.

Mr. W. WILLIAMS said, that the only reason assigned by the noble Lord for this Bill was that it was passed by the elected chamber; but the feeling of the people was clearly against it. What should be done was to leave the colonists to choose their own form of government. If they did not do that it would lead to continued trouble and difficulty, and final separation from this country. He would recommend to the noble Lord to send back the Bill to the colony as suggested by the hon. Gentleman opposite.

Mr. J. BALL said, that it was quite evident from what had already been said in the discussion that there was great inconvenience in debating a Bill which was not yet laid on the table of the House. He had every reason to believe that no excitement existed in the colony on the subject of the Bill; it was easy for an active party to get up petitions, but the number of signatures affixed to those against the Bill was very trifling. The measure before the House came from the only constituted authorities competent to inform them of the wishes of the colonists. The Government propose to adopt the measure and give power to the colonists to alter or improve it at a future time. From his short experience of the colonies he knew that the best way to render a measure unpopular amongst the colonists was to endeavour to impose it on them in consequence of the recommendation of a Committee of that House; the only safe way was to adopt the proposals coming from the colonists themselves.

Leave given.

Bills *ordered* to be brought in by Lord John Russell and Mr. John Ball.

Bill read 1°.

The House adjourned at a quarter after Ten o'clock.

HOUSE OF LORDS,

Friday, May 18, 1855.

Minutes.] Public Bills.—1ª Sewers (House Drainage); Spirit, &c. Duties (Excise). *Reported*—Intestacy (Scotland).

THE VIENNA CONFERENCES.

Earl GREY: I beg to state to your Lordships that it is my intention to postpone bringing forward the Motion of which I have given notice for Monday till Friday next. I do so most unwillingly, and at great inconvenience to myself, but it has been represented to me by those who take the same view of the subject as I do, that it would be extremely disadvantageous to have the question debated in both Houses of Parliament on the same night. I therefore, though unwillingly, beg to postpone my Motion till Friday.

THE ARMY—CONSOLIDATION OF THE CIVIL DEPARTMENTS.

Lord PANMURE rose, according to notice, to make a statement of a Plan for the Consolidation of the Civil Departments of the Army, and said: My Lords, I have now, with your Lordships' permission, to address myself to a question, or rather to make a statement, most intimately connected with the administration of our military affairs; but I feel that it is impossible to refer to a military subject this day without saying one word in congratulation on the scene we have witnessed this morning on the parade of the Horse Guards. This, my Lords, is the first occasion on which a Sovereign of this country has condescended to distribute honours of this kind, not simply to men of high birth, holding high commissions in the army, but to the humblest soldier in her service who has shed his blood in defence of her Crown and of the country—in defence of her honour and of the honour of the land which gave him birth.

It must have been a gratifying sight to your Lordships to witness so many brave and distinguished men receive these honours at the hands of their Sovereign, and I trust that this will not be a solitary instance of such a glorious scene, and that it will have the effect of inspiriting the youth of this country to come forward and enter into a service in which they, too, may distinguish themselves and receive similar rewards to those which have been bestowed to-day. With these few remarks, I now proceed to make the statement of which I gave notice, in the first instance, for Monday last.

My Lords, I am not sorry that the delay which has unavoidably arisen has taken place, although I was quite prepared to make that statement on Monday. The changes which I am about to submit to your Lordships are not of a character which require the interference of any legislative enactment; but I think it would be only respectful to your Lordships and the country that no material changes should take place in the administration of the army which are not plainly—at least, as plainly as I can state them—laid in detail before your Lordships, with a full explanation as to the manner in which they are to be made, and the effect they will probably produce. In dealing with this subject, I must, in the first place, guard myself by saying that I have no intention whatever of reflecting in the smallest degree, either upon the official character, or upon the official zeal and exertions of any officer connected with the departments with which it is my purpose to deal. My Lords, I deal with the system, and, if I complain of anything, it is of the working of the system; it is not of the officers who have had the conduct of that system, which they could neither alter nor amend. Nor do I propose to find fault with mere routine. I perfectly agree with the noble Earl opposite who spoke the other night (the Earl of Derby), that no public, no official business could be conducted in this country without routine. A well-regulated routine advances public business as much as an ill-regulated routine retards it. Without, therefore, a simple and well-regulated routine in all our official departments, we should have confusion instead of that simplicity which is so desirable, and which is one of the chief objects in the transaction of all business.

My objection to the system on which the Board of Ordnance is conducted is, I am afraid, not confined to myself individually. During the six years in which I had the honour of holding the office of Secretary at War I was accustomed to hear such objections; and I found during that period that the delays which occurred in the Ordnance Department—through no fault whatever of the officers of the Board or of the other officers connected with that department—I say I found that the inconveniences which arose and the delays which occurred in that department were great obstructions to the effective administration of military affairs. Every Commission that has inquired into the administration of the army has made remarks to the same effect. Committees of the House of Commons which have inquired into the army and the Ordnance administration have also come to the same conclusion; and yet, my Lords, no Government has up to this moment undertaken to adopt any system by which the administration of the Ordnance Department might be amended or improved. It appears to me, then, that the general opinion is, that something ought to be done to simplify the civil administration of the army. But a question arises at the outset whether the present is a convenient time for making any large or extensive changes in our military administration. It has been hinted, if even it has not been broadly stated, that during a period of war changes to any extent in the administration of a war department would be likely to prove inconvenient, and to interfere with the conduct of the war. Now, I confess I do not share that opinion. It appears to me that if improvements can be made in any department, more especially in one connected with military administration, there is no time when it is so incumbent on us to make that improvement as the period in which it may be most beneficial and effective. And, having satisfied ourselves that by the changes which we propose, no interruption will occur in the military service, that the supply of all the *matériel* of war will continue with, perhaps, more speed and more accuracy, while that *matériel* will be fully as good in quality;

having satisfied ourselves that no difficulties will arise out of the various changes which are proposed, Her Majesty's Government have resolved to make those changes with as little delay as possible.

It is proposed, in the first place, to abolish the Master General and the Board of Ordnance altogether. I need hardly inform your Lordships that the Board of Ordnance and the office of Master General is, perhaps, one of the most ancient establishments which exist in this country. I think it dates from the time of Henry VIII., and it has borne in the military establishment of the State a far higher rank and distinction than of late years it has been accustomed to hold. The Master General and members of the Board hold their appointments by letters patent under the Crown; and, therefore, no other step is necessary than for Her Majesty to dictate a revocation of those letters patent, upon which the Master General and the whole Board of Ordnance cease to have any existence. The only question arising out of this proposed change in which Parliament will be required to render assistance is to enable the Secretary of State to hold the lands which are at present vested in the Board of Ordnance, under an Act of Parliament, which will be introduced shortly into the other House. Now, the Master General and the Board being abolished, it becomes necessary to deal with the whole establishment connected with the Ordnance. Your Lordships are aware that this consists of two departments—one relating to matters which are purely military, and the other to matters of purely a civil character. The matters which are purely military are the commands of the Royal Artillery and of the Royal Engineers. These commands it is proposed to vest in the Commander in Chief of the army. I have never yet been able to understand why the Commander in Chief of Her Majesty's troops should not have the chief command as well of the Artillery and Engineers as of the cavalry and infantry. There can be no difficulty in the transfer of the command of the Artillery and Engineers to the Commander in Chief, because in the Artillery there is a Deputy Adjutant General and an Assistant Quartermaster General, entirely and exclusively belonging to that force, who can conduct the military administration of that branch of the service under the Commander in Chief, exactly in the same manner as it was conducted under the Master General of the Ordnance. In the same way, there is a Deputy Adjutant General of Engineers, who, communicating with the Commander in Chief, would convey his orders to that corps precisely as he now conveys to it the orders of the Master General or Lieutenant General of the Ordnance. It would be wrong in me if I omitted this opportunity, while dealing with the military members of the Ordnance, of stating to your Lordships that it is the concurrent opinion of every officer, as well as of every Member of Her Majesty's Government, and of other Governments, who have had to do with Sir Hew Ross and Sir John Burgoyne, in their military capacity, that two officers more meritorious on account of their scientific knowledge, and who have taken greater pains to bring to perfection these branches of the service over which they have presided, never bore Her Majesty's commission. The manner in which the artillery was forwarded to the seat of war conferred upon Sir Hew Ross the highest possible character, and stamped him as an officer of artillery of rare and uncommon merit. The manner, also, in which Sir John Burgoyne has conducted operations as chief of the engineer department is equally well worthy of my humble testimony, and of the approbation of your Lordships and of the country. My Lords, I have felt that I could not touch upon this branch of the subject without making reference to the services of these two distinguished officers, who have been the means of bringing the artillery and engineer departments of the army to their present state of perfection; but now I will pass to the civil branch of the Ordnance Department. The civil branch of that department consists, as your Lordships are aware, of the Master General of the Ordnance, who is not a member of the Board, but who is supreme over the whole department, and who can approve or disapprove the actions of the Board; he can also order, on his own responsibility, the expenditure of any money to carry on the business of the department, but all financial expenditure which he may order must be carried out by the officers of the Board, who have the charge of its monetary or financial details. The next member is the Lieutenant General of the Ordnance, an office which was formerly abolished, and was only renewed upon the departure of the Master General, Lord Raglan, to assume the command of the army in the field; and then come the Surveyor General, the Clerk of the

Ordnance, and the Principal Storekeeper. These four officers form the Board of Ordnance. I will now proceed to state to your Lordships what are the duties which these officers are called upon to perform. The duties of the Master General, as stated in the report of a Select Committee, are, in a civil capacity, to take entire control over the whole department. He has the power of doing any act on his own authority which can otherwise, where he does not interfere, be done only by the Board; he can order the expenditure of money for the purpose of the department, but that expenditure must be carried out by the officers of the Board. The Lieutenant General at a time when the Master General is present in this country, has no active office, but in his absence he presides generally over the whole business of the Board. The Surveyor General has no peculiar duties assigned to him, but he is to exercise a supervision over the whole business of the Board and of the department generally. The Clerk of the Ordnance is the financial member of the Board; it is his duty to prepare the Estimates of the money required for the service of the department, and to lay them before Parliament, and generally to control and superintend the expenditure of the whole department. The Principal Storekeeper, as his title implies, has the care of the immense military stores belonging to the Crown—of all the ordnance, carriages, arms, and ammunition, and, in fact, he appears to me to be the officer of the greatest importance and the most indispensable of those attached to the Board of Ordnance. These are the superior officers at present constituting the Board of Ordnance. Now, my Lords, it is proposed, as I have stated, to abolish that Board altogether, and this is the arrangement which we propose to adopt for the future. We propose that the Secretary of State for War shall have the supreme direction of, and be responsible for, the administration of all the business of the department. We propose to place under the Secretary of State, for the purpose of carrying out his views and instructions, a chief civil officer. The duties of that officer will be to receive all orders relating to the civil administration of the army from the Secretary of State, to convey those orders to the heads of the different branches, and to apportion them among the members of the administration. It is further proposed that this officer shall be a Member of the House of Commons, that he shall there be responsible for all matters relating to the civil administration of the army, and that it shall be his duty to move in one combined estimate the whole expenditure of the army, instead of that expenditure being moved as at present in three distinct estimates—one for the Army, another for the Ordnance, and another for the Commissariat:—it is proposed to combine these three estimates in one, so that the House of Commons and the country may see at one view what is the whole military expenditure of the country for the current year, reduced, as I hope it may be in the course of time, to a statement drawn up in a simple form, and easily understood by all. It will further be the duty of this officer, having conveyed the orders which he may receive from the Secretary of State to the different branches of the administration, to see that those orders are regularly carried out, and, for that purpose, each branch will be called on to keep a day-book, and to enter in it the various orders which it may receive. A duplicate will be kept in the office of the Secretary of State, in which he will note the orders issued upon particular days, and, by calling daily or weekly for the production of the day-books of the various branches, he will be able by a comparison with his own, to trace at once the manner in which his orders have been carried out, and to detect where there has been delay or mal-execution, and thus will be able to do that which is now found to be so difficult, that is, to place the saddle on the right horse. These are the chief duties which will appertain to this new officer whom we propose to appoint. I now come to the existing offices in the civil administration of the Ordnance Department. I may say, my Lords, that in dealing with these offices I shall hold when the new arrangements take place—as I shall be responsible for the working of the machinery I am about to explain to your Lordships—I shall hold these offices, however filled at present, to be virtually vacant. Reappointments may take place—no doubt reappointments will take place—but I shall hold myself to be armed with authority to have the best men at the head of those different branches of administration, in order that, however we may succeed, we may at least have the best chance of working it to the best advantage. My Lords, the first office to which I shall refer is the only one, with regard to which I find any difficulty in drawing the line of demarkation between the military and civil departments, and that is the office of Inspector General of Fortifications. He has the command of the corps of the Royal Engineers. As regards the planning of fortifications and drawing up schemes of defence, the Inspector General of Fortifications will be under the authority of the Commander in Chief; but as regards superintending the building of fortifications, or the erection of works of defence, the purchase of land and the like—that is to say, as far as regards the carrying out of the civil contract—he must of necessity be under the control of the Treasury. I do not anticipate that any practical difficulty will arise from this arrangement, and, indeed, Sir John Burgoyne, who now so unexceptionably fills the office of Inspector of Fortifications, foresees no difficulty in continuing to render his valuable services under the new arrangement which is proposed. The next office to which I will refer—I may state, my Lords, that I am now dealing with a class of officers who must, for the public convenience, have offices in London, and, if possible—and I hope that in a short time it may be so—under the same roof as the Secretary of State—I come now to the Director General of Artillery. At present that officer is appointed by the Master General of the Ordnance. The duty of the Director General will be to advise the Secretary of State for War in all matters connected with the *matériel* of the artillery department. The Director General decides as to the mode of arming all works which are erected by the Inspector General of Fortifications. He has to keep himself informed as to the number, nature, and condition of all guns, mounted and unmounted, in charge of the artillery in all parts of Her Majesty's dominions. That officer is *ex-officio* president of what is called the "Scientific Committee," and he superintends the introduction of all changes and improvements in the *matériel* of the arsenal. His office, therefore, must be close to that of the Secretary of State, because, upon all matters relating to the *matériel* of the artillery, he must give the Secretary general advice. The next of those high offices is a new one in connection with the Ordnance. Inasmuch as the navy makes great demands for stores upon the Ordnance Department, it has always been thought necessary to have a naval officer connected with the Ordnance for the purpose of giving advice in all matters relating to naval gunnery. At present, however, the officer who holds that appointment is Sir Thomas Hastings. I propose in future to place the naval officer in connection with the Director General of Artillery, and he will be called the Naval Director of Artillery. He will be charged with superintending all the improvements which may be introduced into the naval gunnery of the country. It will be his office officially to make himself acquainted with all questions of armament and with all suggestions that may be made for improvements in those matters. He will also have to make himself generally acquainted with all the different stores which may be under the charge of the Ordnance; and he will be in immediate communication with the Admiralty in reference to them, so that no time may be lost in equipping ships, when the hour arrives for their equipment, with such materials as may be furnished from the Ordnance. It is essentially necessary that that officer should be a member of the Scientific Committee, and he will be *ex officio* a member accordingly. The next office to which I shall allude is that of the Superintendent of Stores, which is, in my opinion, entirely a civil office. Although those stores may and do consist of articles for the military service—which, in fact, they will always do—yet I see no reason against—on the contrary I conceive that great benefit will be derived from—placing at the head of the storekeeper's department one who is thoroughly acquainted with the classification of stores, with the mode of receiving them, with their custody, with the manner of keeping accounts, with the system of issue upon mercantile principles, and who shall also be acquainted with that of which I am afraid many military storekeepers are entirely ignorant—namely, the mode of taking stock upon approved commercial principles. I remember being upon a Committee of the House of Commons when the question was asked, whether we had any thorough and perfect knowledge of the amount of military stores which were in the different storehouses belonging to this country at home and abroad; and the answer was, that there would be extreme difficulty in stating the amount; and, upon the question being put whether it would not be perfectly easy to take stock of the stores, the answer was, that it would be almost impossible. I think that that is a branch of the service which ought to be conducted upon the most approved commercial principles. It will be the duty of the storekeeper to have a thorough knowledge of the mode in which the business of his department is carried on; he will have a great number of deputies under him, and he must from time to time, by personal inspection or otherwise, ascertain the manner in which his deputies at the different stations are conducting his business, and he will be responsible to the Secretary of State for the entire conduct of the storekeeping department of the Ordnance. This is a department of no small importance, and your Lordships may form some estimate of its extent when I state that there are at present no fewer than ninety storekeepers, with salaries varying from 150*l.* to 800*l.* per annum. I hope that we may be able very considerably to reduce that number of storekeepers. The next officer is one whose duties are almost entirely distinct from the Board of Ordnance—namely, the Superintendent of Contracts. I do not know with what truth it is asserted, but I have always heard it insinuated, that the contract system of the Ordnance has not hitherto possessed the confidence of the commercial world; and I think that I might, if so disposed, cite instances in which it had not worked well for the purpose. I have heard it stated that under the present system many of the most respectable business firms in the country have declined to enter into competition, and to make tenders when contracts have been put out by the Ordnance for articles which they might have supplied. It is not my intention to inquire how that state of things has arisen; but the remedy seems to be to establish a branch which shall have the superintendence of the whole of the public contracts made for the army or the Ordnance. That is another branch which is purely of a commercial character; and I propose to place at the head of it as good a commercial gentleman as I shall be able to find for that purpose, who has the confidence of the commercial world, and who will be, I hope, emphatically a "right man in a right place." The duty of that officer will be, as I have stated, to make all contracts;—the contracts, for instance, in the clothing department will be made by this officer. He will not interfere with the execution of those contracts, but he will have another duty to perform—namely, that if the contracts shall not be fulfilled, he will have the duty imposed upon him of enforcing its fulfilment, and of taking the measures necessary to effect that object. I now come to another department with which it is absolutely necessary that the Secretary of State should have immediate communication—I mean the officer on whom shall devolve the duty of taking the necessary steps with respect to the clothing of the army. There is no department, in my opinion, in which it is more essentially necessary to take steps to secure a proper administration than in the furnishing of clothing to the army. Until within the last year or two the clothing of the cavalry and infantry was furnished by the respective colonels of regiments. There arose a very general objection to that system; indeed, it was so general that two years ago the Secretary at War relieved the colonels from the duty and responsibility of clothing the regiments, and took that responsibility upon the Government. That may have been a very proper arrangement, but I do not believe that it will be found altogether a profitable one for the public. It certainly will be more convenient for the colonels; but there were many advantages (although there might have been at the same time, also, some disadvantages) in the colonels clothing their regiments, which will not accrue when the clothing is furnished by the Government. On the other hand, there are, no doubt, advantages which will result from the clothing being undertaken by the Government, which did not arise under the old system. In the new arrangement, I propose to constitute a Superintendent of Clothing. The effect of this appointment will be, to do away with a Board which at present exists, namely, what is called the Board of General Officers. They will have no occupation, and they will be of no use to the public after that new system shall be brought into practice. No new patterns of uniform can be adopted, or altered, or in any way deviated from, except by the express command of the Sovereign, signified through the proper authority—and in future that proper authority will be the Secretary of State. In accordance with such command, patterns will be sealed and committed to the custody of the clothing director. He will enter into communication with his two colleagues, the superintendents of stores and contracts, and with the aid of such professional assistance as he may choose to call in, it will be the duty of the clothing director, as the head of this department, to inspect all clothing materials before they are given out to be made up for the purposes of the army; and it will also be his duty to inspect, and be responsible for, all clothing after it has been furnished, to see that it is properly packed, and, where necessary, duly shipped, so that it may be delivered at the proper time to those regiments, both at home and abroad, which are entitled to receive it. It may take some little time to get the duties of this officer into good working order, but I have no doubt that the duties of this officer being efficiently fulfilled, we shall in a very short time arrive at a system of clothing the army which will insure regularity of delivery, and uniformity of pattern throughout the whole army, without at the same time incurring any undue expenditure for the purpose. I hope also we shall be enabled by this means materially to improve the quality of the clothing, and thus remedy an evil which has often been the subject of complaint. That is one matter to which the superintendent of clothing ought immediately to direct his attention, for no man can look at the clothing of our soldiers in this country without being at once struck with the very inferior nature of the material of which it is composed; the consequence is, not only that it is liable to wear out sooner than better clothing would, but it causes the soldier to suffer far more than is necessary from the inclemency of the weather. It appears to me essentially necessary that these officers of departments should sit, if possible, under the same roof with the Secretary of State, with whose transactions he should be acquainted; because, if intimately acquainted with them, having a general eye over their operations through the civil officers with whom he is in communication, he will be enabled to see whether all the duties are properly performed, and he will be enabled without much difficulty, whether in time of war or in time of peace, to carry on the military departments of the army with something like a unity of purpose.

There are, however, certain other departments which, though somewhat of a military character, carry also with them much of a civil nature, inasmuch as they are more or less manufacturing departments. In my opinion, as they are departments of manufacture, they ought to be under the civil control of the Secretary of State, who is responsible to the country that the articles they manufacture are not inferior in quality or pattern, or deficient in quantity for the use and service of the country. My Lords, all these departments will continue to hold the position they do at present at Woolwich, or Enfield, as the case may be. With regard to Woolwich, the first officer to whom I will direct your Lordships' attention, is an officer who will be called the Superintendent of Ordnance. This officer, in the first place, has charge, and will continue to have charge, of the manufacture of all brass ordnance. He is also charged with seeing that all the guns, shot, and shell received into the service are in an efficient state, are constructed according to the pattern, and adapted to the service for which they are required. He will also have the proof of all ordnance, and will be required to keep a correct account of all ordnance which passes through his hands, of the persons to whom he delivers it, and when it was delivered over to the army. He will be at the head of the branch of the manufacture of ordnance at the Arsenal at Woolwich, and will carry on his operations there, but under a different system to that which has hitherto been pursued. All these departments, my Lords, are entirely under military arrangements, and their officers are amenable to the military authority and subject to military discipline. The officer who has charge of this department is a military officer. I do not mean to remove the charge of these departments from military officers. It is intended to continue in the charge of this and other departments the most efficient officers that are to be found in the ranks of the Royal Artillery; but, in order that they may be enabled to direct their attention entirely to the duties of the departments over which they shall have charge, I propose that they shall be detached from their regiments for a period of five years, and after that, if it is not thought necessary to continue them as the head of those departments over which they have had charge, they shall resume their position in the regiments in the same manner as engineers taken from the Royal Sappers and Miners for civil service are treated at present. While we thus relieve these officers from the immediate control of their commanding officer, we shall at the same time leave them in their proper position in the regiment without loss either of promotion or rank, while it will procure for the civil portion of the War Department the services of officers of the greatest energy to conduct the business of those departments over which they may be placed. The next officer is the Superintendent of the Carriage Department, which is a department now existing. This officer will be charged with the construction for all gun-carriages for the navy as well as army, of waggons for ammunition and land transport, of ambulance for the sick, and all military machines. This includes a large manufacture of iron-work as well as of wood, and the manufactory at Woolwich is of a character which enables the superintendent to carry on the works of both departments. This officer will also have to be detached from his regiment in the same way, for a period of five years during which he is at the head of the department — when he may be changed, though that is not absolutely necessary, and may return to his regiment without loss of promotion or rank in the service. The next officer is the Superintendent of the Laboratory. I confess the term "Laboratory," is a term that is not very well applied in this instance; but I have not been able to arrive at any better designation; therefore I have thought it best to use the old term that has been generally used. This officer will be charged with the preparation of ammunition for every species of arm; likewise of all combustible material—rockets, for instance, blue lights, and things of that description, for both the army and navy. The next officer to whom I shall refer is the Superintendent of Small Arms, who is not confined to Woolwich, as your Lordships are well aware that there is erected, or almost finished, at Enfield, a Government manufactory of small arms, which, though it will not at present supply the army to the extent it may require, will, at all events, enable the Government, in time of peace, to accumulate a sufficient store to supply the army hereafter in time of war. This officer will be charged with the duty of the construction of such small arms as are manufactured by the Government, and with the inspection of all small arms furnished by contract; and will be responsible for their proof, their correspondence with pattern, and that they have been finished and delivered according to the contracts. Your Lordships will perceive that the duties which this officer will have to perform are of a very important character, and it is proposed to place at the head of that department an officer of the Royal Artillery, to be detached in the same way; and I am quite sure that that arrangement will be recognised as the fittest that can be made. There is one other department only to which I have now to advert. It is a very important one, and is now connected with the Royal Laboratory; but I think the duties are so extensive, and performed altogether away from Woolwich, that it will be better to erect it into a separate branch by itself. I mean the superintendence of the gunpowder works and of the manufacture of powder. The officer who will take charge of that department will naturally reside at or near Waltham Abbey, where the Government mills are, and will be their responsible superintendent. He will also be responsible for receiving and proving all gunpowder made by contract for the Government. He will also be responsible for the quality and purity of the saltpetre which is purchased for the manufacture of gunpowder. He will also be responsible for a duty not at present belonging to that department—I mean the re-stoving of gunpowder, which appears to me to be essentially a duty attaching to the officer having charge of the manufacture of gunpowder, but which is at present performed by five different fire-masters. This officer also will be an officer of the Royal Artillery, selected on account of his fitness for the office; and the whole of the five officers I have mentioned will, under the officer at the head of the civil administration, conduct the business of their several departments on the manufacturing principles that are carried out in other departments of manufacture amongst the civil ranks in this country, and I hope with the same economy, regularity, and success.

Now the only other point to which I need refer is a question that has been asked, and may no doubt be asked again, why it is not proposed that this superior officer should be a Member of the House of Commons to represent the Secretary of State when he is not in that House, in the civil department of his office? My answer is simply that the duties of the officer who will have the charge of the civil administration of the army will be so multifarious, that there will be plenty of work for the Under Secretary of State to do, in answering in the absence of his chief for all such points of the political administration of the War Department as he may be responsible for—matters connected with the discipline of the army and with the movement of troops. When I held the office of Secretary at War ninety-nine out of every hundred questions in the House of Commons affected points of military discipline, the movements of troops, and matters of that description, rather than financial matters more immediately connected with the duties of the office. I apprehend, therefore, there will at least at present be room for both these officers, and I do not propose to dispense with the Under Secretary of State in the House of Commons, although we make a new officer, or rather charge an old officer with new duties.

Such, My Lords, is the scheme which, after careful consideration, I have laid before your Lordships. I do not pretend to say that it is perfect, but it will by daily operation work itself into smooth gear. The changes now undertaken must be wrought out under the superintendence of an officer well acquainted with all these branches, whose heart is in the matter, and who has shown himself to be, by the administration of a department, a man of first-rate business qualities, and of first-rate zeal, because I am sure that the employment of such a man will give the fairest chance of success to the new scheme which I have just explained, not ambiguously I hope, to your Lordships. I have said nothing as to the expenditure which may be attendant upon these changes, because I am as yet unable to produce any detailed statement of the expenditure likely to accrue under the new system; but I can assure your Lordships that I have so far ascertained the effects which may be expected as to be able to say I have every reason to believe—indeed I feel convinced—that we shall have a more economical expenditure than under the present system. I am also able to state that I shall not be called upon to ask a single shilling either to pay new officers or to increase the expenditure of the new department. There may be some asperities at the first carrying out of this change, but, as I have already stated to your Lordships, I anticipate no interference with the public service. Had I thought that this change by being made at this time would at all interfere with the conduct of the war in any of its branches, or would affect the supply of material for the army in the least degree, I would not at this time have undertaken to make this change, however much I might have subjected myself or the Government to obloquy for not doing so. I am aware that I have not gone as far as many reformers of military administration would call upon me to go, but I think I have gone sufficiently far, and the subject is one that has been carefully considered. Taking into account the period that has elapsed since the Government was established, it may be said that we are to blame for having delayed those changes so long; but I am convinced of this, that if those changes had been made without taking full time to consider what each of them might produce, and the manner in which they would work, we might only have made what was considered bad still worse than it was before. After the consideration which I and my colleagues have given to the subject, we think we may calculate that they will be found conducive to an approved administration of the civil departments of the army. It will take some time, of course, before the improvements of the new system can show themselves, but in the course of a little time I do trust, my Lords, that that system will be found to be such as will command the approbation of your Lordships and of the country, whose business we are endeavouring to transact with the greatest possible utility and effect.

THE EARL OF ELLENBOROUGH: My Lords, I must say it is extremely satisfactory to find that it is not considered necessary to have recourse to the intervention of Parliament for the purpose of carrying this plan into effect. It is most desirable that the changes which the noble Lord proposes should be made on the authority of the Crown. The noble Lord will then have an opportunity of making any alterations which he may think to be necessary, and those who may succeed him will also have the same power. I trust, also, when the noble Lord reserves to himself the power of displacing all present officers whose duties he may consider can be better performed by other persons, he will not hereafter be surprised if the same power should at some future time be exercised by his successors. The abolition of the office of Master General of the Ordnance, the amalgamation of the office of Secretary at War with that of the Secretary of State for War, and the union of the Commissariat with the War Department, seem to me to be very great and important changes, and I think it would be convenient if the noble Lord would direct that a memorandum shall be prepared and laid upon the table for your Lordships' information, showing the present powers of the several officers whose situations it is proposed to abolish, and the powers intended to be intrusted to the officers by whom they are to be succeeded, so that we may have a tabular view of the entire alterations which are proposed. We are without any information as to the manner in which the Commissariat Department—a department of the greatest importance—is to be administered. I apprehend that at present there is no one in that department between the Minister for War and the Chief Clerk of the Commissariat Department who formerly acted under Sir Charles Trevelyan. It appears to me that there is a difficulty about all these arrangements, and I want to know precisely what is to be the real responsibility of the Minister for War. I know that he will be answerable for his conduct in his place in Parliament; but I want to know to what extent he is to be really responsible. A very conscientious man, placed at the head of the War Department, might think it necessary for him to look into every detail of the Commissariat Department; but, if he does that, and endeavours also to acquaint himself with all the details of the office of Secretary at War, and of the office of Ordnance, it is perfectly impossible that he should perform these duties satisfactorily, for he will be overwhelmed with business. If, on the other hand, he considers that he incurs a mere technical responsibility, all the evils of the present division of authority will be practically continued, the business will be conducted most unsatisfactorily, and there will not be that unity of administration which is desirable. In my opinion it is absolutely impossible to carry on the department of the Commissariat without giving it some ostensible head—a person of authority, who shall be responsible in the eye of the public for the administration of the department. No doubt the Minister for War will have the power of giving directions with reference to that department, and on some occasions he may test the accuracy of the statements made to him, and look into the details:—indeed, I consider that no one can possibly conduct the business of the public well unless he occasionally looks into the minutest details of his department, and ascertains the conduct of those who administer it. I question very much the policy of annexing the office of Secretary at War to that of Minister for War. It seems to me to be a violation of principle; because a Minister for War incurs expenditure, and the Secretary at War has hitherto managed the finances of the army, and it has been his duty to control expenditure. Now, to give to the same person the power of directing and of controlling expenditure seems to be a contradiction in principle which can hardly fail to lead to injurious results. It may be quite right that the Secretary for War should have the power of controlling and overruling the Secretary at War, but there is always a very great advantage in having an officer whose duty it is to make representations. Let the Secretary for War strike as he pleases, but let him hear first; and it certainly appears to me that, according to the present proposal, there will be no one to make representations as to the finances of the army. With regard to the Ordnance, I recollect the time when that department was under the control of the Duke of Wellington, and when the present Commander in Chief was Clerk of the Ordnance; and the opinion of the Duke of Wellington at that time was, that no department of the State was so well organised, and that in no other department was business so well conducted. I have no doubt that while the noble Duke and my noble Friend were at that department it was admirably conducted, and I think the principle upon which that Board was framed was to the last degree superior to the principle upon which the Board of Admiralty is framed, because it gave authority to the chief, and there was really no difficulty in transacting the business. I object to the abolition of the office of Master General of the Ordnance upon two grounds, both of which I think are worthy the serious consideration of your Lordships and of the public. In the first place, I object to placing the whole patronage of the army in the hands of one man, so that no gentleman in England will be able to obtain for his son admission to any branch of the military service without going to one individual. I think that would be, practically, a very objectionable arrangement. I think another great practical objection to the change is this:—During the life of the Duke of Wellington it was not at all necessary for any Government to have the Master General of the Ordnance in the Cabinet; the Duke of Wellington was uniformly the honest adviser of all Ministers. But the position of affairs is now very different, and I do think that to take from the Government the power of having an military friend of their own, whatever his authority, in the Cabinet, to advise with confidentially, as has been the case under all circumstances in former times, will result in a very great loss to the public. It is impossible that the Government should not on many occasions have derived great advantage from the assistance of the late Lord Anglesea as a Member of the Cabinet. In time of war this advice is especially necessary; but now, in what a position will the proposal of the noble Lord place the Government? He proposes to abolish the office of Master General of the Ordnance. The Secretary at War and the Clerk of the Ordnance are civilians; the Minister for War will usually be a civilian:—indeed, it would be a very great advantage to the public if any military man should be in a position to hold the office. We must, however, look to the probability that the Minister for War will generally be a civilian. In the office of the Minister for War—who will direct, not only the movements of the army, but who, under the proposed alterations, is to deal with all the scientific details which are called civil, but which are really military—there will not be, therefore, one military man, nor will the noble Lord have the means of bringing to his side any one military man in whom he has confidence. No doubt military men will most willingly give him their advice on all occasions when they may be asked to do so, but he cannot be in the habit of daily confidential communication with a military man in whom he has confidence, and whose advice might be most valuable in enabling him to conduct satisfactorily the business of his office. I think this will not only be a great loss to the individual Minister, but that it will also be a serious loss to the public. The Admiralty as well as the army has at its head a civilian; this may at times be unavoidable, but I cannot but think that the Minister having the general direction of the war would feel himself much stronger in council if he sat between such a man as Sir William Parker on one side, and such a man as Lord Seaton, or Sir John Musgrave, or Sir Howard Douglas on the other, than he can sitting as he now does between Sir Charles Wood and his own shadow. Many of the alterations which are suggested by the noble Lord may be improvements, but experience only can show whether they are improvements or not. I have thought it right to state those objections which seem to me to apply practically to a material part of the general scheme of the Government; and I hope the noble Lord, if he can do so, will place upon the table a memorandum showing at one view all the alterations which it is intended to carry into effect.

Earl GREY: I quite concur with the noble Earl in the great advantage of having such a memorandum as he suggests prepared and laid before the House; but I would go a little further. My reason for not entering into the discussion of the proposed plan to-night is because I think it quite impossible for any of your Lordships really to understand this scheme, which is one of considerable complication, without having it before you in much greater detail than is the case at present. I agree with the noble Earl that it is very fortunate it is not necessary to carry a measure through Parliament for the purpose of regulating the future administration of the army. I think this may be much better done by the authority of the Crown. I believe my noble Friend, in explaining his scheme, said it would be necessary that Parliament should transfer all the property which is now vested by various Acts of Parliament in the Master General of the Ordnance to the new authorities. I think, however, it is very desirable that the new arrangements should be made by the Crown; but, although they are made by the Crown, I hope they will be embodied in some formal document. I conceive that it is advisable to carry into effect measures of this kind in a very formal mode, and I hope that, either by new letters patent or by Orders in Council, or by some equivalent document of well-known and formal authority, the respective duties of the different officers who are to be appointed under the new arrangement will be clearly defined, and that such document will be laid before Parliament. I took the liberty of mentioning some time ago that, in my opinion, the great mistake made last year, when the offices of Secretary for War and the Colonies were divided, was in not having a minute of this kind prepared by Her Majesty in Council; in which the new arrangements for the transaction of business might have been clearly defined. In the hope that some such document will eventually be laid before Parliament, and that we shall then be able to form a better opinion than we can at present of the plan which has been described to us, I shall forbear on the present occasion from going further into this discussion beyond saying a single word or two. Upon one point I quite concur with the noble Earl opposite. I cannot help fearing that, by the arrangement which is proposed, too great a mass of business of detail will be thrown upon the Secretary of State. No man holds more strongly than I do the necessity of a concentration of authority; but a concentration of authority is perfectly compatible, under proper arrangements, with the due division of labour, and, as far as I understand the scheme, I do not think it provides for this, or for effecting the desired concentration of authority in a manner calculated to ensure the prompt despatch of business. I continue of the opinion I have formerly expressed, that with regard to business of this kind, involving a great many details, no organisation is so good as that of a Board; but, at the same time, I concur with the noble Earl in thinking that no great department of Government can be properly carried on unless it is completely under the direction of a single mind. Hence there should be a chief of the Board, whose decisions should be accepted by the subordinate members, and who should have authority to carry into effect his own opinions. I believe, practically, every First Lord of the Admiralty, who is competent to perform the duties of the office, is First Lord to that extent, and I cannot give a better illustration of this than by referring to the practice of Lord Spencer in carrying on business at the Board of Admiralty, which has been described in order to condemn it by a high naval authority, but which seems to me to have been perfectly right. Lord Spencer said—"I tell my subordinates that, if they cannot work with me and carry my views into effect, I must have a new Board." In saying this Lord Spencer took a correct view of the subject, and I cannot conceive any other mode of carrying on the business of such a department: for if each member of a Board is to be standing upon his own opinion, it is pefectly obvious the business must come to a deadlock. It by no means follows that, because it is considered the duty of the subordinate members of a Board to yield to their chief, that they may not, and ought not, to exercise a great influence on its proceedings, and act as a check on any improper measures being adopted. In all cases they have a right, and it is their duty, freely to make known their opinions to their chief, and, in extreme cases, to resign if their remonstrances against what they strongly disapprove are not attended to. Although the professed object of this measure is to effect a concentration of authority, I cannot help fearing that, while a great mass of details is thrown upon the Secretary of State, that concentration of authority is not provided for. All through my noble Friend's speech he seemed to lay great stress upon continuing the division between military and civil business and military and civil duties. As it appears to me, he is going to leave the Commander in Chief precisely in his present position. I am persuaded that while this continues—while one person is not responsible, both for the efficiency with which the service is conducted, and for economy—you will not have the machine working well. I believe that this objection to the proposed arrangement might be obviated, in great part at least, by a simple alteration in the position of the Commander in Chief. The alteration I would suggest would be, that those proposals which it is now the duty of the Commander in Chief to submit to the Sovereign in person shall invariably go to the Sovereign through the Minister of War. I believe that a Member of the Cabinet ought to submit to the Crown everything which requires the sanction of the Crown, and that one Member or another of the Cabinet should be responsible for every measure which is so submitted to the Crown. It is an anomaly only of recent date—it has grown up within the last sixty or seventy years—that many most important measures, adopted by the Government relating to military affairs, are submitted directly to the Sovereign by the Commander in Chief, who is thus converted into a Minister, instead of filling a subordinate position as a military officer.

THE EARL OF ELLENBOROUGH: Perhaps the noble Lord will tell us what he intends shall be the future relations between what is now called the Transport Board and the Minister of War? The transport service was under one of the Lords of the Admiralty; but a Board has recently been constituted. I have a great objection to all Boards, but it appears to me nothing is so anomalous as the position of Captain Milne, a member of the Board of Admiralty, having a qualified authority over the Transport Board. So far as I can judge, the Transport Board will not be placed in connection with the Minister of War, though without the active co-operation of the Transport Board, the Minister of War cannot move a regiment. If the Minister of War is to have control over the movements of the army by sea and by land, I cannot see how the present arrangement can by possibility be consistent with the public service, and I would suggest to the noble Lord to consider the expediency of abolishing this Transport Board.

Lord MONTEAGLE hoped the noble Lord the Minister for War, if he undertook to lay before the House some fuller memorandum on this subject, would give some clear information as to the financial administration of the army, and more especially that he will explain what were intended to be the financial arrangements, either made or contemplated, in relation to the Commissariat. He alluded to those administrative functions connected with supplying the military chest, in which the Commissariat was entrusted with duties not inferior in importance to those of any other department under the Crown. He was one of the Commissioners who signed the original Report for the reform of the army establishments, recommending the consolidation of these departments; but a reserve was made in the mode of carrying into effect these recommendations with regard to the financial Commissariat duties. Any of their Lordships who had devoted their attention to the subject would know that the Commissariat duties, of a financial character, must be provided for, not only in an efficient manner, with a view to army purposes, but in a constitutional manner, in respect to the relations between the army and the public service, and to a maintenance of the strict principles of the Appropriation Act. He was very glad to find the same distinction was laid down by the noble Earl (Earl Grey) between the actual service of the Commissariat whilst executing its Ministerial operations of transport, supply, and distribution in the field, and the operations of the Commissariat as a great financial branch of administration, whose transactions in a single year had amounted to not less than 9,000,000*l.* sterling. All these functions, as far as he could collect from the papers before the House, were proposed to be transferred to the Minister of War. He greatly doubted the policy of this course; for, however capable of discharging the duties of Secretary of State for War his noble Friend might be, he could not understand how the proper relative positions between the Treasury and the War Department could subsist under a system which enabled persons named by the Minister of War, and under his command, to draw bills on the Treasury, bills for which the Treasury was compelled to find funds. If this change were made, there ought to be a Chancellor of the Exchequer in the War Department to provide the Ways and Means, where unlimited and uncontrolled powers of expenditure were vested in the War Minister. He was sure if his noble Friend incumbered himself and the department with duties so entirely foreign from its functions as purchasing bullion in one market, raising money on bills in another, and supplying all the resources of the military chest, he would overweight himself, and would create obstacles fatal to the proper discharge of those more relative functions which he was more peculiarly bound to perform. He thought the information before the House was exceedingly incomplete, and he trusted the Government would take care to furnish them with the means to enable them to discuss profitably the mode in which these important alterations were proposed to be carried into effect.

The Earl of HARDWICKE said, he understood the general desire to be to have a Minister at the head of the War Department who should hold, under the Crown, the entire power of conducting the military affairs of the country; but he thought it was rather an anomaly that a Minister, with such duties, should be a civilian. At all events, to make the scheme complete, whoever had the direction, should have the Commander in Chief, the Commissariat, and the Transport Board directly under his orders. The Transport Board was essentially serviceable only in time of war, to a great extent being engaged in arranging the transport of men, provisions, shot, shell, and the various articles requisite for carrying on military operations in a foreign land, and that machine ought to be directly under the control of the Minister of War, like all other departments. To make the machinery complete, all the points of immediate connection, like the wires of the electric telegraph, should be under the control of one central authority. He, therefore, thought that, whatever might be the necessities of the Board of Admiralty in reference to transporting stores connected with that branch of the service, there could be no objection, in order to make the service work with rapidity and vigour, to place the Minister of War in direct communication with the Transport Board, and give him direct authority over that board. In all the departments of the State, the real point of authority ought to be the purse in the hands of the heads of departments. The First Lord of the Admiralty and the Minister for War should be separately responsible to Parliament for the expenditure of their particular departments, and not the secretaries. To show the necessity for some such arrangement, he might mention a curious circumstance that occurred in his own profession some years ago. He had seen a Lord of the Admiralty go into the dockyard and give certain orders for which he was entirely responsible, and he had then seen a Secretary of the Admiralty follow a few hours afterwards and counter-order every order that had been given, because the expenditure was in the hand of the Secretary, and not of the head of the department. The real power of a Minister was a power of expenditure, and in his (the Earl of Hardwicke's) opinion that power of expenditure ought to be placed in the power of the superior officers of the Crown, and not of the subordinates.

LORD PANMURE said, he had only one word to add to what had fallen from the noble Earl opposite (the Earl of Ellenborough). He perfectly agreed with the noble Earl that there were other departments connected with the administration of the army besides those which it was intended to deal with at present which might require arrangement, and to which attention would be directed hereafter. For instance, the Commissariat branch might require alteration. The business of the Commissariat branch was to be conducted by the Secretary of State and the officer who had been chief clerk and conducted the business under the Treasury. He was not sure that it would not be necessary altogether to revise that branch of the public service; but, before advising any such alteration of an old office, the question would require ample consideration, and if it were found for the advantage of the public service to make an alteration, he had no hesitation in saying that an alteration would be immediately effected. Then, again, the Medical Department required considerable attention. Dr. Andrew Smith, upon whom he must say the public had passed somewhat too severe a censure, had now retired from the administration of that department, broken in health, in consequence of the exertions which he had been called upon to make during the last twelve months; and in the appointment of his successor various improvements would be introduced into the administration of the department. There were also other civil departments in which alteration and improvement were required, and to which every attention would be paid. In the speech of the noble Earl, allusion was made to the services of the Master General of the Ordnance, and the noble Earl impressed upon the Government the necessity, in future, of having that high officer in the Cabinet as a military assistant. Now, with the exception of Lord Anglesey, he (Lord Panmure) did not believe that, for the last thirty or forty years, a Master General of the Ordnance had had a seat in the Cabinet. [The Earl of ELLENBOROUGH: The Duke of Wellington.] The Duke of Wellington had certainly possessed a seat in the Cabinet, but not as Master General of the Ordnance; and, happily, for many years past, the occasions had been but rare when the Government required the advice of that officer. At the same time, he quite agreed with the noble Earl that, if a military officer could be found who would be willing to range himself with the political party of the day, and was at the same time capable of conducting the duties of a high military office, it would be of advantage to the public service to place that officer in the closest possible connection with the Government. With reference to what had fallen from his noble Friend (Earl Grey), he felt bound to say that there were several points in which he differed from his noble Friend. His noble Friend went much further in military reform than he did, for he (Lord Panmure) could not believe that it would be at all expedient to place the Commander in Chief, as head of the army, under the control of a civilian. As to the wish expressed by his noble Friend, and also by the noble Earl opposite, that the instructions given to the heads of the different branches of military administration should be distinct and precise, and should be embodied in some document to be laid upon the table of the House, he could not have the smallest objection to accede to that request. It was highly necessary that the public officers should fully understand what their duties were to be; and as soon as possible, the information desired by their Lordships would be laid upon the table.

THE EARL OF ELLENBOROUGH observed that, since a noble Lord had adverted to the subject of a civilian being First Lord of the Admiralty, he would take the opportunity of stating that he entirely acceded to the opinion expressed in that most interesting and valuable document which Sir George Cockburn had left as a legacy to the country, that it was expedient that the First Lord of the Admiralty should be a member of the naval profession. He must say that he thought the noble Lord opposite, as Secretary of State for the War Department, would stand in a much stronger position in the Cabinet if he had on one side a distinguished officer like Sir William Parker or Sir George Seymour, and on the other such a man as Sir John Burgoyne, Lord Seaton, or Sir Howard Douglas, than he did at present with Sir Charles Wood on one side and his own shadow on the other.

Lord **PANMURE** said, he had one remark to make in reference to the Transport Board. The moment the war was concluded, the Transport Board, as at present constituted, would cease to exist. It was wrong, however, to say that the Transport Board was not in communication with the War Office; for, although in more immediate communication with the Admiralty, the head of that Board transacted business with the War Department every week, and he believed that the Board had been so worked that there had been no instance in which the War Department had made demands upon it that had not been speedily supplied.

The Earl of **ELLENBOROUGH** said, that if a member of the Transport Board communicated with the Secretary for War and took his orders, he should like to know what, in fact, was the authority left to Captain Milne at the Admiralty?

Lord **PANMURE** replied, that the head of the Transport Board communicated to the War Department for the purpose of ascertaining the business which was to be transacted. The official business was conducted between the Secretary of State and the Board of Admiralty in the usual manner.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 18, 1855.

Minutes.] New Members Sworn.—For County of Renfrew, Sir Michael Robert Shaw Stewart, bt.; for County of Ayr, Sir James Fergusson, bt.

Public Bills.—1° Grand Juries; Brighton Incorporation.

2° Court of Session (Scotland); Piers and Harbours (Scotland).

3° Weights and Measures.

LONDON AND SOUTH WESTERN RAILWAY BILL.

Mr. **BECKETT** brought up the Report of the Select Committee to whom this Bill had been referred.

In reply to a question from Mr. Deedes,

Mr. **BECKETT** stated that the Committee had bound the London and South Western Company to apply to Parliament for power to construct a line either between Dorchester and Exeter, or between Yeovil and Exeter, in conformity with the pledge given by the company in 1852, under the penalty of having their dividends stopped until it was shown by the certificate of the Board of Trade that their failure to obtain an Act for that purpose had been occasioned by no neglect of their own.

TYRONE ASSIZES—QUESTION.

Mr. **M'MAHON** said, he begged to ask the right hon. Gentleman the Chief Secretary for Ireland, whether his attention had been called to the trial at the last Tyrone Assizes of two sets of defendants belonging to opposing religious and political parties for mutual assaults on each other at the same time and place, and to the course pursued by the public prosecutor employed by the Crown—namely, that though distinct and cross indictments were preferred by the one party against the other, he put both sets of defendants on trial together on the several indictments, and called the witnesses of the respective parties alternately until the equal number of six had been examined on each side against and for each party, each successive witness plumply centradicting what the preceding witness had sworn, and attributing to the opposite party the violence of which his own side was accused; and to the disapprobation expressed by the Judge at the acquittal of the one set of defendants by the jury, contrary to his expectation; and whether such a mode of conducting a prosecution by the public prosecutor in Ireland met with the approbation of the right hon. Gentleman?

Mr. **HORSMAN** said, he understood the question of the hon. Gentleman to refer rather to the system which was pursued in those trials than to the particular trial to which he had alluded. On that occasion, the circumstances that occurred were precisely in accordance with what had taken place frequently on former trials. It was a common practice in that part of Ireland that two sets of criminals under different indictments, were tried by one jury. The attention of the Government and of his right hon. and learned Friend the Attorney General for Ireland had been called to the subject, and he might state that it did not appear to them to be desirable that such a system should be pursued in future. Instructions would accordingly be given to the Crown counsel not to be a party to such proceedings in future.

THE FOREIGN LEGION—QUESTION.

MR. W. EWART said, he wished to ask the hon. Under Secretary for War, what progress had been made in the formation of the Foreign Legion?

MR. FREDERICK PEEL said, that at first considerable difficulty was experienced by the Government in regard to the raising of the Foreign Legion. Latterly, however, more active measures had been taken, and he was informed by the agents engaged in recruiting on the Continent of Europe, that between 3,000 and 4,000 men had been enlisted under an arrangement between Her Majesty's Government and certain foreign officers. In the first instance, it was proposed that a corps of 5,000 men should be raised, but latterly the success attending the efforts of the recruting agents had been such as to induce the officers to propose that an additional force of 5,000 men should be raised, and to that proposal the Government had given their consent. In addition to that force of 10,000 men, certain officers were employed in raising a force of 3,000 men in Switzerland, and up to the present time their success had been most encouraging. With regard to the arrangements made for the reception of these forces, depôts had been formed at Heligoland, and Shorncliffe in this country, where the recruits would be received, and the preparations for their reception were satisfactory, with the exception, perhaps, of the huts at Shorncliffe, which were not in so advanced a state as they might have been. But accommodation had been found in the barracks at Dover, and by the time that any considerable number of recruits would arrive at Shorncliffe, the huts would be ready to receive them. With regard to the discipline and officers, the Foreign Legion would be under the orders of the General Commanding in Chief, and a sufficient number of officers had already received commissions to provide for the embodiment of the force. A portion of them had already been sent to Heligoland, and the others would remain in this country. He might add, that the articles of war would be translated into foreign languages for the use of the legion.

SUMMER CLOTHING FOR THE TROOPS —QUESTION.

MR. BERESFORD said, he begged to ask the hon. Under Secretary for War, whether the summer clothing for the troops serving in the Crimea has yet been despatched to the East; and whether it is true that the contract which has been entered into for the supply of such light clothing has been made at Vienna, and not in the United Kingdom?

MR. FREDERICK PEEL said, that his noble Friend Lord Panmure had commissioned a house in Vienna to purchase 50,000 pairs of light trowsers, and the like number of light pea coats, for the use of the army in the Crimea. Already one-half had been shipped from Trieste to the Commissariat Department at Constantinople, and the remainder of the order was to have been executed by the end of last month. He had no doubt that by the present time the whole supply of clothing had reached Constantinople.

IRISH JUDGES—QUESTION.

MR. H. A. BRUCE said, he begged to ask the right hon. Gentleman the Chief Secretary for Ireland, whether he was aware that a large proportion of the Irish Judges were incapacitated by age or other infirmities for the full and regular discharge of their duties, and, if so, whether the Government intend to apply any and what remedy? There were six Irish Judges permanently incapacitated from illness—three of whom had been called to the bar at the end of the last century, in the years 1796, 1797, and 1798.

MR. HORSMAN said, that the only official knowledge which the Government had of the circumstances referred to by the hon. Gentleman was derived from the fact that, when a Judge was unable to go circuit a substitute had to be provided, and his salary paid for out of the Consolidated Fund. To the latter part of the question he was unable to give any answer. He could only state that the circumstances had been brought under the notice of the Government, and that they were still under consideration.

Mr. BRIGHT said, he would beg to ask the right hon. Gentleman, if he would have the goodness to turn to the Report of the Official Salaries Committee, where he would find an expression of opinion to the effect that the number of Judges in Ireland and Scotland should be reduced, and would take that Report into consideration before appointing any new Judges in Ireland?

Mr. HORSMAN said, he would take that in consideration also.

HOLYHEAD HARBOUR—QUESTION.

Sir RICHARD BULKELEY said, he wished to ask the right hon. Baronet the First Lord of the Admiralty, whether he would lay upon the table of the House (with as little delay as possible) a more detailed statement of the intentions of Government with regard to the works required in the new harbour of Holyhead: Firstly, To what part of the works the sum of 120,000*l.* voted by the House on Monday, the 16th instant, is to be applied: Secondly, What arrangements the Government propose for accommodating the increasing traffic with Ireland, and for the daily arrival and despatch of steam-vessels of a larger class than those at present in use there; and in what part of the harbour the works for this purpose are to be constructed, and when they are to be commenced?

Sir CHARLES WOOD said, he could not lay before the House any more detailed statement with regard to the works at Holyhead than was conveyed in the Miscellaneous Estimates of the year. He might state generally that, by lengthening the northern breakwater, a sheltered roadstead would be afforded to many vessels, by which relief would be given to the harbour now very much crowded. The sum voted this year would be applied principally to laying the foundation and carrying out the works of the breakwater as rapidly as possible; this being the groundwork of all future improvements. It was also proposed that a landing place should be constructed in the inner part of the northern breakwater, to which a communication would be opened from the railroad so as to enable the passengers to be carried on board at once without walking from the carriages. All the works, he might add, would be constructed according to prepared plans and specifications.

Lord NAAS said, he wished to know whether the new pier would be sufficiently large to allow first-class steamers to go up to it?

Sir CHARLES WOOD said, the depth of water at the landing pier would be from twenty-nine to thirty-five feet at low water, the area of the harbour 267 acres; and the projected roadstead 350 acres—in all 617 acres for the harbour and roadstead.

THE EARL OF DUNDONALD'S PLANS—QUESTION.

Mr. WILSON having moved that the House, at its rising, should adjourn till Monday next.

Mr. FRENCH said, he rose to put a question to the noble Lord at the head of the Government on the subject of the plans and proposals of the Earl of Dundonald, for destroying the Russian fortresses. He had twice already put questions to the noble Lord on the same subject, and although the replies were courteous they were certainly not by any means satisfactory. The noble Lord had stated that a commission of scientific gentlemen had been appointed, consisting of Professors Faraday, Playfair, and Graham. He believed he might assert, without fear of contradiction, that no meeting of those gentlemen had taken place, and as Professor Playfair was now in Paris, it was impossible that there could be one for some time. He could state, on authority, that no call had yet been made on the Earl of Dundonald to explain the alleged or supposed difficulty of carrying his plans into execution. Now he wished to state to the House and the country what the proposal of the noble Earl was. The House was aware that the period during which operations could take place in the Baltic was very short; it was certainly not more than three months. The noble Earl was prepared by the end of June, if his plans were adopted and his services were accepted, without fee or reward for the carrying them into execution, to demolish every Russian fortress in the Baltic—and that, too, at an expense to this country of less than 200,000*l.* The question which he had to ask the noble Lord was, whether he could state any time at which he would be prepared to give an answer to the question of the Earl of Dundonald, whether his plans and his personal services in carrying them into execution would be accepted by the Government.

Viscount PALMERSTON: Sir, the hon. Member has misunderstood what I stated on a former occasion. I did not say that the Commission of scientific men had been appointed since the present Government was formed. In point of fact the plan of Lord Dundonald was referred in the course of last summer and autumn to a Commission of military and scientific persons; and since that period I have consulted other persons on the subject. Really, as far as I have been able to form an opinion, I must say the difficulties of the plan appear to increase in proportion as the details are considered; and I am not prepared to tell my hon. Friend when I shall be able to give him an answer.

MR. LAYARD AND THE LATE CAPTAIN CHRISTIE.

MR. FERGUS said, he would beg to take that opportunity of making a brief statement in vindication of the character of a gallant officer recently deceased, who had been subjected to a great amount of unmerited obloquy. A statement was publicly made by the hon. Member for Aylesbury (Mr. Layard) to the effect that "the command of the harbour of Balaklava was entrusted to Captain Christie, an old gentleman of seventy years of age—a gallant gentleman perhaps, but one unable from infirmity to leave his ship often for six or eight days together without risk of illness, which might endanger his health;" and then the hon. Member for Aylesbury proceeded to ask "whether, when such a person was in command of the harbour of Balaklava, it was wonderful that the state of things there was such as we knew it unfortunately to be?" Now, with respect to the facts of the case, he (Mr. Fergus) begged to say that he had had the honour of Captain Christie's acquaintance for a great number of years, and they had lived for a long time in the same neighbourhood. He had never known Captain Christie in his life to be troubled with any complaint, and when he left this country for the East he was in the fifty-seventh year of his age. Irrespective of age he was a man of the most athletic and vigorous constitution. With respect to the harbour of Balaklava, Captain Christie was never appointed to the command there. He never at any time had the charge of that harbour. His orders would not have been obeyed in the harbour. The sphere of his duty was outside the harbour. He commanded the transport service, and where his duty was, there he was. He (Mr. Fergus) thought that every allowance ought to be made for a gentleman whose only object was the good of the country, when he received false information with respect to the manner in which public duties were discharged. But no doubt when such a gentleman made a public charge against the character of a public servant, and the incorrectness of his statement was pointed out to him, he ought to give to his charge a contradiction as public as the charge which he had erroneously made. Now, the statement to which he referred was made, he believed, in the month of February last. Within four or five days after the statement reached the ears of Captain Christie's relatives, to whom it caused the deepest pain, a letter which, with the permission of the House, he would read, was written to the hon. Member for Aylesbury. The letter was as follows—

> "Kingcaussie, Aberdeen, February 26, 1855.
>
> "Sir,—I read with much regret your statement with regard to Captain Christie. A reference to the Admiralty books will easily show you that Captain Christie entered the service in 1810, being then twelve years old. I shall not trouble you with the details of his services, but you will find that he was always regarded as an energetic and painstaking officer. His duty lay outside of the harbour of Balaklava; he had the command of the transport service, and on the 14th of November he saved the ship *Melbourne* in which he was, through his own exertions, by cutting away the mast. He sent a suggestion three times to the officer in charge of the harbour of Balaklava, that the *Prince*, transport, could not go into the harbour as she had only one anchor, but no notice was taken of the suggestion, and the *Prince* was lost. You will thus perceive, Sir, that your statement has placed an active and meritorious officer, of fifty-seven years of age, in the eyes of the country in the position of an imbecile dotard. Trusting to your generous character, I cannot doubt that you will publicly correct a statement so publicly made. I am sure you will excuse the feelings of a sister in trespassing on your time on behalf of an absent brother.
>
> "I have the honour to be your obedient servant,
>
> "M. Irvine Boswell."

The statement in that letter, with regard to the *Prince*, was one which he (Mr. Fergus) believed was perfectly correct, and would have been corroborated by the unfortunate officer had he survived to take his trial for the loss of the *Prince*. He believed that it would also be confirmed by the right hon. Baronet (Sir J. Graham) the late First Lord of the Admiralty. Now, that was not the only letter which had been written to the hon. Member for Aylesbury on the subject. Another letter to a similar effect was written to the hon. Member—and he presumed it reached him —by a brother of the gallant officer in the Crimea. A letter was also written to him by the gallant officer himself, couched in language which bore truth on the very face of it. It was one of the most courteous and gentlemanly letters that could have been written by any man under such painful circumstances. Well, those letters had been in the possession of the hon. Gentleman for more than two months—for nearly ten weeks. It was an interval of anxious suspense to the relatives of the gallant officer; but, to the gallant officer himself, it was an interval, not of suspense, but of anguish. That gallant officer was keenly alive to his own professional position. He (Mr. Fergus) used no exaggerated expression when he used the common one with regard to the late Captain Christie—that his professional reputation was dearer to him than his life. The statement of the hon. Member for Aylesbury had caused anguish and suffering in the mind of that gallant officer which years of arduous service could not have inflicted. His health broke down, and he was now where neither the slander nor the praise of this world could reach him. He now would, therefore, beg leave to ask the hon. Member for Aylesbury whether he received the letters from Captain Christie's relatives, and from the gallant officer himself, and what answer he had to give to them?

Mr. LAYARD: I really, Sir, feel ashamed, at a moment like this, when great interests are at stake, and when the excitement of the country in regard of this war is at its pitch, on account of what has taken place in the East, that this House should be taken up with questions of this kind, involving mere personal matters. I ask hon. Gentlemen, and perhaps I should say one hon. and gallant Gentleman opposite, whether it is intended to renew tonight the unseemly scene which took place the other night? [Oh, oh!] Sir, these hon. Gentlemen are bringing upon this House great discredit. There is a feeling gaining ground in this country—[*Cries of* "Question, question."] The question is the adjournment of this House, I believe. ["Oh, oh!] I say a feeling is rising up in this country that the time of this House is trifled with, and that this House is being made the arena of personal altercations. That feeling is gaining ground, and I warn hon. and gallant Gentlemen opposite that that feeling may make a more rapid and wide progress than they perhaps imagine. I will now, Sir, answer the question which the hon. Member has put to

me, although, perhaps, that is not a regular proceeding in this House, for, if the hon. Member had spoken to me before he raised this question, I would have given him such information as would have enabled him to place that question before you in different terms. In the first place, he has, I have no doubt, unintentionally misquoted my speech altogether. I have referred to three or four newspapers—if I may be allowed to speak of newspapers in this House—and I have compared their reports. I do not pretend exactly to recollect the words I used, but in that paper which has attacked me the most (*The Morning Herald*), I am stated to have said—

> "At its head was Captain Christie, a gentleman about seventy years of age, whose health was so impaired that he could not leave his ship after nightfall without getting a catarrh, and who was often five or six days without being able to land at Balaklava."

I will now read what I am reported in *The Times* to have said:—

> "Who is at the head of the transports at Balaklava? Captain Christie, an old gentleman upwards of seventy years of age; a gallant gentleman, no doubt, but he cannot leave his ship after dark for fear of catarrh, which might endanger his existence. I know that he is often five or six days without being able to land at Balaklava. Are you surprised, then, that Balaklava harbour should be in the state it was?

During the time I was living on board the *Agamemnon*, I had almost daily opportunities of seeing Captain Christie. Against his private character I have nothing whatever to say, but he appeared to me to be a man about seventy years of age, and I frequently heard on high authority that he was not a man competent to fill the position he held. That opinion I formed myself very strongly, and I had a free right to form it. At that time the existence of thousands was dependent upon those who were at the head of the departments, and, therefore, as a Member of Parliament and as an Englishman, I had a right to state my opinion as to the competency of any man at the head of any of the departments. I believe no impartial man, or one not wishing to make political capital out of such a matter, would venture to say that anything more was to be inferred from those remarks than that Captain Christie was an old man, too old to be at the head of the department over which he was placed. I did not know whether he was sixty or seventy years of age; but by his appearance I was justified in saying that he was about that age (as I might express my opinion of the age of any Gentleman in this House, though I might be mistaken). A few days after I received a letter from Captain Christie's brother, and I hope no man in this House is more ready to atone for an error, if I believed it to be an error, than I am; but when a gentleman out of doors addresses a Member of Parliament in an unseemly and unbecoming letter, and when he afterwards publishes that letter in a newspaper I apprehend that the duties of a Member of Parliament in the matter cease. Now, what was the letter? It opens with a statement which is contrary to the fact—

> "If your speech has been correctly reported, I have to inform you that you have stated what is contrary to fact, and have thereby done what you can to injure an absent man."

It may be in the recollection of the House that at that time there was a change of Ministry going on, and there was great excitement in the country, and I had not an opportunity of making a statement in the House, although, after receiving such a letter, couched in such terms, I very much doubt whether I should have made any statement; and then, when I saw that letter afterwards published in the newspapers, I might fairly believe myself absolved from any further notice of it. I believe I did afterwards receive a letter, whether from that same gentleman or from another I cannot say; but I remember writing an answer to it, and receiving a reply from the gentleman addressed to, saying that he was not the person who had written it. I have looked among my papers for that letter, and I am sorry to say I cannot find it. Some time after I received a letter from Captain Christie. That letter was evidently written under a misconception of facts. I have no doubt he was informed that I said he was seventy years of age. I never said it. The only thing I said was that he was unable, from the state of his health, to undergo exposure. The moment I received that letter, I believe the very day after, I wrote a reply, directed to the address of his agents, as he requested me to do, in these terms:—

> "9, Little Ryder-street, April 17, 1855.
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> "Sir—I have to acknowledge the receipt of your note, dated Balaklava, 26th March. I had already received a communication from your brother on the subject of your age. Had that communication been worded in a becoming manner, I should at once have acknowledged my error in the House of Commons; but, as it was not so worded, and as your brother thought fit to publish it in a newspaper, I did not consider it incumbent upon me to take any notice of it. With regard to your suffering from disease—such a statement was not made by me. I argued that a man of your age could not perform the duties imposed upon an officer in your position, without running the risk of injury to his health.
>
> "With regard to your management of the harbour and the shipping in it, that is now the subject of Parliamentary inquiry, and I have no doubt that if you will inform Mr. Roebuck of your arrival in England, he will summon you before the committee, and you will then have an opportunity of clearing yourself from any imputation that may have been thrown upon you.
>
> "I am sir, your obedient servant.
>
> "A. H. LAYARD.
>
> "Captain Christie."

What has become of that letter I do not know. I sent it to the address in question, but whether it was forwarded to Captain Christie or not I am unable to say. Now, Sir, with regard to Captain Christie's position in the harbour of Balaklava, I may perhaps refer to the evidence taken before the Committee upstairs now that it has been laid on the table of the House. There is considerable doubt on that subject; the evidence of the witnesses clash with regard to Captain Christie's powers—I myself formed an opinion from what I saw, and I had a right to do so, and to express that opinion. I will refrain from giving any personal opinion upon that evidence, but will leave the matter to the Committee. But if I can ask hon. Gentlemen for any justice or fair play, I will ask them whether there is one word in that extract which authorised a court-martial to be held upon Captain Christie? Because I said a man was about seventy years of age, is that a reason for trying him by a court-martial? And now I actually find myself charged with the murder of Captain Christie! The right hon. Gentleman who sits behind me (Sir J. Graham) when in the Committee-Room the other day, in a tone and manner that no one could mistake, and I appeal to the other members of the Committee to confirm me, when answering a question put to him, turned to me, and said, "Captain Christie is dead—a broken-hearted man." Yes, it has been well said by a right hon. Gentleman opposite, "If you want to trust a bad case to good hands, go there" [*pointing to Sir J. Graham*]. Now, Sir, who is responsible for Captain Christie's trial? What did the right hon. Gentleman tell the Committee Captain Christie was put on his trial for? Because I had said he was an old man? No; but because the right hon. Gentleman at the head of the Admiralty thought that he might be thought guilty of having been the cause of the loss of the *Prince*, and of having landed Turkish troops at Balaklava which he ought to have landed at Eupatoria. What have I said on these two points? With regard to the loss of the *Prince*, I always felt convinced that Captain Christie had nothing to do with it. I was there the day after the loss of the *Prince*, and I was told by everybody that the *Prince* could not come into Balaklava. With regard to the landing of the Turks at Balaklava instead of at Eupatoria, till the right hon. Gentleman (Sir J. Graham) stated it before the Committee I never heard a word of it. Captain Christie was sent to be tried on those two issues. Did I raise them? If Captain Christie has been an ill-treated man, who ill-treated him? It was the First Lord of the Admiralty who listened to those matters, which must have come from another source, and which were not imputations that I had cast upon Captain Christie. I may have made a mistake about Captain Christie's age. But I remember a very remarkable mistake about the age of a much more important man than Captain Christie, and I will appeal to the right hon. Member for Buckinghamshire (Mr. Disraeli), who corrected that mistake. In 1843, when a revolution took place in Servia, Lord Aberdeen, who was then Minister for Foreign Affairs, justified to a certain extent the non-interference of this country and the carrying out of the Russian policy in Servia, on the ground that the prince who was then upon the throne was a young man who had been taken from obscurity and had no claim to the position he held. The right hon. Gentleman then pointed out that that young prince was somewhere about forty years of age. That was a question involving great interests, but was Lord Aberdeen attacked, or was he ever accused as I have been for party purposes. But when I made a mistake, at once you attack me upon such a matter. I admit my mistake about the age; but if you think that by crushing me—crush me you may, for I am a poor man, and have no weight in this House—you may succeed in that, but you will not crush the cause with which I am identified. You are here and shout me down because I attack a system, by which you, hon. and gallant Members, rise in the ranks of the army and sit in the House of Commons without encountering the dangers and fighting the battles of your country [Oh, oh!]. You may hunt me down, but the country will not stand it [Oh, oh!]. Hon. Gentlemen may repeat their cries, but I warn them again, that sooner or later [*loud ironical cheers, in which the end of the hon. Gentleman's sentence was lost.*] Now, again, Sir with regard to Captain Christie. No man can be more grieved than I am at Captain Christie's death. If I could have given anything or done anything to save him, I should have done it quite as readily as if he had been my nearest relative, but I contend that as a Member of Parliament I had a right to say he was incompetent to hold his position if I thought so; but I also say that a Member of Parliament has no right to be exposed to those attacks which have been made upon me now more than once in this House, and which the country believe to have been made for party purposes.

Mr. FERGUS said, he must beg to explain that the hon. Gentleman had totally misunderstood his question. The letter referred to was not one from Captain Christie, but from Captain Christie's sister, Mrs. Boswell, which was forwarded by himself to the hon. Member on the 28th of February.

Sir JOHN PAKINGTON: Sir, as a Member of the Sebastopol Committee, I feel bound to take some notice of the evidence given before that Committee by the right hon. Baronet the Member for Carlisle (Sir James Graham). I must say I never heard a more unfair representation of that evidence than that which has been given by the hon. Member for Aylesbury (Mr. Layard). The hon. Member had heard the right hon. Gentleman (Sir J. Graham) allude to the then supposed death of Captain Christie, for it had not yet been ascertained, and the right hon. Gentleman, with a depth of feeling which I think did him honour, said that he believed at that moment that Captain Christie was a dead man from a broken heart. I heard no more from the right hon. Gentleman than what a man of good feeling would have said, who was giving evidence with reference to Captain Christie at a moment of such melancholy interest. I cannot refrain from adding my very deep regret at the course which the hon. Member for Aylesbury has taken upon this subject. The hon. Member says this matter is brought forward for party purposes, and that there is an endeavour to crush him.

Let me, however, tell him that if he is crushed, he will have crushed himself. He will crush himself, as any man will crush himself, who brings forward these loose charges against public servants, under circumstances which prevent his substantiating those charges. The hon. Gentleman is a man of great ability. He is a man able to do good service, and I hope he will do good service; but if anything will prevent his rendering good service, it will be the want of precision and the want of care with which he ventures upon these charges. How does this matter stand now about Captain Christie? To an officer, his professional character is everything. The hon. Gentleman comes down and says, in reference to one officer, that he is seventy years of age, and too old for service, being unable to leave his vessel for six or seven days at a time for fear of catching a catarrh, and that he is unable to perform public service. The hon. Gentleman then receives letters both from the sister and from the brother of Captain Christie. He receives that touching letter from Mrs. Boswell which has been read by the hon. Gentleman the Member for the county of Fife (Mr. Fergus), who so ably brought forward this matter. He receives a letter also from the brother. Last of all, he receives a letter from Captain Christie himself, after receiving which I confess I should have thought that no man of honour could have done less than acknowledge his error. I regret the hon. Gentleman did not feel, after receiving that letter, pointing out and correcting the errors into which he had fallen, that his only course was to have frankly acknowledged in the House the errors into which he had fallen. I take the course I am now taking with great regret; I speak without any hostile feelings in the matter; but I am sure the hon. Gentleman's best friends will agree with me in saying, that the hon. Member will best consult his own public character by not making charges which he cannot substantiate.

Mr. BRIGHT: I am afraid, Sir, the unpleasantness which took place a week or two ago has very much tinged the character of the discussion to-night. I have now been a Member of this House a considerable number of years, and have seen many personal altercations occur in it; but I must say that I have never before to-night witnessed anything which bore the character of the ungenerous treatment of one of its Members. ["No, no!"] Well, I hope and believe that no Member of this House really wishes to lay himself open to the charge to which I am referring. But the hon. Member below me (Mr. Layard), to my mind—and, I think, if other hon. Members will look at the facts apart from any previous matters, they will come to the same conclusion—has committed, in the first place, no fault, and in the subsequent part of these transactions has just done what any one of us would, probably, have done under the same circumstances. ["No, no!"] Well, let us see whether it be so or not. I want to ask whether any Member of this House is to be charged with some grave offence if he states here that a certain person at the head of an important public department is about seventy years of age, and appears to be much too old for such a position? Why, I could point to two Members of this House in the same profession, I believe, as that to which Captain Christie belonged, and I undertake to say that any Gentleman who merely looks at them will think that the younger of the two is at least five years older than the other. Therefore, I say that a mistake as to age is one that any man may make. Besides, the hon. Member for Aylesbury had seen Captain Christie, and we have not, and he thought him a man of about seventy; and, therefore, in a speech which he made in this House, when he was excited by what he had witnessed at Balaklava, and when we also were excited by the news we had heard from the Crimea, he expressed this opinion as to Captain Christie's time of life. But now, what was the hon. Gentleman's conduct afterwards? The very moment he received a letter from Captain Christie himself he wrote to his agent, according to that officer's request, in language of a very frank and open character. Now, what would have been thought of the hon. Member for Aylesbury if he had come down to the House the very day after he received this letter, and begged it to note that, whereas he had some time before made a statement representing an officer's age to be about seventy, he found, by a letter from the officer himself, that he was only sixty? Why, he would have been met with a universal laugh, and the whole thing would have been at an end. I consider that the hon. Gentleman, in the whole of this matter, has only done what any man may rightly do if he really thinks that the head of a public department is a man who is incompetent for the discharge of his duty. Nobody charges the hon. Member with having a personal hostility to Captain Christie—nobody either here or out of doors has dared to make any such imputation, and, therefore, when hon. Gentlemen make statements from what they believe to be their public duty, what is to become of every Member of this House if there is to be a weekly hunt, regularly every Friday evening, upon the Motion that the House adjourn till Monday? I believe that the House, if it reflects for a moment, will come to the conclusion that it has treated the hon. Member for Aylesbury with rather less than its characteristic generosity and fairness; and, for that reason, I have risen on this occasion, however reluctantly, to say a word on behalf of my hon. Friend.

SIR JAMES GRAHAM: I am, Sir, extremely anxious that this discussion, which is of a most painful character, should not be unnecessarily prolonged. But I must say that it is not the character of the hon. Member for Aylesbury which is now at stake, but a debt of justice which is due to the memory of a gallant man. And, Sir, I beg leave to state that no transaction has for a long time given me such acute and deep pain as this very transaction we are now discussing, for it is no longer possible to render a tribute of justice which might soothe the feelings of a gallant man now no more; but still there is a debt of justice due to his relatives, who feel the greatest interest in all that happens. I, Sir, am responsible, and alone responsible for the original appointment of Captain Christie. He was unknown to me except by reputation. He bore a high and spotless character in his own gallant profession. He had served well and honourably, and he was recommended to me as competent for the situation to which I appointed him. I believe the first serious question raised with respect to his competency was raised in this House by the hon. Member for Aylesbury. Certainly, Sir, I shall not attempt to give evidence as to the precise words used by the hon. Member on that occasion; but it will be in the recollection of the House that the allusions to Captain Christie were very disparaging—that he was an old man, and a sickly man. ["No, no!"] I understood the hon. Member to say he was so liable to catarrh as to be unable to leave his ship for many days consecutively, and I leave it to the House to judge whether the tone and substance of what the hon. Member said did not leave an impression that an unfit person had been appointed, at a crisis of public affairs, to fill a most important situation. I have said, Sir, that this matter deeply grieved me. My only fear is, that I have yielded somewhat too much to clamour with regard to this officer. I ordered an inquiry to be instituted—after that debate to which I have alluded—by the Commander in Chief on the naval station, as to whether, in his opinion, Captain Christie had effectively and well discharged the duties of the station to which he had been appointed. Two faults were alleged against him, and only two, to the best of my recollection, with respect to the manner in which he had performed his duties. The first related to the discretion exercised by him with reference to the transports outside the harbour, on the day of the heavy storm, on the 14th of November; and incidentally another question arose, whether Captain Christie had not made a serious mistake with reference to ordering a portion of the Turkish troops, bound from Varna to the Crimea, to go to Balaklava instead of Eupatoria. Having received that answer to my inquiry, instead of handing over Captain Christie to the Committee on which the hon. Gentleman sits, and over which the hon. and learned Member for Sheffield (Mr. Roebuck) presides, I thought that it was more just, and on the whole infinitely better, to submit the conduct of the gallant officer to the constituted tribunal of his brother officers; and that they should investigate the charges, and pronounce an opinion upon his professional conduct, rather than it should be submitted to the ordeal desired by the hon. Member for Aylesbury. To that extent, Sir, I am responsible. I did order Captain Christie not to return to England, but that he should be tried by the court-martial to which I have referred. And here, Sir, is a point which deeply grieves me. I had reason to believe that the circumstance of being superseded, and being ordered to be tried, coupled with the accusations which had been made in this House so disparaging to the character of Captain Christie, really, as I said before the Committee, broke the heart of that gallant man, and I do believe that his death has been the consequence of the circumstances to which I have already adverted. Now, Sir, the hon. Member for Aylesbury says that when he receives a letter from the brother of an absent officer, stating the circumstances very minutely about the age of that officer—that when he receives a letter from a brother, stating that assertions made by the hon. Member were contrary to the fact, and were injurious to the character of an absent man, if he considers that the terms of that letter are offensive, he is thereby relieved from the duty of doing justice to the party accused. I appeal, Sir, to the House whether that is not a most dangerous doctrine. I cannot believe that the hon. Gentleman upon reflection will adhere to it. Then with respect to what fell from me before the Committee. I sincerely thank the right hon. Gentleman opposite (Sir J. Pakington) for doing me justice with respect to my conduct before the Sebastopol Committee. I brought charges against no one. I have already told the House what my feelings were with reference to Captain Christie. I certainly did look the hon. Member for Aylesbury steadily in the face when I gave the answer that I did, and I still believe that what that hon. Member said in this House was unjust to that gentleman, and was inaccurate. I believe it has had the worst effect, both upon the health of that gallant officer and upon his feelings while he was yet alive; and I think that the lesson ought not to be thrown away with reference to future charges and future conduct, but that in future allegations deeply affecting the honour and character of absent men shall not be brought forward upon light grounds, and that when inaccuracies shall have been proved, there shall be no hesitation in acknowledging them.

Mr. ROEBUCK: Sir, as the Chairman of the Sebastopol Committee, and as this matter is one to which I have paid a good deal of attention, I trust the House will excuse me if I venture to make a few observations with reference to it. I think there is something which calls for remark in what has been stated by the right hon. Gentleman the Member for Carlisle (Sir J. Graham). The right hon. Gentleman says that the first time he heard any imputation against Captain Christie was when the charge was made in this House by the hon. Member for Aylesbury. The word "charge" has been used. The statement was that Captain Christie was a man, in the belief of the hon. Member for Aylesbury, about seventy years of age, and that he was incapable, therefore, as the hon. Member knew him and saw him, of adequately performing his duty. Hereupon, as the hon. Member says, the right hon. Gentleman thought fit to desire an inquiry, and the right hon. Gentleman himself says he desired an inquiry to take place into the conduct of Captain Christie. In consequence of this inquiry, two circumstances came to his knowledge, which he considered of so grave a character that he ordered Captain Christie to be superseded and tried by a court-martial. These two circumstances were not mentioned by the hon. Member for Aylesbury. Now, the first charge is, that Captain Christie, by his misconduct, conduced—that, I believe, is the word—to the loss of the *Prince;* and the second is, that instead of sending the Turkish troops to Eupatoria, he sent them to Balaklava. These two circumstances, in the opinion of the right hon. Gentleman, were of so grave a character that he thereupon superseded Captain Christie, and ordered a court-martial to be held upon his conduct. Then, says the right hon. Baronet, when I gave my evidence before the Sebastopol Committee, I did fix my eye upon the hon. Member for Aylesbury. However, he proves distinctly that the right hon. Baronet the Member for Droitwich (Sir J. Pakington) was mistaken. The right hon. Baronet thought as I thought, being wholly unconnected with the matter, that the right hon. Gentleman (Sir J. Graham) was merely giving an effective statement of a fact; but the right hon. Gentleman himself says he was giving a significant statement—that he intended to communicate to the hon. Gentleman the Member for Aylesbury his opinion on the subject. That opinion was, that Captain Christie had died of a broken heart in consequence of the conduct of the hon. Member for Aylesbury. Now, what did the right hon. Gentleman say? That Captain Christie died of a broken heart. Why did he die of a broken heart? Because he was superseded in order to be tried by a court-martial. Who was the cause of his supercession? and who ordered him to be tried by a court-martial? That circumstance did not arise out of the statement of the hon. Member for Aylesbury. The hon. Member's statement was, that he was an old man. Now, I never heard that such a statement was considered a charge. That is a condition to which we are all hastening. Surely, it becomes the generosity of this House, before it visits its displeasure on the head of any one person, duly to consider the case. What is the case? What is the imputation against the hon. Member for Aylesbury? Why, that he has said

Captain Christie was seventy years old, and that he was decrepit. ["No, no!"] He did not use that word, but I think he implied that from his age he was incapable of discharging his duties. Judging the man from his appearance, he said, "I think that man is unfit to perform the heavy duties of his office." This is the sum total of the statement of the hon. Member for Aylesbury. It is then said that he received letters which he did not answer. The hon. Member for Aylesbury says that he is wholly ignorant of a letter from the sister of Captain Christie. ["No, no!"] The hon. Member tells me so. He received a letter from the brother of Captain Christie, but he says that he considered the opening statement in that letter so disparaging that, seeing it in print, he did not think that it called for any answer. To the letter of Captain Christie he says that he did send an answer. All that he was called upon to retract was, that he made a statement of the age of Captain Christie which was incorrect. It is surely not for the House to visit the hon. Member with the sort of displeasure which it has manifested. That displeasure would not be more severe if the hon. Member had done something which called for censure as a dishonourable act. ["No, no!"] Hon. Gentlemen may dissent from me in this matter, but if a statement respecting age is considered a dishonourable act, it certainly does not meet my view of a dishonourable act. I think Captain Christie was deeply wounded by that which has occurred, but for that which has occurred I hold the right hon. Baronet the Member for Carlisle responsible, and not the hon. Member for Aylesbury. The fact of his having been superseded and called to a court-martial struck deeply into the heart of Captain Christie, and for those acts I hold the right hon. Baronet the Member for Carlisle responsible. There is one other subject which the right hon. Gentleman mentioned, and I think it my duty to make this statement on behalf of the hon. Member for Aylesbury. The right hon. Gentleman said he was unwilling to subject Captain Christie to the ordeal which the hon. Member for Aylesbury desired. Now, there have been noble Lords and others examined before the Committee with whom the hon. Member for Aylesbury has been brought into contact—I will use that mode of expression—and the hon. Member for Aylesbury has carefully abstained from putting a question to them. I am sure that the right hon. Gentleman opposite will bear me out in this statement. [Sir J. PAKINGTON: Hear, hear!] On this account I think the right hon. Gentleman (Sir J. Graham) need not have been afraid of submitting Captain Christie to that ordeal of the Committee. The right hon. Gentleman has himself passed through that ordeal, and I do not think he has suffered much from it.

ADMIRAL BERKELEY said, he hoped the House would allow him to do justice, in a few words, to the memory of a gallant officer. The hon. Member for Aylesbury, as a Member of Parliament, claimed to be a judge of the qualifications of naval officers to command in responsible situations such as that which Captain Christie had filled. He (Admiral Berkeley) had, not only in common with that hon. Member, the character of a Member of Parliament, and an Englishman, but he had also the character of a man who had served his country in the naval profession for a great number of years, and might be allowed, therefore, to be as good a judge of the qualifications of naval officers as the hon. Member for Aylesbury. The right hon. Baronet (Sir J. Graham) had taken the responsibility of the appointment of Captain Christie on himself—as he presided over the Board he could have put his *veto* on the appointment, or not—but the right hon. Baronet had appealed to every member of the Board before appointing Captain Christie, and had reminded them in the strongest terms of the station to which they were about to appoint that officer, and said that they would be answerable if they received for it an unfit person; and he (Admiral Berkeley) was willing to share any responsibility which might attach to the Board of Admiralty for the appointment of Captain Christie. There was no man more anxious or more desirous of the court-martial than was Captain Christie himself. Then let it not be said that in a case where blame was cast upon an officer that the right hon. Baronet, in following the rules of the service, was in any sort of way the cause of the death of Captain Christie, but rather let those who had maligned him behind his back look upon themselves as the cause. The question before the House was, why did not the hon. Member for Aylesbury, when called upon by the touching letter from the sister of Captain Christie, do that which every hon. Member would have done—sent an immediate answer and relieved her mind. He could only say, that with regard to all naval appointments, the greatest care had been taken by the Board of Admiralty that none but efficient officers should be sent out, and he was sure that if any man, not prejudiced or determined to condemn, had looked at Captain Christie, that he would have rather thought him to be forty-five than seventy years of age.

MR. OTWAY said, that during the debate two facts had come out, the first was, that the hon. Member for Aylesbury had never made a charge of any kind against Captain Christie; and the second was, that when the hon. Member had, as had been said, spoken of that officer in a depreciating tone, the First Lord of the Admiralty, who believed him competent, had never had the proper feeling on that occasion to defend that officer. So far from doing this, he took credit to himself, as did also the right hon. Baronet (Sir J. Graham), that they were about to supersede Captain Christie and to subject him to the ordeal of a court-martial. He regretted that on a former occasion the hon. Member for Aylesbury, relying no doubt on information received on military authority, had fallen into some inaccuracies; and, had he been aware of what the hon. Member was about to have stated on that occasion, he could have told him that in the case of one of those officers the rules of the service had been complied with. He hoped his hon. Friend would not be deterred from the course he was pursuing in exposing the monstrous abuses of our military system by sneers and clamour, for he might be assured that if he persisted in it he would be supported by the country. Having had a notice upon the paper for two successive weeks, he would take this opportunity of calling the attention of the First Lord of the Treasury to the subject to which it referred—it was, indeed, principally for this purpose that he had risen. A short time since 300 or 400 Poles had sailed in our transports from one of our harbours, armed and equipped for service against Russia. He wished to know whether those Poles were to be incorporated in the Foreign Legion now being raised in Turkey, or whether they were to form a separate legion, and to be commanded by their own officers? He had already strongly advocated the latter course, for the moment the Polish standard was raised in the Crimea it would no doubt be joined by a large number of the Poles now in the service of Russia. It was important that a decision should at once be arrived at with regard to the footing upon which these Poles were to be placed.

VISCOUNT PALMERSTON said, in reply to the hon. Gentleman, that the state of the question was this—a certain number of Polish and Russian prisoners had been taken in the course of the war. The Polish prisoners expressed a strong desire to join a legion of Poles that was being formed under a Polish commander named Czartoryski, to act in the Turkish service. They were sent out at the expense of the British Government, and were at the same furnished with arms. They were to be enrolled in the Turkish service as a corps called by a name which certainly did not convey the idea of any distinct nationality. Their banner was to be the Cross and the Crescent, to mark the combination of the arms of the two countries. With those Polish prisoners there also went out a certain number of Polish emigrants from this country, who were desirous to enter into the same service. Every man went of his own accord; and, as they would all be engaged in the Turkish service, it would rest with the Turkish Government to determine how and where they were to be employed.

Subject dropped.

THE PRACTICAL CLASS AT WOOLWICH.

MR. NAPIER said, he wished to call the attention of the House to certain circumstances connected with the recent nominations and appointments to the practical class at Woolwich. He considered a great injury had been done to the public service, and an act of injustice passed upon the University which he had the honour to represent. It appeared that, in consequence of the great want of artillery officers, a syllabus was prepared by Colonel Portlock, under the approbation of the Lieutenant General of the Ordnance. In this syllabus certain schools were requested to send forward the names of select students, thirty of whom were to be admitted into the practical class at Woolwich, without having gone through the theoretical class. Upon this the University of Dublin had acted, and a certain number of young men in the school of practical engineering, attached to the University, were invited to attend an examination. They were put through a severe examination, conducted by professors of the University. Amongst them were seven of superior merit, and the names of the seven, together with those of two others who had already obtained diplomas in engineering, were forwarded to the authorities at Woolwich. This was agreed to at a special board held on the 1st of March. On the 6th of March an answer was received by the Provost from the Ordnance Board, to the following effect—

> "Sir—I am directed by the Board of Ordnance to inform you that a communication has been received from you recommending nine gentlemen for direct appointment to the practical class, Woolwich, and I have the honour to inform you that the gentlemen are already appointed for the next nomination, which takes place to-morrow, the 6th instant. As nineteen is the limit of age, the gentlemen whom you have recommended are not eligible. And I have also the honour to inform you that it is not the intention of the Board of Ordnance to throw open the appointments at Woolwich to the best answerers at a mere mathematical examination."

Upon this a request was made by the authorities of the University, on the 8th or 9th of March, that the names sent up by them might be taken into consideration on the next batch of appointments. It was not until the 29th that a refusal was received and the thirty appointments were all filled up. With respect to the ages, it appeared that three of those sent up from Dublin were under twenty years of age. The following was the manner in which the thirty places had been filled. Twelve of the thirty were persons of superior merit, and eighteen of them had no engineering qualifications whatever, but obtained their direct appointment by private influence. It so happened that two of the number thus appointed were from Dublin, and one of them had retired after the first day from the examination by which the qualifications of the persons sent up from the University of Dublin were tested. He, therefore, contended that the University of Dublin and other places which had acted in reliance upon the syllabus of Colonel Portlock had been dealt with unfairly, that the interests of the public service had not been consulted, and that the very merit of the persons so selected was an obstacle, and not an assistance to their advancement. As regarded the matter of age, the regulation required that the candidates must be above seventeen, and under twenty years of age. Now, it so happened that out of the seven that were selected and arranged in order of merit there were two who were nineteen years of age, and one who was eighteen years of age, but they were all three rejected. Of course he did not impute to

the Board of Ordnance any intentional act of injustice towards the applicants from Trinity College, Dublin, but, certainly, the effect of the invitation which that Board had held out was to produce great disappointment to those who had undergone the examinations at that College.

Mr. MONSELL said, in answer to the right hon. and learned Gentleman, he had only to say that the Board of Ordnance had nothing whatever to do with regard to the regulations respecting the appointments to which the right hon. and learned Gentleman had referred. Those regulations altogether rested with the Master General of the Ordnance. The right hon. and learned Gentleman had rather inconveniently mixed up two very separate questions. The first question was, whether the existing system of appointment was good or not; and the second question was, had that system been fairly carried out? With regard to the first question, he (Mr. Monsell) admitted that it was one of great importance, and well worthy the consideration of the House. Still, the real question the House had now to consider was, not whether the principle which had existed for so long a time at the Woolwich Academy was a good one or not, but whether it had been rightly and fairly applied in the present instance. The right hon. and learned Gentleman had fairly stated that he did not accuse any of the authorities with having acted unfairly, because it had been admitted that those authorities made the nominations, not upon the ground of merit, but merely in accordance with a system long established. At the same time, he believed that every care was taken that the young men who were nominated should be fitted to the situation to which they were appointed, although it was not pretended that they were selected because they were the fittest persons for the situation.

Mr. WHITESIDE said, he could not help remarking upon the answer which the hon. Gentleman had given to the complaint of his right hon. and learned Friend (Mr. Napier) — namely, that whatever might be the abuse in the system at the Woolwich Academy, it was not his business to inquire into or explain. A scholastic and scientific man at Woolwich College had drawn up a syllabus, in which was pointed out what were the sciences required to be known by candidates eligible for appointment under the Board of Ordnance. A copy of that syllabus came to the hands of the Provost of the University of Dublin. The consequence was, that the young men belonging to that University who had been initiated in mathematics, arts, and sciences, turned their attention at once to the engineering class. The Board of Ordnance had said that, if they thought fit to ask the authorities of the University to recommend them to the authorities at Woolwich, they should be considered eligible for appointment without being required to submit to any subsequent examination. Several young men accordingly submitted themselves to be examined by the authorities of Trinity College, and, having successfully passed their examination, they were recommended by the Provost to the Board of Ordnance at Woolwich. No less than seven young men came to Woolwich, but every one of them was rejected. These persons had been approved of on the sole ground of merit; and the answer of the hon. Gentleman the Clerk of the Ordnance was, that merit was not recognised by the Board of Ordnance. Such was the candid avowal of the hon. Gentleman, and yet surprise was expressed that the hon. Member for Aylesbury (Mr. Layard) should bring forward a Motion condemnatory of the present system by which Government appointments were made. Was it not astonishing that no better answer should be given to the statement of his right hon. and learned Friend than that the usual course had been followed? But the truth was that this vicious system of nomination had always pervaded the public service, and would continue to do so until, by repeated discussion and agitation, both in and out of that House, a remedy was finally forced upon the Government. Meanwhile, these questions would be continually brought forward, though it could hardly be expected that every complaint would be met with the same candid avowal as that which the hon. Member had made in the present instance.

Mr. HARCOURT VERNON said, that he had that day had a conversation with a brother of his, an officer in the Artillery, who had some reputation in his corps for scientific pursuits, and he stated to him that no one had, for many years, done so much for or rendered such important service to his, the Ordnance, department as the hon. Gentleman who now held the office of clerk, who had promoted scientific institutions by every means in his power.

Mr. WHITESIDE said, he begged it to be distinctly understood that he had made no charge whatever against the Clerk of the Ordnance.

Mr. V. SCULLY said, he was strongly in favour of a public instead of a private examination. Until there was a public examination, Irishmen would not get fair play. At present not one-tenth of the Irishmen who were entitled to promotion received it, because the examinations were not public. There was not a single Cabinet Minister who was an Irishman. It had been stated, that the noble Lord at the head of the Government was an Irishman. He (Mr. Scully) had put this question in a letter addressed to the noble Lord. The answer to that letter he would not read, for a reason which he had given on a previous occasion. The noble Lord bore an Irish title, and was the owner of Irish property; but he felt very sorry that he could not claim the noble Lord as a countryman, although he was clever enough to be an Irishman.

Sir JAMES GRAHAM: The noble Lord the Member for Portsmouth (Viscount Monck) is an Irishman.

Mr. V. SCULLY: I said a Cabinet Minister. The hon. Member for Portsmouth is not a Cabinet Minister. [Sir J. Graham: The Clerk of the Ordnance.] I beg to remind the right hon. Baronet that I am not speaking of Members of the Government merely, but of Cabinet Ministers; and I repeat there is not one of them an Irishman. Reverting, however, to the remarks of the hon. and learned Gentleman (Mr. Whiteside), I feel quite certain that to insure the due reward of merit, there ought to be public examinations.

Colonel DUNNE said, he wished to know what was the requisite test of efficiency for the artillery service—what were the necessary qualifications, and on what ground the selections were made?

Subject dropped.

EDUCATION (SCOTLAND) BILL— ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question [10th May], "That Mr. Speaker do now leave the Chair," and which Amendment was to leave out from the word "That" to the end of the Question, in order to add the words "it be an Instruction to the Committee to divide the Bill into two Bills."

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

THE EARL OF DALKEITH said, he should support the Amendment, for the Bill was strongly objected to by the landed proprietors of Scotland, chiefly on the ground that it would destroy a system which had proved itself highly beneficial during a period of centuries. He opposed the measure, not from any party or political motives, but because he was convinced that it would not be for the advantage of the country, and that it would not promote the cause of education so much as its friends believed it would. The landed proprietors of Scotland were not opposed to education, but on the contrary would give their best support to any scheme that would in a proper way effect that object. They objected, however, to the overthrow of the present well-tried system, and they were opposed to a plan which excluded religious teaching from the schools. He thought that the present was a good system, though he considered that it might be rendered more efficient; but if they separated these schools from the Church, it could not be expected that the ministers of religion would give up their time, and pay the same attention as heretofore to the course of instruction. He thought that if the right hon. and learned Lord Advocate were disposed to make some concessions, he would find hon. Members, now opposed to this Bill, ready to go hand and hand with him in his endeavours to extend the system of education.

MR. COWAN said, that the objection to this Bill was based upon religious grounds; but the school system which at present existed in the large towns of Scotland, and which it was proposed to extend to the rural districts, did not reject the elements of religious instruction. He thought Scotch Members had most reason to lament the effects of the present system in the rural districts of Scotland. He wished the system of education pursued throughout the country was as efficient as it was in the city which he had the honour to represent. Some hon. Gentleman had alluded to the way in which the educational system now in Scotland worked in the rural districts, and spoke in high terms of its success. He would make a proposal to those hon. Gentlemen. He believed the noble Lord at the head of the Government was about to give them a week's holiday. Now he (Mr. Cowan) for one, had no objection to spend that week (if some of those hon. Gentlemen who thought so highly of the present system would join him) to go into a Select Committee, with fourteen others, and examine into and report upon the actual position of the educational system in the rural parts of Scotland. He fully admitted the importance of having some guarantee for the religious and moral character of school teachers; but he doubted very much whether the test now in operation in Scotland afforded that test. A Return made twenty years ago showed that out of sixty-five schoolmasters who had been deprived of their office, the great proportion of their deprivations were made in consequence of habitual drunkenness or gross immorality, and he was very much afraid matters in that respect had mended but little in modern times. How, then, could it be said that the existing test was sufficiently effective or the best calculated to accomplish the purpose for which it was intended. He was anxious to see a searching system of inspection established over the schools of Scotland, which should not only ensure learning in the teacher, and ability to impart that learning to others, but also some guarantee for his moral and religious character. That system of inspection, he believed, would be created by this Bill. He quite agreed with the hon. Member for Elginshire (Mr. C. Bruce) in the vast benefits which had been conferred, on that part of Scotland with which the hon. Gentleman was connected, by the Dick bequest, and it showed in the strongest light the good which might be effected throughout the country by a similar general system of inspection, carried out under the auspices of the Government. He believed that such a system would give a great stimulus to education. In 1847, the teachers who obtained those certificates in connection with the Established Church numbered thirty-one—in the Free Church, 182. The number of female teachers in connection with the Established Church who obtained these certificates was thirty-five, while the number in the Free Church was eighty-four. There was nearly a similar proportion in the year which had last closed, but he would not trouble the House with details. When it was remembered that the Free Church had reared more than 500 schools, he thought hon. Members would agree that justice should be done. Instead of wishing to divide parties, he and those with whom he acted desired to bind up all parties and to heal all the differences that existed. He thought there was nothing that might be more safely left to the decision of the people of Scotland than this question of education. He believed that this measure was likely to raise the status of the great mass of the people of Scotland; and he trusted that during its discussion such a spirit of conciliation and concession would be manifested as would render it a blessing to the country.

SIR GRAHAM MONTGOMERY said, he wished to explain the grounds upon which he was opposed to this Bill. The professed object of the Bill was to take advantage of the great preponderance of Presbyterianism in Scotland, to establish an extended system of national, religious, and unsectarian education. Considering, however, that there was in Scotland already a very perfect system, so far as it went, before assenting to subvert the present parochial schools, and to accept of this new scheme, they should be satisfied that the measure before the House was what it professed to be, and would effect what it proposed to do. No doubt the withdrawal, in the Bill of this year, of the denominational clause gave the measure a greater claim to be considered a national system—at least its principle was more intelligible—though at the same time it was imperfect in its comprehensiveness, as regarded the non-Presbyterian portion of the community. He could not see how Episcopalians and Roman Catholics, who would be taxed as well as their Presbyterian neighbours by this Bill, were to be convinced of its unsectarian and universal character. Then, as to whether the Bill was a religious Bill or not, the right hon. and learned Lord Advocate, with a view, it appeared to him, of propitiating that portion of the Presbyterian body who held voluntary principles, and were opposed to all application of the revenues of the State for providing religious instruction, left that question in the same state of uncertainty and ambiguity as last year. If his system was to be Presbyterian, why did he not acknowledge the Westminster Confession of Faith, the Shorter Catechism, and the Holy Scriptures, to be the foundation of the religious instruction to be given in the schools, and make subscription to these standards of Presbyterianism an ostensible guarantee for the religious character of the teacher? Instead of doing this, however, the right hon. and learned Lord contented himself with placing in the preamble of his Bill, an abstract assertion, that the religious instruction hitherto in use in the parochial and other schools of Scotland was consonant to the opinions and the religious profession of the great body of the people. But, supposing this to be a sufficiently accurate indication of the nature of the religious instruction to be given, until some trial was made of the working of the machinery of a Board of Education and the proposed school committees, on this very point of religious instruction—and for such a trial there was a wide and unoccupied field in the towns and other populous districts of Scotland—he was not prepared to give up the security at present afforded by the superintendence of the Established Church for the maintenance not only of Presbyterian teaching itself, but also of the religious character of the teachers of those schools. Was it, he would ask, politic, therefore, for the sake of so imperfect and unsatisfactory a measure to destroy a system which had worked satisfactorily for nearly 300 years, and to which a charge of sectarian teaching could not with fairness be imputed? There were some provisions in the Bill, such as those for increasing the salaries of the schoolmasters, facilitating their removal when proved to be incompetent, and the appointment of Government inspectors, which must meet every one's approval; but that, he considered, was not the fitting occasion for entering upon those details, The mode in which the question of religious instruction was dealt with, the want of adequate security for the religious character of the teacher, and the proposed severance of the connection at present subsisting between the Established Church and the parish shools, were sufficient of themselves to induce him to oppose the measure, and he, for one, could be no party to the overthrow of institutions which had done so much for the cause of education in Scotland, and to the value of which the heritors of Scotland last year so readily bore their testimony. Believing the proposal of his hon. Friend the Member for Elgin (Mr. C. Bruce) to divide this measure into two parts, quite as well calculated to provide for that extension and improvement of education in Scotland, which was the avowed object of this Bill, he should support his Amendment.

MR. MACKIE said, he was of opinion that this Bill should be divided into two parts, by which means power could be given to assess houses in towns for educational purposes, in the same manner as property in the rural districts. He certainly was astonished at the right hon. and learned Lord Advocate bringing forward a measure which would make a direct breach in the security which was now existing. If a candidate for the position of schoolmaster objected to any particular Confession of Faith, he would not object to having the test altered; but it was most essential that the persons who were employed to educate the youth of Scotland should declare themselves to be Christians. He had been much astonished to hear it stated that the majority of the people of Scotland were in favour of the Bill. Why, there had been no less than 28,000 persons who petitioned against the Bill, and 17,000 had petitioned for alterations in it, and only about 1,800 or 1,900 persons had petitioned in favour of it. As regarded what had been said about the immorality of the teachers, and the number that had been dismissed, he considered that that very circumstance afforded a strong proof of the careful supervision of the Presbyteries, and was a strong argument against separating the schools from the Established Church.

Viscount DUNCAN said, it was quite clear that the object of the hon. Member for Elginshire, in proposing to divide the Bill into two parts, was to defeat it.

Mr. CUMMING BRUCE said, he must beg to explain that his intention was to preserve the existing system in parochial schools in one Bill, and in the other to facilitate the formation of additional schools on a principle more adapted to the peculiar circumstances of the towns and rural districts.

Viscount DUNCAN said, he was glad to have the admission of the hon. Gentleman that some change was necessary, but could not understand how, after that admission, he should have taken such a prominent part in opposing the second reading of the Bill. An attempt was made to draw a line of distinction between education in towns and education in the rural districts. Now, he trusted his right hon. and learned Friend who had introduced the measure would not consent to any such separation, but would make the Bill a general one. It was said the people of Scotland were generally well educated. But that was by no means the case. In the last Report of the inspectors of prisons in Scotland, published in the present year, he found that, in the much-praised county of Elgin, the number of male prisoners who could not read was thirty, and of females thirteen. There were seventy-five male and twenty-five female prisoners who could read with difficulty; thirty-two persons who could merely sign their names, and fifty-two who could write with difficulty. The total number of prisoners in Scotland was 21,238, of whom 4,474 could not read, and 11,328 could read only imperfectly and 9,259 who could not write. The Rev. Mr. Brown, the chaplain of the prison at Perth, stated that prisoners in general evince lamentable ignorance and apathy on the subject of religion, and that the chief cause of their ignorance is the want of parental example and Christian training. The state of education could not be satisfactory when such Reports were laid on the table of that House. Now, with respect to the proposed Board. The object of introducing a Board was to counteract party feeling and influence; and he believed it would effectually prevent the exclusive predominance of any one religious sect whatever. It was well known that mere secular education would be unpalatable to the people of Scotland, and religious teaching was the actual occasion of the introduction of the present Bill. It would be impossible, at the present day, to allow the clergy of the Established Church the whole care of the religious education of the people of Scotland, when one-half, if not two-thirds, of the people were opposed to it. It certainly was not the duty of the schoolmaster to make proselytes. It was his duty to teach the children to read, so that when they arrived at years of discretion they might form such opinions as would ultimately lead to their salvation. He cordially approved of the 15th clause of the Bill, to which such strong objections have been made. That clause proved that it should not be necessary for the parochial schoolmaster to subscribe to any test, confession of faith, or formulary. That was one of the most valuable provisions ever introduced into any measure, and he trusted it would be retained. They all knew that all the Free Church Presbyterians insisted on the right of the people to elect their own pastors. They knew also that in the year 1690 that question had been settled by a compromise by which the patronage was taken from the patrons and transferred to the people. When, in 1707, the Act of Union was passed, the Act of 1690 was still enforced, and patronage had at that time been abolished; but, unfortunately, an Act was passed in 1712, which again restored the patronage to the original patrons, and had been since the source of incalculable mischief to the Church; for that Act gave rise to the secession from the Scotch Church in 1730, to the establishment of the Relief Synod of 1753, and to the last great secession of the Free Church in 1843. When they talked of establishing a Church, they must recollect that the whole nation of Scotland, almost, were Presbyterians; that they were all ready to subscribe the Westminster confession of faith, and that they differed only on doctrinal matters of minor importance. But, notwithstanding that, as many as sixty unfortunate schoolmasters and upwards were deprived of their office, because they insisted on the original confession of faith which John Knox had subscribed, and were opposed to a system of patronage. Was it worth while to keep up a test in the rural districts, and by such means to impede the progress of education? Many of the burghs had done much to promote the cause of education. In Dundee, public seminaries had been established, in which no religious test was required. There were eight teachers, five of whom belonged to the Established Church, two to the Free Church, and one to the Episcopalian Church, and all these gentlemen worked harmoniously together. His right hon. and Learned Friend had been most careful to provide for the religious instruction of the people. It was not conceivable that the ratepayers, the inspectors, and the Board of Education should concur in appointing as a teacher a man who was not of known religious habits. He thanked God that he lived in a country in which it was impossible that such a case could occur. He did not believe that there was a more religious people in the world than the people of Scotland; and it was his opinion that, if any man, whose opinions on religious subjects were open to objection, should offer himself as a schoolmaster, he would be scouted by the whole district. One great feature of the measure of his right hon. and learned Friend was, that it would bring children of all denominations together. Another feature was, that it would tend to do away with many of those rival schools in thinly populated districts where only one was required; and another was, that it would, as far as possible, leave the rural schools upon their present footing. The measure of his right hon. and learned Friend would give no predominance to any religious sect in Scotland. Whilst, on the one hand, it would interfere as little as possible with the rural schools, on the other, it would confer that boon of national education upon the towns of which they had so long been deprived. He had now merely to thank the House for the attention with which it had listened to him.

SIR ARCHIBALD CAMPBELL said, he questioned the accuracy of the noble Lord's statement, that sixty of the parochial masters had been ousted from their livings at the secession of 1843, for he believed that the number was only twenty-eight. The question for the consideration of the House was, not whether they should sanction the system of the right hon. and learned Lord Advocate, but whether the present system should be abolished, in order that his plan might be adopted in the parish schools; and therefore the supporters of the Bill were bound to prove that the present system was faulty. He did not understand how the parochial system could be accused of being the cause of the large consumption of ardent spirits in Scotland. In his opinion, the question whether the schoolmaster should be of the Established Church or not, taken in connection with this Bill, was one of secondary importance, for the object they had in view was the efficient education of the people; and unless it could be shown that the kind of education given by the schoolmasters of one denomination was inferior to that given by those of another, he saw little objection to them on that ground. He believed, too, that that was the view taken by the people of Scotland, who would naturally be desirous to send their children to the best school. By the Bill of the right hon. Baronet (Sir J. Pakington) the denomination of the school was to be settled by the Committee of Council, and the schoolmaster would be appointed accordingly; but by the right hon. and learned Lord's measure the selection of the schoolmaster would be vested in the ratepayers, who, to avoid creating sectarian dissension, might select men of no particular denomination. They would have to recur to general Christianity, which very often meant no Christianity at all. He drew a broad distinction between the two Bills on Scotch education now before the House. One was a constructive, and the other, the right hon. and learned Lord's, a destructive measure, and one which would destroy that system which had tended to make the middle classes of Scotland more intelligent than those of almost any other country. He wished, in conclusion, to inquire what was the intention of the right hon. and learned Lord with regard to the denominational schools.

Mr. POLLARD-URQUHART said, he quite agreed with the last speaker as to the excellent results which had flowed from the old system of Scottish education; but what had been the reason why that system had produced such desirable effects? It was because it had been connected with the Church of the people of Scotland, to whom it was endeared by tradition and by old associations. But when that Church had ceased to be connected with the people, as it formerly was, it could not be expected that the same results would follow from it. The right hon. and learned Lord Advocate proposed to adapt the system to the altered feelings of the Scotch people, and he (Mr. Urquhart) could only say he had received many communications from Scotland in favour of the measure. Sheriff Watson, of Aberdeen, whose infant schools had attracted so much praise, regarded the Bill of the right hon. and learned Lord Advocate as a great step in advance, and, on the contrary, greatly disapproved the Bill of the hon. Member for Perthshire (Mr. Stirling). Another gentleman, a Conservative, expressed his approval of the Bill now that the objectionable power of summary dismissal of schoolmasters without hearing was removed. He (Mr. Urquhart) should only call the attention of the right hon. and learned Lord Advocate to the 17th clause, which might require some alteration; but, as a whole, the measure would have his support.

Mr. SMOLLETT said, he must complain of the motives imputed to the opponents of the Bill by the right hon. and learned Lord Advocate and his supporters. They had represented them as indifferent to education, and only desirous to uphold the Church of Scotland. He was not averse to such parts of the Bill as would extend education, but he objected to other parts of it which took away the securities for the religious character of the teachers and the taught. It was on this ground that he objected to the Bill, and the Committee of the Free Church of Scotland had declared this to be a vital question—the religious element of the existing system of education being all important. The right hon. and learned Lord Advocate, last Session, admitted that securities for religious instruction were important and requisite, and stated that he intended to introduce into the Educational Board professors of divinity, and to take care that there should be at least six ecclesiastics on the Board. But, in the present Bill, no such securities were provided. Neither in the composition of the Board nor otherwise were such securities taken, nor was it provided that religious instruction should pervade the whole character of the education afforded. If the Bill were amended in this respect he should not object to it on the third reading; but, meanwhile, he must vote against it.

Mr. BOWYER said he wished to say a few words with regard to the operation of this Bill, as it would affect Roman Catholics and others who were not members of the Established Church of Scotland. The only difference between this and the former Bill was the omission of the denominational clause. It was difficult to understand the principle or the logic with which the people of Scotland regarded that clause. He understood the objection to it to be, that the people of Scotland, condemning that system of religion which they believed to be false were willing only to contribute to that religion which they believed to be true. But they did not see that the very same objection might be urged by Catholics, Episcopalians, and Dissenters against the very principle of this Bill? Having regard to the prejudices of the people of Scotland, no Government would appoint a Roman Catholic on the Board of Education; and he did not think Roman Catholics or Episcopalians, or anybody who dissented from Presbyterianism, could look with any hope to that portion of clause one which gave Her Majesty power to appoint five members of the Board. The system of government under this Bill would be very strongly and decidedly Presbyterian. The schoolmasters, with whom would rest the duty of affording religious instruction, would all be Presbyterians; and, although by the 27th clause the children would not be bound to attend if their parents or guardians objected, Roman Catholics could not admit that it was possible to separate secular and religious instruction, if that instruction went at all beyond reading and writing. He said, therefore, that the teaching given, as it would be by persons closely identified with the Presbyterian Church, could not be satisfactory either to the Roman Catholics or the Episcopalians of Scotland, and that in all probability neither Roman Catholics nor Episcopalians—

certainly no Roman Catholics—would participate in the advantages of the measure. He entertained no feelings of hostility to the Bill; but, on the contrary, he thought it reflected great credit on the right hon. and learned lord who had introduced it. Its provisions were drawn with great judgment and skill, and were fully adequate to the establishing a very efficient and very useful Presbyterian system of education for Scotland; but what he felt most interested in, and what he wanted to know was, how were the Roman Catholics to stand with reference to this measure? They did not ask for any extraordinary or unreasonable privilege, but merely to be left as they were at present. They participated in the Privy Council grants, and were perfectly satisfied with their position. Perhaps he should be told the Bill left them as they were. He should be very glad to hear the right hon. and learned Lord Advocate say so in a clear and specific manner, that there might be no misunderstanding upon the subject, but he feared that as the forty-fifth clause gave power to the Committee of Council to alter existing Privy Council Minutes, it was intended this general plan should supersede such an exceptional system as that which Roman Catholics and Episcopalians now enjoyed. He should greatly regret to see either the Roman Catholics of Scotland or the Roman Catholic members of that House opposing a measure which he believed was satisfactory to a majority of the people of Scotland; but Roman Catholics must consider their own interests, which in their eyes were of vital importance, and he thought umbrage could not be taken to their asking the Government for an assurance that they should not be altogether swamped in this great Presbyterian measure. He hoped the Lord-Advocate would afford the House such an explanation of his views and those of the Government with respect to the education of the Roman Catholics of Scotland as would satisfy the members of that creed, not that they would obtain any great privileges or advantages, but that their fair claims would be treated with just consideration. Unless the right hon. and learned Lord was able to give a satisfactory explanation on this subject, he (Mr. Bowyer) would feel it his duty to oppose the Bill.

MR. F. SCOTT said, the hon. Member for Dundalk, who had just sat down, requested, on behalf of his co-religionists, that they might be left alone; and what he justly asked was, with still more justice, demanded on behalf of the parish schools, inasmuch as the parish schools had existed beneficially for more than two hundred years, and never were in a more efficient condition than at the present moment. The hon. Gentleman had spoken of this Bill as an ably-framed measure, and no one could doubt the ability and ingenuity of the Lord Advocate; but, while paying this tribute to his acknowledged ability, he must deny, on the same grounds, the claim which was made for this Bill as a popular measure. If it were both popular and ably drawn, how did it happen that there was found a larger list of Amendments for the Bill in Committee than to any other measure before Parliament in this Session; and, if it were so popular and so acceptable to hon. Gentlemen opposite who voted for the second reading, how did it happen that almost all the Amendments of which notice had been given proceeded from that side of the House—forty-one notices of Amendments, chiefly from the learned Lord's own supporters, appeared on the paper. Surely that would go far to acquit hon. Gentlemen on his side of the House from the charge which the Lord Advocate had brought against them of opposing the Bill merely for the purpose of obstruction. The Lord Advocate and the noble Lord the Member for Haddington (Lord Elcho) had, on more than one occasion, accused the opponents of being actuated solely by blind sectarian zeal, by a desire for the exclusive domination of the Church in matters of education, and by a wish to obstruct public business. He would warn the learned Lord that such charges should not be lightly made; and considering the Lord Advocate's position, and the fact that the opponents in Parliament were united, not only with the body of heritors, but with an immense majority of the petitioners, and the question being the education of the people, he should have thought the Lord Advocate would have better consulted his own dignity if he had assigned more worthy and more just reasons for their opposition. He had no right to call on the opponents for their reasons; it was for him, in the first place, to show—which he had not condescended yet to do—any sufficient reason for disturbing the parish schools. The Lord Advocate said he must include the parish schools in his scheme for the sake of economy, and in order to make it complete. He could show that his plan would still remain incomplete, for he had made no provision for small village schools; and, as regards economy, the disturbing, as he proposed, was a wanton and useless waste of public money, throwing on the country the burden which the heritors were perfectly willing to bear, and drying up the sources of private charity which had flowed so freely, by depriving local authorities of the interest they felt or the influence they possessed. The learned Lord had given another reason why opposition should cease; he had hinted that if the Church sought to hold her schools, it might be necessary to consider what further steps should be taken with her. The threat was very significant —if she persisted in keeping her schools, they might next rob her of her churches—if she stuck to her pupils, they would, perhaps, attack her pulpits; and the inference is logical enough, that if you may take the parish schools, you may likewise occupy the parish church. The Lord Advocate had addressed an argument to English Members, that they should not oppose this measure, because a majority of Scotch Members supported it. He would ask whether the Lord Advocate acted uniformly on that principle? and when the Government brought forward measures distasteful to a body of the Irish Members, did he, and the noble Lord the Member for Haddington, then tell the noble Viscount they must vote against him and the Government, of which they were, or had been, members, on the grounds upon which he now objected to the votes of English Members? The Lord Advocate boasts of his majority of Scotch Members. When is the Government without a majority of Members from Scotland? He doubted whether that were a true test of the popularity of this measure in Scotland. We had heard of a circular going the round of English Members, with the names appended thereto of the Scotch Members who supported the Bill, in order to frighten English Members to support it. He could take another circular, not with thirty Members of Parliament, but with the signatures of 27,000 petitioners, that the Bill might not pass, and 16,000 more praying that it might be altered. The majority of petitions last year—before the Bill was known—were favourable to the measure. Now, when it was understood, they were fourteen to one against the Bill. That showed very conclusively that the Bill was sinking, not rising, in estimation. He would call the earnest attention of English Members to the very different manner in which the Lord Advocate treated Scotland to what the Government ventured to act towards England in the matter of education. In England they had had numerous discussions in the House, Committees sitting for several Sessions on the Manchester and Salford Education Schemes, voluminous reports and evidence, containing the most accurate and detailed information on all parts of the subjects. In addition to these documents, there were the Census Reports on religious worship and on education, containing 230 pages, most ably written by the best statist of the time—Mr. Horace Mann. The House being in possession of these data, the Government did then, and not till then, bring forward a proposition for education. But what did the Lord Advocate do? Before a single paper containing information of any sort was on the table, the Lord Advocate introduced his Bill. Certainly, he promised information. He said you shall, in 1856, have the evidence that will show that I was right in 1854. We were much obliged by the promise, but we much prefer hearing the evidence before we decide the question. The Lord Advocate disdainfully exclaimed—"Are we, at this time of day, to stop to inquire into the want of education?" and said, "it was no assumption, but the fact, that there is at the very basis of society a deep, an unfathomable, stagnant, and pestilental pit of ignorance." Now, without denying the existence both of intemperance and ignorance, yet, he must say, that to take this description as a true picture generally, was not the fact, but an unproved assumption, and to attribute its existence to the want of a good system of moral and religious education throughout the country generally, was a most unwarrantable inference. Now, what was his data for Scotland—data to which he referred and relied on, though produced after his Bill?—the "Report on Religious Worship and Education for Scotland, by Mr. Horace Mann," dated 15th April, 1854. The Report consists of three brief, meagre pages, and the author himself says "the statistics are not complete, and he has no means of making them so. The inquiry being purely voluntary, enumerators were less careful, and parties less willing to give information." The want of education, it is alleged, and perhaps truly, is felt most severely in the towns and burghs to which the parochial system did not extend, and, therefore, though no particulars were given in more minute subdivisions than counties, yet, as regards places where masses were collected, there, no doubt, the Lord Advocate had taken means of ascertaining accurately all the necessary information. Mr. Mann says, as to burghs, "no facilities existed for ascertaining what schools in any parish were within the burghs, and what were outside," so no satisfactory tables could be constructed. He gives a statement of the places of worship in the whole of the parishes containing burghs, to supply an approximate view, but could give no such result as to schools. The learned Lord thought fit to accuse the opponents of sectarian blindness, and the Government have already shown their activity in taking one formidable leap in the dark, which has plunged the country into inextricable difficulties and dangers. The Lord Advocate must excuse them from following him in this fresh leap in the dark, with fresh dangers, into this unfathomable pit which he pretends to have found—they would rather either wait till daylight, or till the Lord Advocate had supplied better lights and guides to lead them. The learned Lord had now had a year to establish his case; how had he employed it? He had not furnished one single particle of evidence to substantiate the assumption which he called a fact, and which I believe to be a most calumnious description of the Scotch people. Under these circumstances, he had a strong claim for the support of the English lovers of education. They had in England popular schemes which contributed much to education. In Scotland we possessed a system established for nearly 300 years, coeval with our pure Protestant faith, anterior to the laws which now supported it, and which, he trusted, would survive the laws which attempted to subvert it. In 1567, it was provided that schools should be established in every parish for the "godly upbringing of youth," and let them mark the force of the expression. It is "tinsel," it says, not "tinsel," meaning worthless show, but tinsel, or destruction and perdition, "both of their bodies and souls, if God's Word be not rooted in them." Such was the origin of the parish schools; and so well did they do their duty, that Kirkton, in a well-known passage, nearly a century later, says, "Every village had a school, every family always a Bible; yea, in most of the country all the children of age could read the Scriptures, and were provided with Bibles." That system had continued, down to our own day, to elevate the Scottish character, and to render them, as they were justly described to be, a thinking, a moral, and a religious people; and whatever divisions existed in the Church, it had helped to keep nine-tenths of the population attached to the same creed, taught, as the learned Lord admitted, from the same books, and in the same way. That system was connected with the laity, who supported it—with the clergy, who controlled it—and with the Government, which inspected it; and he denied either that the system had failed, or that any proof had been adduced against it. There existed, no doubt, exceptional defects and exceptional deficiency—these we are willing to inquire into, to supply, and to amend. The General Assembly had long since pointed out many of them, and sought the aid of the State to correct them. Hon. Members, in looking at the state of the education, must not omit to bear in mind the condition also of the country. If England had made great strides lately in education, they must consider the obstacles and hindrances which presented themselves to a like educational career in Scotland. Those obstacles existed in the unequal distribution of the people, scantily dispersed in some parts, thickly and rapidly overcrowded in others—circumstances, and diversity of race and character, disposing to undue indolence and to undue industry in worldly matters—the poverty of the Church, the comparatively small supplies of Privy Council grants, and the incentives to intemperance which a low rate of duties on spirits presented. All these causes operated against Scotland, and it was necessary to bear them in mind in deciding on the failure of a system for education. They complained of the want of education in the northern counties of Scotland. Now, no counties in England were to be compared to those counties in the scantiness of population, and this is a material element in a criterion of education to be tested by school attendance. How could they collect children to a school, when an adult population could scarcely be assembled to church? Sutherland had but fourteen persons to the square mile; Ross and Cromarty, twenty-six; Inverness, twenty-three; Argyle, twenty-seven; and Orkney and Shetland, forty inhabitants to the square mile. The scantiest counties of England were Westmoreland, Cumberland, North Riding of York, and Hereford, but they were not to be mentioned against the Scotch counties he had named. Moreover, the latter were divided by lofty and impassable mountains, intersected by ravines and arms of the sea, and contained a few poor shepherds, or poorer fishermen, dwelling on their cliffs or islands. They should not forget that these counties contained nearly 150 islands, whereof 120 contained fewer than 1,000 inhabitants a piece. Of these nearly fifty have less than twenty, and twenty-five have not ten human beings on them—some seventy, some above 100 miles from the mainland. How, then, can you expect a school to be assembled? And yet, these remote regions, ranking from 300 to 600 per cent below the average rate of population, went to swell the learned Lord's reckoning against Scotland's school attendance; and yet, how did they stand? The school attendance in Ross was one in 8·2; in Inverness, one in 8·9; in Argyle, one in 7·5; and in Orkney, one 9·6. The average for Scotland is one in seven, and though these counties depress it, the only marvel is that they stand so wonderfully high—a fact which does infinite credit to the system you seek to demolish and disturb. Other counties, on the other hand, are as excessive in density as the above in spareness of population, and present comparatively greater obstacles than any existing in England. Then, excepting Middlesex, there are but two counties which are more than 200 per cent above the average, namely, Surrey, 300 per cent; and Lancashire, 200 per cent. Now, in Scotland, with fewer counties, there are no less than eight counties in that position; and look at the rate of excess—Renfrew and Midlothian, above 700 per cent; Lanark, nearly 600 per cent; Clackmannan, 500 per cent; and Fyfe, Ayr, Forfar, and Linlithgow, varying from 200 to 300 per cent above the average population of Scotland. Now, when you find such unequal distribution of inhabitants, surely some excuse may be found for inadequate education, and the system can hardly be condemned which struggles hard to meet its difficulties. What, then, do we perceive? Why, that in Renfrew and Lanark the proportion of school attendants are below one in nine, in all the other populous counties they are above it. In England, take Worcester, Stafford, Warwick, Lancaster, Monmouth, and you see the averages running up from one in nine to one in ten, and one in eleven. It is, therefore, hardly fair to upset a system which thus encounters great difficulties. Nor is that all. It is the rapidity of the rate of increase which augments the difficulty in education keeping pace with or overtaking it. The average increase of England exceeds that of Scotland; but take the local increase of particular places. In England, Lancaster has increased, in twenty years, 47 per cent; in Scotland, Lanark has increased, in the same period, 58 per cent, and Clackmannan 50 per cent; and yet the school-going population of Clackmannan is no less than one in 6·5. The most experienced statists have calculated, that, after deducting all who are necessarily detained by sickness or other causes, one in six of the whole population is the utmost school attendance that can be looked for in the most highly-educated country under the most favourable circumstances; and here we find that, under the least favourable, a proportion of one in 6·5 has been attained locally, and one in seven generally, over the whole of Scotland, while that of England is one in 8·3. In Nairn, in Inverness, and in other Highland counties, the prevalence of the Celtic race, and the mixture of the Gaelic tongue, is an element which ought not to be forgotten among the difficulties which a system of education has to overcome. It should be mentioned that the data I have used are not generally in the hands of Members, and that, after working them out myself, I got them verified at the Census Office, in a paper to which the following note was appended—

> "That in consequence of the returns being defective, the proportions for Scotland, as well as those for the counties, must be received as understatements."

Well, but if the difficulties of Scotland are greater than those of England, the aid she has received from the State is less; and though her educational condition is higher, do you propose to condemn her educational system? I do not question the rules framed by the Privy Council, but I name it as a fact, that those rules, while they admit all other schools to a participation in their grants, exclude, except from a fractional benefit, the parish schools of Scotland; the Privy Council has excluded them because they are supported, not by subscription, but by charges on the land; and having thus deprived them of aid, you now propose to attack them for wanting the means yourselves denied them. Scotland has not received her fair proportion of the educational grants. Her population is one-sixth that of England, but not so the money you have given her. The total amount since 1839 has been, for education, 1,633,384*l.*, whereof Scotland should have had 272,230*l.*; she has only had two-thirds of that sum, or 182,230*l.* But if the State withheld her aid from Scotland, certainly the Church of Scotland, though poor, indeed, as compared with that of England, has not been backward in her efforts. The Church of England did much for England, but her revenues amount to 5,000,000*l.* per annum, as stated in the Census Report. That of the Church of Scotland does not amount to one-twentieth of that sum, but she has added, of late years, nearly 1,000 schools to supply education, has subscribed largely and liberally for their building and support, and has often and loudly called on the State for the aid she niggardly bestowed. The Lord Advocate asserts, that at the basis of society there is a pestilential pit of ignorance, and that vice and ignorance hold their revels hard by the palaces of our merchant princes, and, therefore, he must destroy our educational system. Now, if Government has refused supplies to education, it has not refused them to intemperance, which is the cause of ignorance. There may be fiscal causes for the reduction of duties on Scotch spirits, but there can be no doubt that the reduction of duty on Scotch and Irish whisky has led mainly to the fearful consumption of spirits, and has conduced greatly to vice, irregularity, and disregard of education. In 1823 you reduced the duties on Scotch spirits from 6*s.* 2*d.* to 2*s.* 4*d.* per gallon, and it remained at that, or at 3*s.* 8*d.* per gallon, until 1853, while those on English spirits were far higher. The Treasury may have gained, but morality has lost by this fiscal regulation; and if, in consequence, you find that Scotland consumed 6,500,000, while England consumed only 10,350,000 gallons—that there is one drunken man to twenty-two in Glasgow, one to fifty-seven in Edinburgh, and only one to fifty in London city — the Lord Advocate had no right to charge to the parochial schools of Scotland the pit of ignorance and vice which is due to the action of the Government. No thanks are due to Government for any efforts to correct the evil—private individuals took up the duty which Government neglected. Lord Kinnaird and Mr. Forbes Mackenzie have the merit of introducing a Bill to improve the morals which Government had sacrificed to the Treasury; and when a Lord of the Treasury (Lord Duncan), the Member for Forfar, alludes to 1,200,000*l.* per annum being spent on whisky, he should remember that the fault lies with himself and others. But, after all, how stands Scotland as to the means for education? Schools are not wanting generally in Scotland. The hon. Member for Greenock (Mr. Dunlop) spoke once of 3,500 schools being wanted. Well, there is a school for each 600 of the population, and if one in six bring the school-going number required, that is a school for every 100 children. The actual attendance averages ninety-two to each parish school, and I am inclined to think the hon. Member's statement generally requires verification as much as the Lord Advocate's pestilential pit. But, as compared with England, Scotland has one scholar, we know, to seven; England one to eight and one-third. Compare the nature of the schools. The best system is that which is sustained by permanent, local, or general support. In Scotland one in five, in England one in seventy-five, are so supported. If you were to establish a system, that is what you would adopt; but the very schools which you are about to disturb, if not destroy, are those precisely which are so maintained. In Scotland 1,039 schools thus educate 89,000 scholars. In England 610 maintain only 48,000 scholars. Nor is this all; in England, of 4,021 endowed schools, three-fourths have not an endowment of 50*l.* per annum, one-half have not 20*l.* per annum, and one-fourth has not 10*l.* per annum. Compare this with the endowed schools of Scotland, and you will find that the system you seek to subvert is far better, and far better maintained, than any known to those by whose aid you seek to subvert them. Again, in deciding on the maintenance or subversion of a system, there can be fewer elements more deserving of consideration than the quality of the schools, and few will doubt that a public is preferable to a private school. In Scotland two-thirds of the whole number are public, and one-third are private schools. In England the proportions are reversed; one-third are public and two-thirds are private, and yet the English Members are called upon to destroy the Scotch schools. In England there is one point to which Scotland can offer no parallel. I find among the teachers in England 740—chiefly teachers of private schools—who can only sign their names with a "mark." Imagine what a boast of it the Lord Advocate would make if he could find in Scotland, not 740, but one man designated as a teacher who could not write his own name; and yet the English are called upon to aid the Lord Advocate in upsetting the Scottish schools. The efforts made recently in England to supply education have been very great—so great that the English are apt to say that "the education in Scotland was better; but we have latterly done so much more than they, that now they cease to be superior." That was not astonishing, since England had much to do, when she was aroused to the need of education, and since the Church was more wealthy, and the Privy Council grants more lavish; and yet, in the last twenty years, the number of schools added in Scotland bears within a fraction the same ratio to the whole number that those added in England bear to the whole, namely, about two-thirds of the whole number. In every point of view, then, the educational system of Scotland will bear a comparison with that of England, or of any country in the world. And, in respect of cheapness, the cost of 10*s.* to 12*s.* or 12*s.* 6*d.* per annum to each child is no extravagant amount. In the three counties of Moray, Aberdeen, and Banff, owing to the "Dick Bequest," the charge does not exceed 7*s.* per annum. The noble Lord (Lord Elcho) the Member for Haddington, and the right hon. and learned Lord, may say once more, this may all be very true, but it does not meet the intolerable grievance of the Church assuming the exclusive supremacy and domination when she has not a majority. Now, in the first place, they misstate the case. The Church neither asks, nor ever has asked, for any exclusive domination in education. What she does demand, and what she has a right to demand, is, that she should not be robbed of her own; that what belongs to her—what has been hers for two or three hundred years—what she has held with unparalleled benefit to the people, should not, without cause assigned, be taken from her. The schools of Scotland are 5,000, the parish schools are 1,000, well conducted; and the Church says, deal with the other four-fifths if you will, but leave to me that which is my own, and which I have not abused. "What," says the learned Lord, "leave to the Church the schools of Caithness, or those of Sutherland, where the Church has not one-tenth—scarcely one-twentieth—of the population!" The Lord Advocate's argument, if it proves anything, proves too much. The object of the schools is to promote education—the test of education in school attendance. Now, what do I find? The average of Scotland is one in seven; that of Caithness is at the very top of the list, namely, one child out of six; and Sutherland is next, namely, one in 6·1. This fact seems to me to cut the whole of that argument of the Lord Advocate from under his feet, and I am not surprised that when he had persuaded his hearers that there was a pit of ignorance, he should be unwilling to enter into any further inquiry as to the fact, or to afford any of the detail which I have searched out. Berwickshire, where secession is far less, stands at one in 6·2, or third in the list. The assertions which have been made to-night about children of different denominations not attending the parish schools, may be useful declamation, and I regretted to hear the noble Lord (Lord Duncan) allude to them. The Roman Catholics attended schools freely; and I know in my own county the Free Church children attend the parish schools quite as readily as those who belong to the Established Church; and so they do wherever they are left alone, for the teaching in these schools is free from any sectarian character, and religious influence pervades the whole teaching. I have heard, indeed, of Christian ministers denying the comforts of the Christian religion to those parents who allowed their children to receive instruction in the parish school. I heard lately of another Christian minister, who, in like manner, refused the Holy Communion to an unhappy man who was condemned to death. He had been guilty of two crimes; for the one—murder—the priest did not deny him absolution; but he had been guilty of a more heinous offence—he had promised to his wife that his only child should be brought up a Protestant. The priest who would grant absolution for the murder denied it to this graver offence. I will do neither the Free Churchmen nor the Roman Catholics the injustice to suppose that they would not equally with me condemn the conduct of the minister and the priest, whose conduct was alike; but what I do say is, that in the course the Lord Advocate is taking, and the arguments used in its support, you are legislating not against, but in favour of such miscreants. The noble Lord (Lord Duncan) alluded to the ignorance of certain prisoners, extracted from prison returns, to prove that Scotland is ill-educated. Now, I can assure the noble Lord that nothing is more deceptive than the tables on which he has relied; and, so far from making out his case, they prove absolutely nothing. The hon. Member for Oxfordshire referred to Austria; he had referred to certain interesting statistics in counties of England, which showed how completely one table upset the other. These were found in the Minutes of the Council of Education for 1848, 1849, and 1850, and were taken from the years 1842 to 1847. They exhibit the education and crime in several counties, and show that Middlesex, which stands first in our test of education, is nearly lowest in respect of crime; whereas Wales, which stands about the top in respect of crime, is near the bottom in respect of education; while others, again, stand high in education, in morality, and freedom from crime; others, again, stand as low in all three. These data are not to be depended upon. Let the noble Lord merely look to the tables of convictions in 1853, in the two most populous counties of Scotland, one of which, Edinburgh, stands high, namely, one in 6·9 in point of education; and the other, Lanark, stands equally low, namely, one in 9·9, by the same test. Lanark has a population of 530,000, but only 510 convictions; while Edinburgh, with half the population, or 260,000, has a larger number of convictions, namely, 539, against 510 of Lanark. This would show the House the risk of resting on such calculations. Indeed, some education, by creating tastes and appetites unknown to unlearned persons, may expose to fresh crimes and fresh temptations. Of this there can be little doubt, that a knowledge of the Bible, its doctrines, and its precepts, with the inculcation of sound moral and religious principles, will tend more than anything else to the happiness of the people and the tranquillity of the State. Those means and those blessings we have hitherto enjoyed, to an extraordinary degree, in Scotland. There is no country in the civilised world governed at less cost for police or military to restrain them than Scotland; there are few countries which have sent forth a larger number of men eminent in all walks of life from its parish schools—in history, in philosophy, in mathematics, in medicine, in poetry, in all the branches of science and literature, as well as in the more active paths of danger and of glory. There is, however, one evidence to which he would call attention, because, though simple, it was significant. A few years ago, prizes, open to Great Britain, were offered for the best essays on the advantages of the Sabbath to the working man. Two out of three prizes were gained by the country which had but one-sixth of the population. One by an old shoemaker in the village near him—St. Boswells. The preface remarked, that Scotland should gain two out of these prizes was not remarkable, since by far the larger number of the essays were written by Scotchmen. That simple circumstance seemed to show that Scotchmen of the lower orders had not fallen behind their neighbours in intellectual or religious education. He had detained the House too long, perhaps, with these details, but he preferred rather to rest his case upon facts, however dry, than leave the question to the assumptions of an imagination, however brilliant, or of an eloquence, however powerful. Before he concluded, he was anxious to adduce the testimony, in favour of the schools of Scotland, which fell from one to whom the House ever listened with attention. The right hon. Member for Oxford University said, in 1853—

> "That Scotland was inferior to most parts of Europe in fertility of its soil, or in the aid which a genial climate gave for bringing the kindly productions of the earth to maturity; but that country, poor as it is, has taken a place among the nations second to no other, and even among Englishmen, Scotchmen are not found to fall behind in any gift, in the capacity for any walk and any function of life. It was not so in former times. If we go back three or four hundred years, they were then a nation in the rear of all Europe. They are now in front, and in the van. If it is asked, what is the reason for this great, this astonishing change in their relative position?—I believe the reason is one great advantage which they have now enjoyed for more than two centuries, in a degree far beyond any other country, far beyond England—the advantage which consists in every labouring man in Scotland having had the means of sending his children to a school where they would receive the benefits and the blessings of education. And the consequence of that has been, that there is an appreciation of those blessings among the people of Scotland, continually growing with the enjoyment of them."

This admirable description, no less true than beautiful, while it does honour to the distinguished man who expressed it—himself a Scotchman by descent, if not by birth—pays a just tribute to the system of education which the Lord Advocate would uproot; but there is other evidence, the more remarkable as coming from a foreigner, which he could not refrain from reading to the House. It is that of a gentleman most competent to judge, as he had deeply studied the subject of education in his own and foreign countries, and had stated his opinion on the American, the Scotch, and the German, and other continental schools of Europe. The Hon. Horace Mann, Secretary to the Massachusetts Education Board, United States, in his Seventh Annual Report, bears testimony to "the efficiency of the intellectual training in the schools in Scotland," and expresses "his astonishment at the familiarity of the pupils with the writings of the New Testament;" and he says—

> "There are some points in which the schools of Scotland are very remarkable. In the thoroughness with which they teach the intellectual part of reading, they furnish a model worthy of being copied by the world."

Where, then, appears the insufficiency of these schools? Generally, nowhere, save in the imagination of the learned Lord. Special cases there may and must be, and these might better be corrected by an extension than a destruction of the parish schools, instructed by teachers, than whom it would be difficult anywhere to find a more meritorious or ill-requited class. The burden of proving the parish schools defective rests on the learned Lord, and those who act with him. Against these schools, I find that Lord Panmure said, two years since, that they were "obsolete and effete, and worse than useless, as they had become fortresses in the hands of the enemy." I will not stay to ask why schools teaching learning, religion, and morality are fortresses of the enemy to the noble Lord; but it is some consolation to have to place against the evidence of Lord Panmure that of Mr. Fox Maule. In 1836, Mr. Fox Maule was Under Secretary of State for the Home Department, and therefore knew, if he did not write, the Treasury Minute which described the parish schools of "Scotland as having been the source of much good, and as having laid down a mode of education worthy of imitation elsewhere." Here, then, we have evidence, both from Mr. Fox Maule in Scotland, and from the Secretary to the Education Board of Massachusetts, that those schools which Lord Panmure and the Lord Advocate would now destroy, are a model worthy of imitation. The time which the Lord Advocate selects for undermining the parish schools of Scotland is, when, according to his own admission, they are in a more efficient condition than they ever were before. He says they are in a most efficient condition, and that they were evoked out of lethargy by the competition between the Established and Free Church; and yet the avowed object of his Bill is not to preserve schools that are efficient, and rivalry which has had so excellent an effect, but to upset the efficient schools, and to put an end to the competition. What, then, is to prevent the relapse into lethargy, which the Lord Advocate affects to dread? Not local influence, for he proposes to put a stop to that—not local charity, for his proposal will stop the current and dry up the sources. You might have adopted a method which, in lieu of destroying, might, at comparatively little cost, have enlarged and extended the blessings of religious and moral education over the whole of Scotland. The annual sum of 4,500*l.* judiciously administered, had called forth so large an amount of voluntary aid in addition to the statutory charge, as to secure the best possible education to the three counties of Aberdeen, Banff, and Morayshire, containing 250,000 inhabitants. Apply the same plan, and on the same rule, the sum of 50,000*l.* or 52,000*l.* per annum would have afforded a sound education to all Scotland. The best education is almost cheap at any price, the worst is dear at any; and here you subvert a good and cheap to make way for an inferior, which will cost twenty times as much as the State has yet given, and four times as much as you need have given. Your plan, upon the lowest calculation, will cost 200,000*l.* a year. It will put a stop to influence, interest, and outlay of charity in the country; and, in like manner, you will disgust the authorities in burghs by depriving them of interest and control. In Dundee 20,000*l.* has been recently expended in building and maintaining schools. Glasgow, in like manner, has shown charitable liberality. When the Government inspector shall have taken all out of their hands except the obligation to pay what he imposes, it is not difficult to foresee how soon the inability to control or manage will be followed by an unwillingness to contribute; and thus, under pretence of building up a complete State method of centralised education, you will speedily destroy a system under which the people of Scotland have longer than any other country enjoyed a larger amount of sound, moral, and religious education, than any other nation in Europe.

LORD ELCHO said, that, notwithstanding what had been alleged to the contrary, he must maintain that an educational measure was requisite for Scotland, and would be content to rest the proof of that proposition upon the Bill of the hon. Member for Perthshire (Mr. Stirling), who acknowledged the necessity for extending the means of instruction in that country. In order to show that the Scotch Members were anxious to go into Committee on this question, he need only refer to the division on the adjournment, in which twenty-eight of them voted against the adjournment, to four in favour of it. The Amendment before the House was an attempt, by a side wind, to get rid of the principle of the Lord Advocate's Bill, which had already been affirmed by the second reading. It had been admitted by the opponents of the measure that it contained two principles—namely, a combination of religious and secular instruction, and an extension of the means of education; but the Bill had likewise another object, and one of wider scope—namely, the establishment of a system of united education, in lieu of the existing denominational schools. The parish schools of Scotland were originally intended to embrace within their fold all the Presbyterians of that country; but, in consequence of the recent disruption in the Established Church, they had since become denominational; and while the test requiring the schoolmasters to belong to that Church and the exclusive superintendence of the Presbytery were maintained, the present system must remain sectarian. Nobody could contend that in theory a denominational system of education was advisable; and seeing that in Scotland nine-tenths of the people professed the same creed as far as regarded all the essentials of Christianity, and were not divided into so many different sects as existed in England, the right hon. and learned Lord Advocate had taken advantage of this unanimity of religious belief in Scotland, and made the establishment of a united system of education in that country a fundamental principle of his Bill. He (Lord Elcho) was most sanguine of the results which such a measure would produce upon, not merely the education of Scotland, but upon the tone, temper, and feelings of its people. At present denominational schools existed in places where they were not wanted, simply because on the opposite side of the road there was a parish school, whose scholars it was desired to draw away and bring into the rival institution. Thus a waste of educational power was created, and the number of children under instruction was not *boná fide* increased. A united system, on the other hand, by associating the ministers of the different Churches in the holy work of education, would have their prejudices softened and their differences mitigated; while the children who were taught in the same parish school the essentials of their common Christianity would be led to ask why they should not also worship their Maker together in the same Church. These views were not so Utopian as some might suppose. They found expression at a meeting held in Scotland last year in support of the right hon. and learned Lord Advocate's measure, when Dr. Guthrie, a distinguished minister of the Free Church, gave his adhesion to a national instead of a denominational system, on the ground of its healing tendency and its probable effect in promoting mutual love and brotherly union between rival Churches. The present Bill, however, would not establish a united system by rudely overthrowing the existing parish schools; it merely sought to bring them more into harmony with the altered circumstances of Scotland by doing away with the exclusive test restricting the schoolmasters to members of the Established Church, and also with the exclusive superintendence of the Presbytery. It, however, retained the direction of the minister of the parish in the management of the schools. The effect of the Amendment moved by the hon. Gentleman opposite (Mr. C. Bruce) would be fatal to the principle of the Bill, for he proposed to maintain the parish schools under the exclusive control of the Established Church of Scotland, and to destroy the principle of united education which was so valuable a portion of the measure. He (Lord Elcho) wholly disclaimed any desire to injure the Established Church of Scotland, and he was confident no one in that House would say that the right hon. and learned Lord by whom this Bill had been introduced, although, it was true, he was not a member of the Church Establishment, had the slightest wish to promote the interests of the sect to which he belonged at the expense of the Establishment. But, it was objected that there was no security in this Bill for religious teaching. Now, one would suppose, to hear the speeches of hon. Gentlemen opposite, that Members on his (the Ministerial) side of the House cared nothing for religion or morality, and that the only persons in the House who regarded those objects were the hon. Gentlemen who voted against the Bill. He was not, however, prepared to admit that those who thought with him were indifferent to the nature of the religious education which was to be given under this Bill. The preamble itself showed what was the object in view—

> "Whereas," it said, "instruction in the principles of religious knowledge and the reading of the Holy Scriptures, as heretofore in use in the parochial and other schools in Scotland, is consonant to the opinions and religious profession of the great body of the people."

And they had confidence in that deep-seated religious feeling which existed in Scotland, and which would, without any express legislative provision, insure that the teaching should be in accordance with what was stated in this preamble. As to the proposed abolition of tests, hon. Gentlemen opposite did not seem able to agree in suggesting any Amendment upon this portion of the Bill. Now, he did not look upon a test as any security, but he thought it might be desirable, and he could see no objection to introduce a clause somewhat in accordance with that proposed by the hon. Member for Selkirkshire (Mr. A. E. Lockhart) — namely, that a parochial schoolmaster should be required to produce a certificate of attendance at a place of worship belonging to some Christian community. He hoped the House of Commons would not be led astray by the Motion of the hon. Gentleman the Member for Elgin, and that they would not so stultify themselves as to support that Motion, diametrically opposed as it was to the principle of the Bill. He believed that this measure was conceived in a liberal and enlightened spirit; and that, not only—to use the eloquent language of the right hon. and learned Lord—was it calculated to be a cheap defence of nations, and to roll back the tide of ignorance and vice, but that it would give peace and harmony to Scotland, where religious discord had unhappily hitherto prevailed. Once more he entreated the House to support this measure, and not to give their votes in favour of a Motion which, without wishing to speak offensively, he must characterise as being conceived not in a liberal or unsectarian spirit, and as wholly unsuited both to the wants and the wishes of the people of Scotland.

Mr. BLACKBURN said, he must deny that hon. Members on that (the Opposition) side of the House, wished to destroy public education in Scotland. The measure now before them involved two objects, one to provide education for places where it was now deficient; and the other, as the right hon. and learned Lord said, to amend, but as those who thought with him (Mr. Blackburn) considered, to overturn, the existing system of education in Scotland. Now, he could not but regard it as much more beneficial if the measure were divided into two parts, so as to carry out those objects separately. The Bill, in his opinion, brought the whole power of education within a central board, so constructed that the people of the country could have no confidence in it; it did away with the religious securities now in existence, and proposed to teach religion without the intervention of any church, and without the security of any creed. How such a proposal could succeed he could not understand, nor did he see why such a scheme should be forced upon the people of Scotland. The success of the principle upon which the parochial schools had been conducted was not denied by the right hon. and learned Lord Advocate, and in addition to the testimony of the hon. Member for Edinburgh (Mr. Cowan), the Marquess of Lansdowne, and the Duke of Argyll, to which he had referred on a previous occasion, he could now adduce the testimony of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). It was that system, supported by such high authority, that he and those hon. Gentlemen who supported the Motion of the hon. Member for Elginshire wished to retain, and which should not, he thought, be done away with. It was said that the majority of the people of Scotland were in favour of the Bill. Now, it was no doubt true that a majority of Scotch Members had voted for the second reading of the Bill, but all that that vote implied was that they wished for an extension of education; and without doubt the majority of the representatives of the country district were opposed to the Bill. He would not dwell upon the question of the petitions which had been presented with regard to this measure, because an hon. Member had already shown that the majority of those persons who had petitioned were opposed to the Bill; and, indeed, he believed that there was no party unanimous in its favour. One of the articles of the Treaty of Union provided that no master of a parochial school should be inducted until he had subscribed the Westminster Confession of Faith; and it was surely matter for grave consideration whether an article of that treaty should be disregarded. With regard to the argument that Free Church children would not attend schools, he attached no weight to that argument; and all that he now asked for was, that a system which had been attended with such beneficial results, as far as regarded the rural districts of Scotland, should not be rashly swept away.

MR. LAING said, he thought that it was important to recall to the consideration of the House the Motion before them, by which it was proposed to withdraw the operation of the Bill from that portion of the people of Scotland who lived in the country, and to limit its operation to those who resided in towns. To show that there were no just grounds for this, it would be only necessary to state the principle upon which this Bill was founded, and that was to sever the intimate connection that existed between the Established Church and the parochial schools. As long as the Established Church was the Church of the nation, nothing was more natural than that there should be such a connection; but changes had taken place, and the Established Church was no longer the Church of the majority of the people of Scotland. They must regard Scotland for all practical purposes as divided into three denominations — the Established Church, the Free Church, and the United Presbyterians, Independents, and other Presbyterian Dissenters, and he would challenge any one to show that either as regarded number, respectability, or influence there was so marked a superiority of one of these parties over the others as to induce them to submit to its superiority and supremacy over the education of the mass of the educational establishments of the country. A practical necessity of dealing with this question had arisen from the fact that the educational establishments of the country had become manifestly insufficient to meet the requirements of the people; and this necessity had been urged on by the miserable salaries of the parochial schoolmasters, as it was obviously impossible to obtain for such small salaries an adequate supply of competent men to fill such important situations. The right hon. and learned Lord, with a view of extending education, had removed the test which made it necessary that every parochial schoolmaster should be a member of the Established Church, abolished the control of the Presbytery, and had introduced into the Bill principles to which the people of Scotland could not generally agree. The opponents of this Bill admitted its operation as to the boroughs, but would not extend it to the counties, though he could not see how they could, if they admitted the principle in one case, refuse its application in the other. He begged to remind the English Members, by whose votes alone this measure might be decided against, that the measure was essentially founded on compromise, and that great concessions had been made; and that if it were found impossible to come to a practical settlement on the basis of compromise, and they were obliged to commence again an agitation of the subject on a question of principle, then the Established Church might be placed in a much worse position than it would be by the present measure.

THE LORD ADVOCATE said that, as this subject had been so completely exhausted, he should content himself with a few observations on the question raised by the Amendment of the hon. Member (Mr. C. Bruce). He (the Lord Advocate) trusted that they were now fast approaching the conclusion of sectarian strife, and that, after the division of to-night, they would throw away the polemical weapons which had been used, and address themselves solely to the means of affording an extended system of education to the people of Scotland. When he first addressed himself to the subject, it was not with the slightest regard to the domination of one Church or another. In his connection with the criminal judicature of the country, he had daily forced upon him the fearful amount of ignorance which prevailed in that country, and its necessary connection with crime. His hon. Friend the Member for Elginshire proposed to cut the Bill in two; but if that were done the results which would follow would be shortly these:—In the first place, they would have to maintain the Free Church schools throughout the country, because it was plain that it would be highly unjust to leave the parish schools with the denominational character which they had, and to withdraw the Privy Council grant from the Free Church schools. In the next place, if the control of the Church were continued, two sets of schools would be kept up where one was sufficient; and, in the last place, the state of the parish schools with regard to superintendence could not be maintained. Hon. Gentlemen talked continually of "our schools;" but the schools were not theirs. They were the schools of the nation, and the Established Church never had had the right of property in them. He denied that these schools belonged to the heritors. They were nothing but trustees, and the power which had placed them there to administer that trust was competent to take it from them. No doubt the schools were supported by an assessment upon the land, but they were established for the education of the great body of the people. Upon these grounds he entreated the House not to mutilate or reject this proposition, which was that in the only part of the United Kingdom where the people were perfectly ripe for a common system of education, they should fill up the void which existed upon the principle of a common faith, and that they should altogether abolish sectarian differences, which were bad enough where they were inevitable, and which it must be the wish of every one to dispense with where possible. Scotland was perfectly ready for this important work, and he was satisfied if it were not marred by such propositions as that of the hon. Member for Elginshire, that it would be a good day for that country when the Bill passed. Many philanthropic people thought that they might build up a system of secular education which should embrace all classes of religionists, but it was clear from the speech of the hon. Member below the gangway (Mr. Bowyer) that that would not suit the Roman Catholics. As Roman Catholics would be required to pay under this Bill for the Presbyterian system, it would be the height of injustice to withdraw their present Privy Council grants. Seeing the great masses of Roman Catholics that inhabited the large towns—those hotbeds of crime—he thought that the grants ought to be continued; and looking to the poverty of the Roman Catholics in Scotland, his own individual opinion was, that it was a fair subject for consideration whether they might not be administered even upon a more liberal scale than hitherto.

Mr. HADFIELD said, that he could not agree with the right hon. and learned Lord Advocate, that it would be a good day for Scotland when this Bill passed. Letters, which he received every day from that country, informed him that there were very many dissentients to the proposed measure, and that the people were becoming more and more convinced of its impolicy. He denied that the majority of the people of Scotland were in favour of this Bill; there was a large body in Scotland opposed to it. [Oh, oh!] He would be heard for the short time that he was anxious to address the House. [*Cries of* "Divide, divide."] Well, if they would not hear him, he would move that the House do now adjourn. The hon. Member's voice being drowned by *Cries of* "Divide," he concluded abruptly by moving "That the House adjourn."

Mr. Serjeant SHEE said he had voted for the second reading of the Bill because he was desirous of giving to the people of Scotland a system of sound moral and religious education; but it was the duty of those hon. Gentlemen who, like himself, were returned by Roman Catholic constituencies, to take care of the interests of the Queen's Roman Catholic subjects in every part of Great Britain. The right hon. and learned Lord had stated that he expressed only his own individual opinion with regard to the Catholic population of Scotland—

The LORD ADVOCATE said, he must beg to explain that he had said, on the part of the Government that it was not intended by this Bill to effect any change in the position of the Catholic population of Scotland as regarded the Privy Council grants, and he had added that, in his own opinion, the case of the Roman Catholics in the large towns for more favourable terms was very deserving of consideration.

Mr. Serjeant SHEE said, he was aware that this Bill did nothing which would prejudice the interests of the Catholics of Scotland, and if the right hon. and learned Lord had spoken with the authority of the Government he should feel quite justified in voting with the Government to-night; but if there were any doubt upon that point, it must be cleared up. The Government would not have the benefit of the votes of the representatives of Ireland, unless they distinctly stated their concurrence in the sentiments and opinions of the right hon. and learned Lord. He, therefore, called upon the right hon. and learned Lord to give a distinct assurance that the Queen's Catholic subjects in Scotland should be fairly treated, and he would then again vote for the moral and religious education of the Presbyterian people of Scotland according to their own religious opinions.

Lord JOHN MANNERS said, he would appeal to the hon. Member for Sheffield (Mr. Hadfield) to continue his remarks, and to withdraw his Motion for the adjournment of the House.

Viscount PALMERSTON said, he had only to say, in reply to the hon. and learned Serjeant's appeal to him as to whether the Lord Advocate had expressed the opinion of the Government, that that which his right hon. and learned Friend the Lord Advocate had stated with regard to this Bill was perfectly true; it made no change in the condition either of the Catholics or of the Episcopalians of Scotland. The hon. and learned Serjeant then wanted to know something altogether independent of the Bill. He asked, as he (Lord Palmerston) understood, whether it was the intention of the Privy Council to alter the present system of administering grants to the Roman Catholic schools in Scotland. That was a question which the Committee of the Privy Council would have to consider, but it formed no part of the matter now before the House, and it must, therefore, be left open for the consideration of the Government and of the Privy Council, which would act according to the circumstances of the case. But, as far as the question now before the House was concerned, it was manifest that the hon. and learned Serjeant ought to vote in support of the Bill.

Mr. HADFIELD said, he called upon the hon. and learned Serjeant not to support the Bill, as the noble Lord had given no information as to the intentions of the Government with regard to the Privy Council grants. He had received letters from gentlemen in Scotland, who assured him that a feeling of opposition to the measure was growing up, which would prevent its being carried into operation. The United Presbyterians had met in synod, when forty-three out of 113 who were present voted against the Bill, and even the seventy who approved it objected to the 27th clause. The course they were now taking would, in his opinion, check the progress of education in Scotland, and throw into the hands of Government a power which they would not be able to exercise. He opposed both the present Bill and that of the hon. Member for Perthshire (Mr. Stirling), as he thought it impossible to take State pay for education of the people without committing moral injustice. He would not press his Motion for adjournment.

Motion, by leave, *withdrawn.*

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 149; Noes 142: Majority 7.

Main Question put, and *agreed to.*

House in Committee.

Mr. HADFIELD said, he objected to proceeding at that late hour.

The LORD ADVOCATE said, he had no serious intention of proceeding at that time with the Committee, and should therefore move that the Chairman do report progress.

Mr. HADFIELD said, he hoped the right hon. and learned Lord Advocate would consider in the meantime whether, after the division just taken, he would proceed with the Bill at all. He felt confident that the people of Scotland would, if time allowed, express such an opinion as would render it impossible to go on with the measure.

The House resumed.

The LORD ADVOCATE said, he had moved the adjournment of the Committee for different reasons to that suggested by the hon. Member for Sheffield; but first, because of the lateness of the hour (half-past twelve), and next, because the settlement of the main question by the division just taken would allow many hon. Members who had opposed it to assist the Govern- in concerting any improvements which might be desirable.

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 21, 1855.

Minutes.] Public Bills. — 1ª Weights and Measures; Chimney Sweepers Regulation Act Amendment; Needlewomen, Limitation of Hours of Labour.

2ª Customs Duties; Spirit, &c. Duties (Excise); Religious Worship; Parliamentary Representation (Scotland) Act Amendment; Registration of Births, &c. (Scotland).

3ª Intestacy (Scotland).

RELIGIOUS WORSHIP BILL.

Order of the Day for the Second Reading read.

The Earl of SHAFTESBURY moved, "that this Bill be read a second time, with the view of its being hereafter referred to a Select Committee."

Lord REDESDALE would not oppose the Motion, but wished to guard against its being understood that he concurred in the principle of the Bill, which was one requiring, he considered, a great deal of consideration. The Bill might, he thought, afford facility for persons being induced, by those who were discontented with the clergyman of a parish, to attend a species of worship which would be neither strictly private nor strictly public, and might in that way create disunion and give rise to most objectionable consequences.

Motion *agreed to*.

Bill read 2^a, and *committed* to a Committee of the whole House *To-morrow*.

THE NEW FOREST—INCENDIARY FIRES.

The Earl of MALMESBURY wished to call the attention of the Government to the deplorable state of the New Forest during the last two winters. He was sorry to say, that during that period there had been a great number of incendiary fires, not only in the forest itself, which had burned a great deal of the grass and heath all over the forest, and some of Her Majesty's plantations also, but which had spread to the neighbouring properties, several of which, including his own, had been burned. Last year the crime of incendiarism was exceedingly prevalent in the New Forest, and yet the Government took no pains either to put a stop to it or to detect and punish the offenders. From January to May, 1854, there had been no less than twenty-four incendiary fires, and in more than one instance cottages were burned to the ground, and the inmates had difficulty in escaping with their lives. But what had the Government done with a view to prevent these acts? Nothing; positively worse than nothing; for they had reduced the number of keepers, and dismissed four policemen who had been appointed to look after the depredators. Last winter these acts of incendiarism were renewed, and amongst other property destroyed was a lodge. Three weeks ago he (the Earl of Malmesbury) visited that part of the country, and saw three or four miles of the New Forest in a blaze. It was two or three days before the flames could be extinguished, and of course very considerable damage was done. This district, as their Lordships were aware, was a wild one, far removed from any large town, and not partaking of that civilisation which districts in the neighbourhood of large towns enjoyed. One would think, however, that that would have been a reason for exercising a more careful supervision; but as he had just shown, the Government had been most supine. About five or six years ago Lord Seymour brought in a Bill, which was afterwards passed into a law, for the inclosure of a considerable quantity of the New Forest, and this measure occasioned a loud outcry on the part of the commoners, or squatters, who were, in consequence, deprived of their pasturage; and the Bill was also accompanied with the total destruction of Her Majesty's deer. The whole management of the forest was then placed in the hands of a Commissioner. Mr. Kennedy, the late Commissioner, was now gone; and of that gentleman he might say, that he did not belong to either of the categories of official gentlemen described the other day by the noble Lord the Secretary for War, when he said that there were two kinds of men—one round men, fitted for round holes; the other, square men, fitted for square holes; Mr. Kennedy belonged to neither, for he was a three-cornered man—a most decidedly triangular man, and unfitted for any hole whatever, and it was under his iron rule that these depredations began. The whole source of the evil was this—that Mr. Kennedy, when he received the appointment of Commissioner, at once put an end to all the permissions that had been previously given to people to cut turf and pasture their milch cows in the forest. Hence a great deal of discontent and dissatisfaction had been created. In addition to the acts which he had mentioned, poaching had also immensely increased; and if Government had any wish to keep up the stock of game in the district, he could assure them that they would not be able to do so unless they changed the system and augmented the strength of the staff employed in the forest. As yet, he believed, not a single person had been detected or brought to justice for the crimes to which he had alluded; and it was only within the last fortnight that a reward of 50*l.* had been offered by Government for the detection of the offenders. In these days of civilisation and improvement of all kinds, it was absurd to suppose that any district could be allowed to exist in this country that was the resort of ill-disposed persons amenable to no law. If the New Forest was to be retained as an appanage of the Crown, then the least that Government could do was to place such a force there as would be sufficient to prevent the perpetration of those crimes. In its present state he did not think the forest would be much longer tolerated by the public; it was high time, therefore, for the Government to consider whether they ought not to bring it gradually within the pale of civilisation; or, if they thought that it should still remain an appanage of the Crown, whether it might not be used as a hunting ground for the Queen's hounds, for it was well known that at this moment Her Majesty's hunts could not be held as formerly in the vicinity of London. The New Forest was exactly fitted for the service of the Queen's hounds; and he would recommend, therefore, that it should be made really useful for some public purpose, or that measures should at once be taken for preventing so large a tract of land, some 60,000 or 70,000 acres in extent, remaining exposed to the crimes and depredation which had occurred of late years.

EARL GRANVILLE said, the noble Earl was correct in stating that there had been many fires in the New Forest lately—four had occurred during the present year, but it did not appear that they were all incendiary, and one was proved to have been accidental. There could be no doubt that the extremely dry state of the ground, caused by the protracted drought, had much facilitated the operations of incendiaries, and had led to greater destruction than would otherwise have taken place. He could assure the noble Earl that there had been no delay or neglect on the part of the Government; but it was very difficult to catch the criminals, as by some means a fire might be kindled and the criminal be four or five miles distant before the breaking out of the fire was discovered. With regard to the dismissal of police, it was considered by the surveyor of the forest that it was better to have a larger number of watchers and fewer policemen; and as soon as Government heard of the fires they sent him orders to appoint as many watchers as he pleased. A reward of 50*l.* had been offered, as the noble Earl stated. Three persons had already been arrested, and the cases of two of them were now before the Attorney General. The attention of the department within whose jurisdiction the New Forest came had been particularly drawn to the state of things of which the noble Earl complained, and every exertion would be made with a view to correcting the evil. With regard to the suggestion of the noble Earl, that the New Forest might be appropriated to the service of Her Majesty's buckhounds, his noble Friend the Master of the Hounds (the Earl of Bessborough) was not then in the House; but it seemed to be a very good suggestion, and he would communicate it to his noble Friend.

THE EARL OF MALMESBURY was not at all sure that men who were appointed watchers might not be the men who committed the crimes. The persons to be employed in that capacity ought to be strangers.

House adjourned till *To-morrow.*

HOUSE OF COMMONS,

Monday, May 21, 1855.

MINUTES.] PUBLIC BILLS.—2° Coal Mines Inspection; Fisheries (British Islands and France); National Gallery, &c. (Dublin); Brighton Incorporation.
3° Alterations in Pleadings.

THE LATE CAPTAIN CHRISTIE—EXPLANATION.

MR. ROEBUCK said, he begged to give notice of his intention to move for all papers relating to the conduct of the late Captain Christie as commander of transports in the Black Sea; a statement of the dates at which such papers were received at the Admiralty; a copy of any letter written by Sir James Graham as First Lord of the Admiralty, ordering an inquiry into the conduct of Captain Christie; the date of such letter; a copy of any letter written by Sir J. Graham, ordering a court-martial to be held upon Captain Christie, and the date of such letter.

SIR JAMES GRAHAM: I do not know, Sir, that it will be quite regular for me, upon a mere notice of motion, to address the House; but I think that in a matter personally affecting one of its members the House will extend that courtesy to me which I now crave at its hands. The House will remember that on the motion for the adjournment on Friday last the hon. Member for Aylesbury (Mr. Layard) made some comments in the most pointed manner alluding to myself. I had not the slightest intention of addressing the House upon that occasion, but the allusions were such that I thought it absolutely necessary to rise in my place. At that moment I had not in my hands any official documents, nor had I an opportunity of referring to dates, but without the least preparation addressed the House according to my recollection and impressions at the moment. If I remember aright I stated on that occasion what was my strong opinion, that considering the freedom of debate in this House it was absolutely necessary that the members exercising it should use the utmost caution with respect to the accuracy of their statements, and also that it was incumbent upon them, when any error they have committed shall have been brought to their knowledge, to take the earliest opportunity of correcting it. I am still of that opinion, and I believe that unless the course I have stated be pursued by all the members of this House, the freedom of debate itself will be brought into disrepute. Now without any opportunity afforded to me by the hon. Member for Aylesbury, of offering him an explanation on this the first day after the debate to which I have referred, he thinks, and thinks rightly, that there was an error in the statement which I made on Friday last, and to my surprise the first intimation which I received of that error was reading this morning in one of the public papers a letter signed by the hon. Member—not giving to me in my place an opportunity of tendering any explanation upon any inquiry made by him. I stated also on Friday last, that when an explanation was required by any Member with reference to an error in his statement, I did not think that want of courtesy in the mode of asking it formed any justification for refusing it; and, acting upon that principle, I am now about to tender to the House an explanation of the error into which I fell on Friday night, and which has been commented on by the hon. Member for Aylesbury. On that occasion I was strongly impressed with the opinion that the speech made by the hon. Member for Aylesbury with reference to Captain Christie had been delivered in the Session before Christmas. I had no opportunity of looking to the authoritative record of what took place, and made my statement simply under a strong impression to the effect I have stated. But the hon. Member in the document to which I have referred, calling for an explanation, has stated two things. In the first place, he refers to my speech on Friday last, and quotes the following passage:—

> "I believe the first serious question raised with respect to his competency was raised in this House by the hon. Member for Aylesbury."

I then went on to say,

> "I ordered an inquiry to be instituted—after that debate to which I have alluded—by the Commander in Chief on the naval station as to whether, in his opinion, Captain Christie had effectively and well discharged the duties of the station to which he had been appointed."

There is, Sir, an inaccuracy in that statement. I am now aware that the order to inquire into the conduct and efficiency of Captain Christie was issued before, and not after, the debate in which the hon. Member for Aylesbury spoke of that officer, and that it was not in consequence of the debate to which I have alluded that Captain Christie was removed by the Admiral from the command which he held in the Black Sea. Fortunately I am in a condition to show that the error was perfectly unintentional on my part, for before the Committee, over which the hon. and learned Member for Sheffield (Mr. Roebuck) presides, I produced the original document from the Admiralty, in which the order was given to inquire into the conduct of Captain Christie. That document is dated the 28th of December, 1854, and the order having been produced before the Sebastopol Committee, with the permission of the First Lord of the Treasury, I think I may venture to read it to the House. It is to the following effect:—

> "I have to call your particular attention to the grave error committed by Captain Christie, in sending certain Turkish troops to Balaklava instead of Eupatoria, as adverted to by Lord Raglan in his despatch of the 8th instant, and with reference to the general conduct of the transport service in the Black Sea, their Lordships wish to be furnished, as speedily as circumstances will permit, with your opinion and report as to the manner in which those duties have been discharged by Captain Christie, and as to the perfect competency of that officer to carry out the intentions of the Government, and his capability to fulfil the duties devolving upon an officer holding so important a post."

That is the order dated the 28th of December, 1854, which I produced before the Sebastopol Committee. It is perfectly correct as stated by the hon. Member for Aylesbury in his letter, that my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) on the 23rd of February, referred to an order that had been issued by the Admiralty antecedent to the statement of the hon. Member for Aylesbury, on the 19th of the same month. After I sat down on Friday evening that debate was called to my recollection, and I had reason at once to believe that I had made an incorrect statement. On Saturday morning I wrote to the first Lord of the Admiralty, and asked him to furnish me with copies of the official documents. I have not yet received those copies, but referring to the document which, as I have stated, I produced before the Sebastopol Committee, looking at its date, and remembering also a further despatch addressed to Sir Edmund Lyons on his assuming the command of the fleet in the Black Sea, that he was to exercise the largest powers, extending even to the dismissal of any officers whose removal from their several posts he should think advantageous to the public service, which despatch was dated the 3rd of January, 1855. I have no doubt, though I have not seen the official answer to these orders, that the removal of Captain Christie did take place in consequence of them. I have now stated exactly to the House the error I committed and the cause of it. But there is a further point with respect to the trial of Captain Christie by court-martial to which I must for a moment allude. Here, again, I have to state that I have not had the advantage of seeing the official documents, and am, therefore, obliged to state the circumstances from recollection only. Sir Edmund Lyons removed Captain Christie from his command, and appointed another officer as his successor. The Admiralty had reason to believe that Captain Christie was about to return to England; but they were of opinion that, under the circumstances, it would be better and fairer to him that he should have an opportunity of vindicating his conduct before a Court Martial on the spot; and accordingly they issued an order which reached him at Malta, that he should return to the Black Sea. That order was issued early in February—again before the appointment of the Sebastopol Committee. I had a strong opinion that the fairest and most just course to Captain Christie was, that his conduct should be submitted to trial by his brother officers, who would sympathise with his feelings, who were acquainted with his merits or demerits, and who could form the only proper tribunal for the prosecution of such an inquiry. Now, I have thought that the only reparation I could make to the hon. Member for Aylesbury for the error I committed was to take the earliest opportunity of offering this explanation. If what I stated inflicted any wrong upon the hon. Member, here, in my place, I express my regret, and acknowledge the error. The hon. Member has done that in a printed paper which he could not have done here. He has imputed motives to me; among others, a wish to screen myself, which are alien to every sentiment of my heart. Where or whence those suspicions arise I will not inquire; but the hon. Member has stated, adding a saving word, that I "ought" to have known that what I stated was a deliberate falsehood. I regret the use of such language. I throw myself on the indulgence of the House, and ask, from the knowledge that the House entertains of my motives and conduct, after having sat thirty-seven years in it, whether I could for one moment venture to impose upon the House that which I knew to be a deliberate falsehood. I have now stated what I thought due to the hon. Member for Aylesbury. I am extremely sorry that, on an occasion when business of vast importance awaits the attention of the House, I should have been compelled to intrude myself upon your notice; but I know that the character and conduct of every one of its members is a matter which the House has always regarded with the utmost jealousy and concern.

JAPAN—QUESTION.

Mr. WARNER said, he rose to ask the First Lord of the Treasury whether any privileges of trade with Japan had recently been acquired by Russia or the United States of America; and if so, whether Her Majesty's Government had secured equal privileges for British subjects?

Viscount PALMERSTON said, that Admiral Stirling concluded last autumn a treaty with the Government of Japan, the stipulations of which were to the effect that British ships should be admitted into certain ports of Japan for the purpose of repair and refreshment. There were no commercial stipulations in the treaty, with one exception, which was, that whatever ports might now or hereafter be opened in Japan to ships of any other country, British ships and British subjects should be admitted into them, and should be placed in the enjoyment of any privileges and advantages which were then conceded to the citizens of the most favoured nations. The United States did conclude a treaty last year with Japan, by which certain ports were to be opened to American vessels, with the privilege of commerce in those ports, and therefore, by the treaty concluded by Admiral Stirling we were entitled, in the same ports, to all the privileges conceded to the citizens of the United States. He was not aware of any treaty having been concluded between Russia and Japan. He might add, however, that in our treaty, while we were to have all the privileges and advantages enjoyed by the most favoured nation, these words were added, "with the exception of those conceded to China and to Holland."

WANDSWORTH PRISON—QUESTION.

Mr. SWIFT, said he wished to inquire of the right hon. Baronet the Home Secretary whether it was true that Roman Catholic prisoners in the House of Correction, Wandsworth, who decline to attend the Church of England service, are confined to their respective cells in solitude during the entire of the Sunday? whether prisoners registered as Roman Catholics are systematically visited by the Protestant chaplain of the institution, furnished exclusively with Protestant books of devotion and controversy, and no Catholic clergyman admitted to them unless when the prisoner makes a special application to see one? and whether during the last year the number of Catholic prisoners had been sometimes upward of eighty, of whom only a dozen received any sort of religious instruction from a clergyman of their creed?

Sir GEGRGE GREY said, that in the Wandsworth House of Correction, the system of separate confinement was strictly carried out, and under that system all the prisoners remained in cells except during exercise, school hours, or attendance on divine worship. If any prisoners declined to attend divine worship, they were not removed from their cells. With respect to the second part of the question, he had to state that the Protestant chaplain had, in conformity with his instructions, to visit all prisoners who did not claim the privilege, in consequence of dissenting from the Established Church, of being attended by a clergyman of their own persuasion. With regard to Catholic prisoners, their cells were not furnished with books of a controversial character, but a Bible and other books were supplied to them. Such were the ordinary rules; and every prisoner, if not a member of the Church of England, might claim the right to be visited by his own clergyman. All the Roman Catholic prisoners had had notice to that effect read them at the request of Dr. Grant the Roman Catholic bishop. He would take the present opportunity of answering a question of a similar character which the hon. Member had put on the paper of a former evening, and which appeared to imply some censure on the authorities of Newgate prison. The question had reference to the criminal who had recently suffered the last sentence of the law. Having investigated the facts of the case, he found that the authorities of Newgate prison were absolved from all degree of censure, having only acted in strict accordance with their duty.

Mr. SWIFT gave notice that he would call the attention of the House to the entire subject at a future period.

THE VIENNA CONFERENCES.

Mr. SIDNEY HERBERT: Sir, I observe that the right hon. Member for Manchester (Mr. M. Gibson) has placed upon the Votes of the House a question tending to lead to a precipitate decision, which may involve the most momentous consequences to the country and the whole of Europe. I wish, before the question is entered upon, to make an inquiry of the noble Lord at the head of the Government, inasmuch as upon his answer must depend my own course, and probably that of some other gentlemen in the House, on the Motion about to be submitted to their decision. I find upon page 73 of the papers of the Vienna Conferences, a protocol of the 21st of April, at which my noble Friend (Lord John Russell) was present, the following paragraph:—

> "Count Buol does not consider the different modes of solution as exhausted, and considers it as especially the task of Austria to look for means of accommodation. He hopes, therefore, that the conference will meet again as soon as any of its members shall have any new proposition to make."

The questions I wish to ask are these—Does the noble Lord consider or not that the different modes of solution are exhausted, or does he consider it, and does Austria still consider it, to be her task to look for means of accommodation, and is the conference completely dissolved, or is it in a such a state that any of its members may make any new propositions to the allied Powers?

Viscount PALMERSTON: Sir, I have no difficulty whatever in answering the questions of my right hon. Friend. Her Majesty's Government certainly do not consider all the modes of solution of the question at issue as exhausted. We do consider that Austria is still charged, by her own voluntary assumption and the consent of the allies, with the task of endeavouring to discover means of bringing about an accommodation between the contending parties; and the conference, although at present suspended, is not finally closed; and if any proposal were made worthy of the country, or which was considered likely to lead to a satisfactory result, that conference would be ready to be reassembled. I can only add, that it would be considered by Her Majesty's Government to be their duty to give their most favourable consideration to any proposals which might come to them from or through Austria, with a view to a safe, honourable, and satisfactory termination of the contest. At the same time I trust it is unnecessary for me to say that Her Majesty's Government would equally feel it their duty not to consent to any arrangement which did not sufficiently satisfy the honour of the country, and which did not substantially accomplish those motives for which the war was commenced.

Mr. GLADSTONE: Sir, it appears to me with reference to the question of my right hon. Friend (Mr. S. Herbert) that the answer of the noble Lord justifies me in making an appeal to the right hon. Member for Manchester. The passage which was quoted by my right hon. Friend was from the record of a conference held at Vienna on the 21st of April. Since that conference was held, a further conference took place on the 26th of April. At that further conference a second Russian proposal was tendered, and that second proposal was met by the representatives of Austria and France by the recital of various strong objections, but at the same time—if I rightly understand the record—with a declaration that it contained materials for further discussion, and the elements of a possible settlement. On the part of the only representative of England present at that conference it was met by the declaration that his instructions were exhausted. Under those circumstances, Sir, it appears to me that the right hon. Member for Manchester was entirely justified in the supposition, so far as England was concerned, and in reference to the proposals which had been laid before the Conferences of Vienna, that those conferences and negotiations had absolutely terminated. No doubt, Sir, it is a matter of the utmost delicacy and difficulty for this House to form a judgment, in circumstances so critical, at what point it is their duty to respect and leave in tact the functions of the Executive Government, and where the functions of the Government terminate and its own function of pronouncing judgment on the conduct of that Government begins.

Mr. ROEBUCK: Sir, I rise to order.

Mr. GLADSTONE: If the hon. and learned Gentleman insists upon it, I will conclude with a Motion.

Mr. ROEBUCK: Very good. In that case I shall not interrupt the right hon. Gentleman.

Mr. GLADSTONE: I was going to say, Sir, that as it appears upon the record as it stands before the House, the right hon. Gentleman the Member for Manchester was perfectly warranted in believing that there was, so far, so much at least of an absolute termination to the negotiation upon the basis before us, that the time had arrived when he might justly appeal to the House for its judgment upon the subject. I concurred, I confess, in that opinion; I did feel, I believe along with him, that if the House had permitted the papers which have been laid upon the table of the House to remain there without an expression of opinion upon its own part, the inference drawn out of doors would justly be, from the silence of the House, that it concurred in what had taken place, and made itself virtually a party to the declaration of the British Plenipotentiary on the 26th of April, that his instructions were exhausted, which of course, if it stood alone, would mean that the discussions of the conference were at an end, and that there was no prospect of a settlement being arrived at by what had already passed between the Powers assembled. We have already heard, and it is unnecessary for me again to repeat, the answers just made by the noble Lord at the head of the Government to my right hon. Friend (Mr. S. Herbert); but it is plain that those answers leave the case in a position different from that in which it would have stood had it rested on the declaration of the Earl of Westmoreland on the 26th of April, that his instructions were exhausted. I will not enter now upon a discussion of the declaration of the noble Lord, that no proposals incompatible with the honour of the Government or the country will be accepted or entertained by the Government; but I for one feel very deeply the responsibility of interfering with the proceedings of Her Majesty's Government in matters of negotiation which are still open, and I do not think that I over-interpret what has fallen from my noble Friend when I say that these negotiations are still open, and that these negotiations do afford, in the opinion of the Powers, or some of them, the materials of a satisfactory settlement. There is no reason why advantage should not be taken of those proposals for the purpose of seeing what could be made of them. Convinced as I am that the right hon. Gentleman (Mr. M. Gibson) has no other object in view but the restoration of peace to this country upon honourable terms—convinced as I am that he entirely disclaims all motives of party, all disposition to disturb the Government, or to weaken its plans in the proceedings it has been or may be carrying on, I venture with great respect, having no title I am sure to assume such a function, to put it before his consideration whether he would not exercise a wise discretion in refraining from asking the House of Commons at the present moment for any definitive judgment on the subject of the negotiations that are virtually still in progress, and whether it would not be fairer to all parties and all opinions, as well as more conducive to all the objects which every patriot must have at heart, if he would forego the occasion he claimed, and which had been offered to him under circumstances materially different, and exercise his own discretion at a future period, when these circumstances may call for an appeal to the House upon the question, to make a Motion of this description, or any Motion at all upon the subject—at all events, whether it would not be better to leave the matter in the hands of the Government, in order that they may not be embarrassed by our discussion in this place, which would certainly have an embarrassing and weakening effect on the Government—to leave them free from any difficulty of that kind to conduct to its legitimate conclusion the task they have taken in hand. Sir, I beg leave, with reference to what I have stated, to move that this House do now adjourn.

Mr. SIDNEY HERBERT: Sir, I take this opportunity of stating, having no knowledge of what course the right hon. Gentleman the Member for Manchester is about to take in consequence of the appeal that has just been made to him by my right hon. Friend—I wish to state that should he think it his duty to persist in bringing forward his Motion, I shall consider it my duty to move the previous question as an Amendment to it.

Lord HARRY VANE: Sir, I stand in somewhat a different position from the right hon. Member for South Wiltshire, inasmuch as I had engaged to second the Motion of my right hon. Friend the Member for Manchester, and came down to the House with a perfect intention of fulfilling my engagement. But, after what has fallen from the right hon. Member for the University of Oxford (Mr. Gladstone), I put it to my right hon. Friend whether it would be wise, or in the interest of that peace which my right hon. Friend has so deeply at heart, to press his Motion on the present occasion. It is quite obvious the question would now be discussed under very great difficulties; as those who approved of the Motion must feel diffident about pressing it now, when they find that negotiations are still actually going on. I think that my right hon. Friend will only exercise a wise discretion in postponing his Motion; and if negotiations should, unhappily, ultimately fail, he can take another opportunity.

Mr. DISRAELI: I have seldom witnessed, Sir, in this House a scene like that which is now enacting. At the first blush it appeared to me that if the extraordinary, and as I believe most impolitic, request of the two right hon. Gentlemen who have so suddenly risen this evening is to be acceded to, the House of Commons and the country have a right to demand a much more explicit declaration from the head of the Government than has yet been made as to really what position the country is now placed in with respect to recent negotiations, than that which the noble Lord and his colleagues apparently seem to consider amply sufficient to satisfy the demands of the two right hon. Gentlemen. Now, Sir, what is the state of the case? The noble Lord tells us that he believes he can venture to say that he supposes that it is not impossible that peace may be obtained—that all the means of resolving a difficult political problem have not been exhausted by those distinguished men who have devoted their abilities to the service of the Sovereign and the country. But has the noble Lord stated any circumstances which may induce us, as representatives of the people, to suppose that there are any grounds by which we may guide our conduct at a moment so critical as the present in order to justify a strange forbearance from expressing our opinion upon public affairs? The noble Lord has done nothing of the kind. "While there is life there is hope;" that appears to be the policy of Her Majesty's Government. I am sure, Sir, I am the last man in this House who would strictly define the limits to which forbearance might reach in the conduct of Parliament or of the Opposition while preparations for war or negotiations for peace were taking place. I think it our duty to place in the

Government a very wide confidence under such circumstances. Had the noble Lord come to us when the unsuccessful plenipotentiary made his re-appearance in this House, and said "Although my baffled colleague has returned to resume his duties as Secretary of State, I have the satisfaction of informing Parliament that the means of solution of this difficult problem are by no means exhausted, and that I have reason to believe we may yet succeed in accomplishing a solution; and, therefore, I trust to the generous confidence of Parliament and to the patriotic spirit of the country not to press me to lay upon the table the records of the hitherto unsuccessful negotiation;" then, I say, the noble Lord might have appealed, and not in vain, to the forbearance of Parliament. But what, Sir, has been the conduct of the noble Lord? The noble Lord has placed upon the table of Parliament the records of negotiations which have been undertaken by his colleague and by other representatives of Her Majesty, under instructions which they had formally in those very papers acknowledged to be exhausted. Now, Sir, I ask for what were these papers placed upon the table? Surely, to elicit the opinion of Parliament upon the conduct of the negotiations, and to ascertain the precise position in which our country is now placed. I said then, as I now repeat, that it would have been well if the noble Lord, following the authority of precedents, had been himself the leader in eliciting the opinion of Parliament under the circumstances. But the noble Lord forbore to fulfil his duty, and an independent Member of this House, a gentleman not connected with the Government, exercising his legitimate and, as I think, very proper duty, gives notice that he will propose, instead of the Minister, an Address to Her Majesty expressing the opinion of Parliament upon those papers. Did the noble Lord rise then and say, "I have, perhaps with too much readiness, placed these State papers upon the table, but do not, under any consideration, press the opinion of Parliament upon these negotiations, because the means of solution are by no means utterly exhausted"? The noble Lord said not a word of the kind. He gave no discouragement to the motion of the right hon. Gentleman, but, on the contrary, the noble Lord disturbed the natural order of the business of the House, and facilitated the course which the right hon. Gentleman proposed to take; and when the whole country is expectant—when this room is filled as it has seldom been filled for years, then the noble Lord having himself given a day to the right hon. Gentleman—having himself created the occasion and framed the opportunity—then the noble Lord, by some mysterious and sinister means, as rapid and unexpected as that wire which now communicates from Balaklava to Downing Street, and which passes the gangway as unseen as that Electric Telegraph passes from the Black Sea to the Danube, contrives that his wishes should be repressed from an unexpected but influential quarter. And now, when we are assembled to give an opinion upon these unsuccessful negotiations, the records of which have been lying for a considerable period upon our table, and in reference to which a Privy Councillor has given a notice to which the noble Lord has given precedence, then the noble Lord rises, and without the communication of any particulars, and without any unequivocal statement that there is any chance of negotiations being carried on, but with a vague declaration, which he would have been justified in making if there never were a less favourable prospect of bringing affairs to a happy conclusion, expects that, in silence—without a murmur, and without a protest—this great discussion should not be allowed to proceed. I am not aware, Sir, what course the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) is going to take; but, judging from the remarkable promptitude with which the noble Lord, who was going to do him the honour to second his motion, responded to what I have described as the most unreasonable suggestion of the two right hon. Gentlemen the Members for South Wiltshire (Mr. S. Herbert) and for the University of Oxford (Mr. Gladstone) judging, I say, by that extraordinary promptitude, one is almost afraid that the proposer as well as the seconder of the Motion has fallen into a position, much more convenient than honourable to the individuals and to the Ministers. But, Sir, is there nothing to consider in this matter but the convenience of the Ministers? What, I should like to know, is the country to think of this exhibition? The country will surely require some information, some rational explanation why, when negotiations have been carried on until they have arrived at a termination of failure, when their records have been placed upon the table of Parliament, when a right hon. Gentleman has given notice to ask the opinion of Parliament upon these negotiations, when the Minister rises, and only rises to facilitate that discussion, and yields the highest possible favour to a private Member, namely, a Government day, in order to take the opinion of Parliament—the country will at least expect that the Minister should make a declaration, clear, unequivocal, and explicit, to show that we are not trifled with under those circumstances. But if we renounce, as a Parliament, one of the highest, one of the most solemn and urgent duties a House of Commons can perform, which is to express its opinion upon negotiations that have failed in accomplishing their object, let it be shown that we have done it upon great and sufficient grounds, and in a manner and spirit which, whatever may be the condition of the Ministry or of their official or non-official supporters, will at least leave the House of Commons in a clear and honourable light before the country.

VISCOUNT PALMERSTON: Sir, in reply to what has fallen from the right hon. Gentleman, I am prepared to maintain that the course which I have taken in regard to the proceedings of the House upon this matter has been uniform and consistent. The right hon. Gentleman upon a former occasion called upon me to lay upon the table of the House the proceedings of the Conference of Vienna. I told him that I would do so. I think the House and the country were entitled to have those proceedings in their hands. Those proceedings the right hon. Gentleman is pleased to call the records of an unsuccessful and failing negotiation. Sir, they are the records of a negotiation conducted with the greatest ability by my noble Friend (Lord John Russell); and if they have not resulted in a termination favourable to the objects of peace, the fault has not lain with my noble Friend, the fault has not lain with Her Majesty's Government, the fault has not lain with our ally the Emperor of the French, the fault has not lain with our ally to a certain degree I may say—that is as far as moral and political sentiment goes—I say that the fault has not lain with the Government of Austria, but the fault has really rested with the Government of Russia, to whom we are opposed. But the right hon. Gentleman (Mr. Disraeli) then called upon me to do that which he said had been done on similar occasions, namely, to come down with a Message from the Crown for a Vote of Parliament approving of the course that had been taken. What was the answer I made to the right hon. Gentleman? The House doubtless recollects that answer. It refutes the charges the right hon. Gentleman has just brought forward again. I said I will not do any such thing, because it would be shutting a door against any possible negotiations, and destroying all hopes of peace. I said I will not shut that door, and therefore the charge the right hon. Gentleman now brings against me of not having held uniform language is not founded upon the actual course I have pursued. I stated then that which I state now, namely, that I do not renounce hopes of a satisfactory result from future negotiations, and that I will not take a step which would close a door to negotiation, or render any negotiation for the present impossible. But then the right hon. Gentleman the Member for Buckinghamshire) says that I did not discourage the right hon. Member for Manchester (Mr. M. Gibson) who is about to make his Motion. But, Sir, the House surely recollects I was asked a question by the hon. Gentleman the colleague of the right hon. Gentleman the Member for Manchester, who asked me whether the time had arrived when the House might fairly enter into a discussion on the negotiations. I said that the hon. Member must exercise his own discretion, but that I thought such a course would be a most inconvenient one in the present state of affairs. I said that it would be attended by public inconvenience, but that it was not my intention to dictate to the hon. Member or to any other person the course he should pursue. I thought the hon. Member (Mr. Bright) would abstain from pressing his question on the consideration of the House in the present position of things; but the right hon. Gentleman the other Member for Manchester did nevertheless think it right to put his notice on the paper. What was the course then I thought it my duty to pursue? Should I, on the part of the Government, back out from the discussion? Should I endeavour to stave it off by technical delays, saying that this day would be inconvenient, or the next day would be inconvenient? No, Sir; I felt it the duty of the Government boldly to face the right hon. Gentleman; and though I disapproved of his Motion, and though I thought and still think it was a most ill-judged Motion, and one calculated to lead to a discussion which must be injurious to the interests of the country, if the right hon. Gentleman thought otherwise, I said, "Here we are; I will give you an early day for the purpose;" and now I have come down here ready to meet the right hon. Gentleman face to face upon the terms of his Motion, if he thinks right to make it, and to give it a positive and direct negative. Well, Sir, I say the course I assume is perfectly plain and simple, and there is nothing that requires illustration. We laid before Parliament the documents it was entitled to have. I would not take the step the right hon. Gentleman urged me to take because I thought it would be shutting a door upon future negotiations. I stated to the right hon. Gentleman the Member for Manchester that I thought it would be extremely inconvenient for the public interest—not for the inconvenience of Members of the Government, for I place the matter on higher grounds—that it would be prejudicial to the interests of the country with a view to future negotiations, that we should be called upon at the present moment to discuss and come to a decision upon the terms which had been offered and refused, and upon the terms which might have been proposed. I went into those distinctions in my answer to the right hon. Gentleman, and I said that I thought there would be an inconvenience, and I think so still. Whether the Motion of the right hon. Gentleman is met, as my right hon. Friend the Member for South Wiltshire intends, by moving the previous question, or by a direct negative, as the Government are prepared to move, I think in either case the discussion must be prejudicial to the interests of the public. But the discussion is forced upon Her Majesty's Government, and we are ready and prepared to meet it. I was asked a question founded upon passages in one of the protocols. I answered those questions; but if I am called upon by the right hon. Gentleman the Member for Buckinghamshire to enter into an explanation of what passed between the Government of Her Majesty and those of France and Austria, I say I will not be led into explanations and discussions of confidential communications, the effect of which must be to render such communications for the future impossible, or, at all events, not beneficial for the purposes for which they are carried on. I say the House may or may not think fit to continue to give their trust and confidence to Her Majesty's Government in the conduct of public affairs; it is for them to judge; but this I will say, whatever Government may enjoy the confidence of this House, I think this House would commit a great mistake, and would be doing a great injury to the public service, if they were to take out of the hands of the Government, whatever it may be, the conduct of matters which can only be carried on by the Government. If the House of Commons take upon itself to do that which the Motion indicates, namely, to prescribe to the Executive Government how it is to carry on negotiations, what conditions it is to ask for, what conditions it may press, and what conditions give up—if this House, I say, take upon itself the power of carrying on negotiations, I assert that they will be doing a greater injury, and be departing more dangerously from the true principles of the constitution than I think any great number of Gentlemen in this House will be inclined to submit to. I say, therefore, that negotiations of this nature can only be carried on by an Executive Government; but, if they are to be called upon from day to day to state what is the last proposal made, and what is proposed to be done, and what has been done during the last week or ten days, the functions of Government must cease. I say you must give a certain amount of confidence to any Government that may exist for the day. If you think this Government unworthy and undeserving of your confidence, say so distinctly and plainly, and we shall know distinctly what it is our duty to do. But so long as you do not do so, so long as this House is content to leave the Executive Government in its place, I say it is the duty of this House, and that it is necessary for the interests of the country that you should not interfere in this manner in the details of a negotiation, that you should wait until the final result is known, and then, if you are displeased, you can censure the Government if you like, or express your opinion as you please. But you never will arrive at a successful end of the negotiations if this House is to undertake, as the Motion is calculated to effect, the practical and detailed direction of important negotiations.

MR. BRIGHT: I wish, Sir, to say that I think there has been a little over-excitement on both sides of the table about this matter. The right hon. Gentleman the Member for Buckinghamshire need not be over much exasperated at any course that may be taken to-night; for he must know very well that the object of my right hon. Friend and Colleague is one which is not supposed to harmonise entirely with the views commonly expressed by the majority of his followers, and therefore is at liberty to judge what is best in the interest of the object which we have at heart, and which I take to be the establishment of a satisfactory peace. Now, the House will not suppose that I have any object in view other than that I have taken for the last twelve months on these questions. Some time since I put a question to the noble Lord at the head of the Government, to which he has referred to-night, and I was anxious, then, to have from him something more explicit than he had given us as to whether negotiations were being carried on or not; and when I said carrying on, I meant not that the negotiations were exhausted, for if they were exhausted we should be at war for ever; nor did I want to know exactly if the Allied Powers were willing to receive offers from Russia, if they were sufficiently submissive—that we also know very well—nor did we want to know if Austria were engaged in doing a great many things other than those which this country and Government have been asking her to do for a long time past. What I wanted to know, Sir, was this, for I wished to embarrass the Government as little as possible; and, indeed, I would be willing to bargain not to speak in this House for the next fifteen years if the noble Lord would undertake to bring the negotiation to a successful termination in the month of June. My object is very well understood; but I wish the noble Lord at the head of the Government to tell us whether the conferences or negotiations are under that form and under those circumstances that take them out of that ordinary state of things always existing during a state of war, in which each side is willing to receive from the other; whether the conferences lately held may be said to be still alive, and whether the noble Lord the Member for the City of London, or the Earl of Westmoreland, or anybody else, is in communication, and in such a manner as to afford some probability or hope that peace is not absolutely distant. Will the noble Lord allow me to observe that it is not Austria alone which makes the observation which was quoted by the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert), and which I quoted, namely, that there were the elements of a satisfactory settlement in the propositions of Russia, but the French Minister for Foreign Affairs at Vienna also gave expression to a similar opinion. Well, if that be so, what I want to do is to impress upon the House, and especially upon the noble Lord at the head of the Government, that, there being an opportunity of re-establishing peace on honourable terms, that opportunity should not be allowed to slip; and if the noble Lord give, as he has partially given, an assurance of that kind to the House, I should be as anxious to abstain from urging my right hon. Colleague to proceed with his Motion as I should be anxious to abstain myself under similar circumstances. The question being, what is most advantageous to the interests of those Members of this House who wish the war to be brought to a close, and who think that there is something in the late propositions upon which a satisfactory peace might be settled, it appears to me that the right hon. Gentleman my colleague has that only to consider, and not what may be the objects of those who may either feel, as I do, not very friendly to the Government, or who are anxious to prolong the war. The noble Lord the Member for South Durham (Lord H. Vane), who was about to second the Motion of my right hon. Colleague, and the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), if I understood what he said correctly, intended to vote in favour of that proposition. It becomes a question when those who take such views, and are anxious for the passing of these Resolutions, believing that the passing of these Resolutions by this House would be productive of great and important results—when they urge my right hon. Colleague to withdraw his Motion, he is placed in that difficulty which we have seen many Members of this House of late placed in, that I am afraid to urge anything with regard to it; but if anybody will say that it will be subservient to the cause of peace, I will myself urge him to withdraw his motion; but, inasmuch as the statements that have been made appear to me to be vague, I shall urge my right hon. Friend by no means to suspend indefinitely the Motion which he has proposed for to-night, and I take it for granted that some time during the week, after the Whitsuntide holidays, the noble Lord will be able to tell us whether there is a probability of the conference coming to a satisfactory conclusion. I am sure that there is a large party in the country anxious to have this question thoroughly debated in this House, and who think that they will get from the debate a little more truth than they have hitherto got from Her Majesty's Government on this important subject, and a great deal more truth than they have got from the public newspapers during the last twelve months. I shall be very well satisfied if the Motion goes on, and, under the circumstances, I shall be equally satisfied if it be postponed.

MR. ROEBUCK: Sir, after the speech of the noble Lord at the head of the Government, I think it is pretty clear that the right hon. Gentleman the Member for Manchester is bound to go on with his Motion. The noble Lord the Member for South Durham kindly informed the House that he had intended to second the Motion of the right hon. Gentleman, but that circumstances have now changed. Now, after the speech of the noble Lord at the head of the Government, I ask him if the circumstances have changed? The noble Lord has said that when the right hon. Gentleman (Mr. M. Gibson) proposed to bring these Resolutions before the House he felt it would be impolitic so to do, and that he is of the same opinion now; but he has not given the House to understand that any circumstance has happened to place the question in a different position from that in which it was when the right hon. Gentleman laid the Resolutions on the table. What is the last Resolution of the right hon. Gentleman? It is—

> "And to express to Her Majesty, that it is the opinion of this House that the propositions made by the Government of Russia, for giving effect to the principle of the said Third Article, contain elements for renewed negotiation, and may offer the means of obtaining an honourable and satisfactory peace."

The noble Lord says, the Government are open to receive any propositions that may lead to a satisfactory peace. I ask, if that is not the condition in which every Government has been at every moment of every war that was ever carried on? Are we not at all times anxious for peace? Is not the noble Lord at the head of the Government at all times in a position to receive any propositions which may afford a probability of an honourable peace? What has happened, then, which should induce the noble Lord the Member for South Durham, who had come down to the House with a determination to second the Motion of the right hon. Gentleman the Member for Manchester, to ask him to withdraw that Motion? I will tell the noble Lord why I urge my right hon. Friend to bring this question before the House. I believe I speak the voice of the country, when I say, that the people of this country have no confidence in the noble Lord and the Government of which he is at the head, and that they are anxious for an honourable peace, but are distrustful, because there is a feeling abroad that a large portion of the Cabinet is at this moment anxious for peace at any price. It is because I am not anxious for peace at any price, but for an honourable peace, and for no other peace than an honourable peace, that I ask the House to insist upon a discussion of the Resolutions of the right hon. Gentleman. The right hon. Gentleman has put himself in a position in which the House has a right to call on him to bring forward the propositions he has placed on the paper—he has thrust himself into the matter; other gentlemen would have come forward if he had not forestalled them, and the House is now, therefore, in a condition to say to him—We demand of you to bring forward these propositions, because we, like you, are desirous of an honourable peace; but we, not like you, are desirous, not of a peace at any price, but only of an honourable peace.

THE MARQUESS OF GRANBY: Sir, it seems to me of great importance in deciding the question whether the discussion on the Motion of the right hon. Member for Manchester is or is not to be postponed that we should clearly understand whether negotiations are now actually taking place or not, and that there is a prospect of a peace being concluded. It appears to me also essential to know distinctly whether the First Lord of the Treasury is willing to entertain any propositions that may be made by any of the five powers assembled at Vienna, or whether the propositions which are to be made are restricted solely to the powers of France and England. I ask this, because the date at which the noble Lord the Member for London said that he had exhausted his instructions was not on the 26th of April, has stated by the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) but, as I think, the 21st of April, before Russia had made her last proposition. It therefore seems to me that the noble Lord received instructions from Her Majesty's Government that, whatever propositions

Russia might make, they were not to be entertained, but that he was to come back to England. This is a point which I wish to have cleared up before the House decides whether the discussion is to be postponed or not?

LORD JOHN RUSSELL: Whether, Sir, the right hon. Gentleman the Member for Manchester will or will not bring on his Motion to-night, is a matter which must be left entirely to his own discretion. Upon that point the Government have no advice to give him. All we can say is, that we shall be ready to meet that Motion if it should be made, and prepared to acquiesce in its postponement if that is the course upon the adoption of which the right hon. Gentleman means to decide. The hon. and learned Gentleman, the Member for Sheffield (Mr. Roebuck) has said that the declaration which has been made by my noble Friend at the head of the Government with reference to the subject of these negotiations amounts to nothing more than what might be said at any moment of any war, namely, that the Government were ready to entertain new propositions for peace. Now that is not precisely the position of affairs as they stand at the present moment. What that position is we are bound, so far as we can do so consistently with the confidential nature of the communications which have taken place, to state to the House. In the first place, I think it right to fill up certain omissions which have necessarily been made in the protocols, which are mere summaries of conferences which lasted sometimes as long as four hours and a half. At the last conference at which I had the honour of assisting, Count Buol, after a long discussion had taken place, said that he did not think the discussion in which we were engaged was likely to lead to any decisive result; that the belligerent powers were not likely to come to an agreement, and that, therefore, it was his opinion that the conferences had better terminate. He, however, added, that although no solution of the question at issue had been arrived at, he did not think the means of accommodation were exhausted, and that as every member of the conference had a right to bring forward propositions, he hoped that at an early day the conferences would be resumed for the purpose of taking into consideration any propositions which might be submitted for discussion. To that observation I replied that, "Although the means of accommodation might not have been exhausted, yet that my instructions were exhausted; and that I, therefore, hoped Count Buol would not fix an early day—or, indeed, fix any particular day—for the re-opening of the conferences, as I should be unprovided with any instructions which would enable me to enter into the discussion of any propositions which might be brought under our notice." That is a course which is not without precedent even in the progress of the present negotiations; because during the time that the Russian plenipotentiary was awaiting instructions from St. Petersburg the conferences had been adjourned from time to time, and no day had been fixed upon which they were to be resumed. The fact was, they were postponed until the time when Prince Gortchakoff declared that he was ready to act upon the instructions which he had received from his Government. There was a subsequent meeting of the conference—a fact which shows very clearly that negotiations were not altogether broken off—at the request of the Russian plenipotentiary, and then the French plenipotentiary, following out what I had before stated, very clearly set forth the reasons why his instructions were exhausted. He said "With reference to the new proposition which had been made by the Russian plenipotentiary, that he had at the last conference declared that his instructions were exhausted since Russia had rejected the propositions which had been made to her in every form whatsoever." The substance of these instructions was contained in a proposition for neutralising the power of Russia in the Black Sea. That proposition was rejected, and we did not feel bound to accept the proposals of the Russian plenipotentiary. Baron de Bourqueney concurred in that opinion. The Earl of Westmorland made the same declaration; and, therefore, when the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) says that the British plenipotentiaries differed from those of France, he was entirely mistaken. The two French and the two British plenipotentiaries made a similar declaration. They said that, as the propositions of Russia contained the principle of closing the Dardanelles, and not the principle of entirely opening the Straits to all powers, they did not see in these propositions the elements of accommodation. Count Buol, however, declared that not only the elements, but even the basis of accommodation were not contained in the proposal of the Russian plenipotentiary. The conferences were, therefore, adjourned, and no day was fixed for their being resumed. The Austrian Government, however, have declared, through Count Buol, that in their opinion the means of accommodation were not exhausted; and I must say that throughout the negotiations at Vienna, the representatives of Austria signified their agreement with the Western powers, and not their concurrence in the propositions made by Russia. Any difference that may have prevailed arose from the circumstance that while the plenipotentiaries of France and England were not prepared to listen to any terms that did not contain the foundation of a durable and a solid peace, the representatives of Austria, upon the other hand, were most unwilling to put forward ony propositions in such a manner as must immediately involve their country in the dangers and the miseries of war, without being perfectly certain that the means of accommodation were finally exhausted. That fact made, of course, some difference in the spirit in which the different propositions were submitted. With respect to the opinions of the representatives of Austria, however, and the support which they gave us, I have only to say that we could not possibly receive greater support at their hands. Now it is not only difficult, but almost impossible, to give any precise answer as to the propositions of peace, that, if they come at all must come from a Foreign Government, and not from our own or that of our immediate ally. But my opinion is, that, whether such propositions lead to peace or not —because upon that question I feel myself incompetent to decide—the Austrian Government will, before those conferences finally close, make some propositions to the members of the conference, and that those propositions must have one of two results. Either they will be rejected by one, or perhaps by both the belligerent powers, and then the conferences will be broken up—and then it will be competent for any hon. Member to ask the House to pronounce an opinion upon those negotiations; or negotiations will again be resumed, and there will then be a better prospect than there has yet been of peace following as a result. I do not think I can at present say more than I have already done. It has been said that the speech made by my noble friend at the head of the Government is vague. If it be so, it is because there is nothing definite or precise in the situation. The question of these negotiations is in itself undefined. The state of things theretofore differs most materially from the supposition which was made by the hon. and learned Member for Sheffield—that any time during a war a proposition for peace might be made to one party by the other. There has been a conference assembled for the purpose of considering the terms of peace. The belligerent powers have not concurred in those terms. The negotiations have hitherto failed; but they are merely suspended, and not closed. I do not know that I can add anything to this statement. I leave entirely to the discretion of the right hon. Gentleman the Member for Manchester what course he will take with reference to his motion. If he should bring it forward, the Government, as my noble Friend has stated, will be prepared to meet it with a direct negative.

Sir JOHN PAKINGTON: Sir, I do not think that the noble Lord has stated to the House any facts whatever, or that he has added anything to the observations which have fallen from the noble Lord at the head of the Government, which can guide the House, in arriving at a decision as to whether the right hon. Gentleman the Member for Manchester ought, or ought not, to persevere in his Motion. I do not believe that there exists upon either side of the House a disposition to press the Government unfairly. The question is one of too much importance to admit of the display of party feeling. But if the right hon. Gentleman the Member for Manchester is to be deterred from persevering in his Motion, I think we have a right to receive from Her Majesty's Ministers some more explicit declaration than we have yet had, as to whether negotiations for peace are, or are not, still pending. The noble Lord the Member for London (Lord John Russell) has thrown no light upon this question. I think some difficulty has arisen in consequence of—and no small confusion has been created by—the fact that those negotiations have taken place at the Court of a neutral Power, and that our representatives are still, therefore, remaining at Vienna, although our plenipotentiary has returned. The Government have laid upon the table the protocols of the negotiations which have taken place. The usual course under such circumstances is for Parliament to pronounce upon those protocols; and I confess I can see no reason why the right hon. Gentleman the Member for Manchester should refrain from persevering in his Motion, unless Her Majesty's Ministers are prepared to inform the House that negotiations are still pending and the conferences still open. I think we have a right to ask for more explicit information than any which we have received upon this point. It is impossible that any hon. Member could have listened to the discussion which has taken place this evening without coming to the conclusion that the Government are a consenting party to the adoption of either of the two courses which have during the discussion been indicated with reference to the Motion of the right hon. Gentleman opposite. One right hon. Gentleman has advised the right hon. Gentleman the Member for Manchester to abstain from pressing his Motion to-night; the noble Lord who was to have seconded the Motion concurs in that suggestion; while another right hon. Gentleman has stated that if the right hon. Member for Manchester should persevere in bringing forward his Motion, he should move the previous question. It seems to me, therefore, that this House has many grounds for supposing that Her Majesty's Ministers are desirous that one or the other of these two courses should be taken. The noble Lord at the head of the Government says that he has come down prepared to meet the Motion with a direct negative. If that be the desire of the noble Lord, why has he not requested the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) not to seek to put off the discussion by moving "the previous question"? I think the conduct of the noble Lord is entirely at variance with the course which he took upon a former occasion. The noble Lord himself fixed a day for the discussion upon the Motion of the right hon. Gentleman the Member for Manchester, that the House of Commons might thus be afforded an opportunity of pronouncing an opinion upon the negotiations which have lately taken place at Vienna. It now appears, however, that the noble Lord and the Government are desirous—without any change of circumstances which could have justified the alteration in their views—that this discussion should be postponed. I certainly think that Her Majesty's Ministers have a right to expect that we should not prematurely press upon them a question of this character; but if the noble Lord is right in saying that he is prepared to meet the Motion with a direct negative—if, as is the case, our plenipotentiary has returned from Vienna, and if the conferences have been closed, I see no reason why, with those protocols upon the table of the House, and in the absence of any further explanation from Her Majesty's Ministers, we should not proceed to discuss the Motion which the right hon. Gentleman the Member for Manchester has announced it to be his intention to bring forward this evening.

SIR GEORGE GREY: I do not rise, Sir, to make any statement, but merely to answer two specific questions which have been addressed to the Government by the right hon. Baronet who has just spoken. The right hon. Baronet has asked whether the conferences are closed. He has assumed, rather than asked, that the plenipotentiaries have withdrawn. I thought it was clearly to be inferred from the statement of my noble Friend the Secretary of State for the Colonies that the conferences are not closed. The conferences, as he stated, are in the same position as when, at the request of the Russian plenipotentiaries, they were adjourned without any day being fixed for their resumption, and any propositions may be entertained by the members of those conferences who still remained at Vienna. In that respect the plenipotentiaries have not withdrawn. It is true that my noble Friend (Lord John Russell), who was associated with Lord Westmorland, has returned to this country, and that M. Drouyn de Lhuys, who was associated with Baron de Bourqueney, has also left Vienna; but Lord Westmorland, as the British plenipotentiary, and Baron de Bourqueney, as the French plenipotentiary, have full powers to act. The elements of the conferences still remain, and any day the members can be summoned to discuss new propositions. The right hon. Gentleman (Sir J. Pakington) also assumes that the Government is anxious, for its own convenience, to evade this discussion. That statement has been explicitly denied already by my noble Friend (Lord Palmerston), and the only reason suggested for the postponement of the discussion is, that in the present state of affairs at Vienna it may be prejudicial to the public interests. It is for the right hon. Gentleman the Member for Manchester to decide what course shall be taken; but, whether the discussion proceeds or not, the Government is prepared to meet it. Reasons have been stated by several hon. Members why they think it better the Motion should be postponed, and the Government is quite content to leave the decision in the hands of the House.

MR. MILNER GIBSON: Sir, I think Her Majesty's Government have thrown a heavy responsibility on me, but as I have undertaken to bring forward the Motion for the Address of which I have given notice, I feel bound to endure it. My hon. and learned Friend (Mr. Roebuck) says that I have upon this occasion thrust myself forward. He says that he wishes to have an honourable peace, but that others will have a peace at any price. I do not know on what authority the hon. and learned Member makes that assertion, or why he and his Friends should arrogate to themselves the exclusive appreciation of the feelings and honour and dignity of the country. Sir, I do not yield to him or to any man in this House in my desire to support the dignity and honour of the country. I am not the man to stand up in my place in this House and advocate a course which is inconsistent with the safety of the country, or inconsistent with its honour and dignity. Her Majesty's Government, I think, ought to have anticipated this discussion when they laid the protocols on the table. I consider that, when Her Majesty's Government placed before the Houses of Legislature the records of the proceedings of the recent conferences, they ought at once to have invited the opinion of Parliament on the course which they had pursued. When the papers were produced, I felt myself at liberty, under these circumstances, to move the Address of which I have given notice, with the view of submitting that opinion to the consideration of the House. Sir, I admit the difficulty of the position, now that Government tells us that the conferences are not at an end, and that before the conferences are finally concluded, the Austrian Government has undertaken to produce some plan for bringing about an understanding between the belligerent Powers, that the Austrian Government will, before the conclusion of the conferences, submit a plan to the Governments of France and England. Hearing also from Her Majesty's Government that, under these circumstances, they will not feel themselves at liberty to discuss with frankness and without reserve the various proposals which have been made, I admit that I feel I should not be serving the object which I have in view, or serving the public interests, if I were to persevere in my Motion, more especially when the right hon. Gentleman the Member for South Wiltshire (Mr. Sidney Herbert) tells me that he will meet it by moving the previous question, so that the division will not be taken on the merits of my proposition, but will be taken on the preliminary consideration as to whether it is convenient, after the statement made by Her Majesty's Government, that these propositions should be made at all. I shall not abandon the Motion. I ask Her Majesty's Government how long these conferences are to last? If the conferences are to go on from day to day to the end of the Session, they undoubtedly will have gained the advantage of getting rid of this discussion on the policy which they have adopted altogether. I, therefore, give notice that, although compelled, as I feel I am, after the appeal which has been made to me to postpone this Motion to-night, I shall take the earliest opportunity after Whitsuntide of again submitting the question to the consideration of the House.

MR. MALINS said, he had a strong opinion relative to the mock proceeding—to which he could apply no other epithet—that had just been going on. The nation was watching the proceedings of that House with breathless anxiety, and during the last week it was impossible to go into any part of the country, or into any society, without being asked what the House of Commons were going to do upon the Motion of the right hon. Member for Manchester? The country was aware that the Conferences of Vienna were brought to a close, and the Government had not said a word to show that they were resumed, that anything serious had been taken into consideration, or that there was any rational ground for supposing that any proposition would be made. The Motion was now postponed indefinitely, and the result would be a feeling of deep disgust that the House had been so far wanting in its duty. It would be thought that the Government were more intent upon negotiations than upon the effectual carrying on of the war. He thought that any Ministry who were willing to carry on negotiations for peace upon terms less favourable than those proposed by the Western Powers at Vienna would be insensible to the honour and greatness of this country, and unworthy of the support of that House. The enemy would never believe the Government were in earnest in carrying on the war while they showed this intense desire for peace. He could not help expressing his indignation at this solemn farce—a concerted scheme, which must have been got up between the Government and the hon. Members below the gangway. For himself he disapproved the course that had been taken, and would never give his support to any Ministry that would not take steps to retrieve and maintain the honour and dignity of the country.

Sir HENRY WILLOUGHBY said, it was clear that the course which the House ought to pursue depended on the fact whether it was true or not that the conferences were closed. If Austria was about to produce propositions which might or might not be accepted, it was clearly a legitimate excuse for the House not to enter upon this discussion at the present moment, and, in his opinion, the right hon. Gentleman the Member for Manchester had exercised a wise discretion in the course which he had taken. He (Sir H. Willoughby), however, trusted that the doubt would be cleared up as to whether any propositions were to be expected from Austria.

Mr. JOHN MACGREGOR said, he believed that Austria, although acting in good faith, would never agree to make an aggressive war against Russia, which she could not do without dismembering the Austrian empire. He thought that the war had been entered into without due consideration, and in ignorance of the power of the Russian Empire; but he trusted that every means would be adopted to establish a permanent and honourable peace.

Mr. CAYLEY said, he had all along thought that the notice of Motion given by the right hon. Gentleman the Member for Manchester was inopportune, and dangerous to the best interests of the country; but he thought the discussion of that evening would be even still more mischievous and dangerous, because it would tend to create a belief in the minds of the Russian authorities that a desire existed among the representatives of the people of this country for peace at any price. It was useless to be making declarations in favour of peace. Every man was for peace; but the more they encouraged statements in deprecation of war, and protestations in favour of peace, the more distant they drove peace from their borders. It should be recollected that, when Members spoke in that House, they spoke not to themselves or to this country alone, but to Europe; and what would be the understanding of Russia with regard to this debate? Would its inference not be, that the House of Commons was now showing the first symptoms of retreat, and was ready to withdraw pusillanimously from the contest in which we were engaged? What, he would ask, would our French allies think? Would they not suppose that we were preparing to give up the struggle on which, in alliance with them, we had entered? If the Government thought these discussions afforded an indication of the feelings of the country they were egregiously mistaken; and if they were ready anyhow, and by means of any negotiations, to accept terms of peace, they would follow a course most disastrous to the honour and dignity of this country. The objects of the Western Powers and of Russia were diametrically opposite in principle, and an honourable peace could not be secured till the great object of the former was gained by a check being put to the preponderance of Russia in the Black Sea. He repeated that, in these circumstances, the more professions we made in favour of peace the more distant we should make it. A negotiation was like a bargain—the more you wanted to sell the less the customer wanted to buy, and the less you wanted to sell the more eager he would be to buy. Now, he would ask if, when in the very agony of this struggle, a Motion like that of the right hon. Gentleman (Mr. M. Gibson) supported by those who are for peace at any price, was brought forward, was it not giving encouragement to Russia to persist? We entered into this war to lower the arrogant pretensions of Russia, and if France and England were to retreat from it at this moment, if the truth were spoken, so far from the power of Russia being diminished it must rather be confessed that the powers of her assailants had been reduced—whether from mismanagement or from some other cause he would not now wait to inquire. So far from the proponderance of Russia being diminished by a peace made at the present moment, it would be materially increased. He was a friend of peace. Constitutionally he hated discord of any kind; but, nevertheless, he trusted the House would not allow the tone of the present discussion to prevail with them in the terms to which they might be disposed to listen from Russia. If Austria was disposed to make suggestions, and made such as could be accepted with honour by this country, no one would rejoice more than himself; but if the Government showed by their statements in that House that they were ready to accept terms from every quarter and at all times, and in every possible way, it would in the end put peace more distant from our shores—unless, indeed, such a peace as would be dishonourable and disastrous to the country.

Mr. GROGAN said, he certainly could not congratulate the Government on the dignity of their position, but he did not rise to prolong the debate. He wished to know whether it was intended that night to take Supply, which stood last on the paper.

Mr. WILSON said, there would be no objection to move that the House go into Committee of Supply for the purpose of enabling any Gentleman to bring on a Motion; but after the understanding he had had with several hon. Members he should not feel justified in proposing that the House actually go into a Committee of Supply that night.

Mr. DISRAELI said, he would take that opportunity of asking the hon. Gentleman whether there would be any Committee of Supply before the holidays?

Mr. WILSON said, there was no probability of the House going into Committee of Supply before the holidays, although an Order of the Day for that purpose had been put down for Thursday next, that being the day on which it was expected the hon. Member for Aylesbury (Mr. Layard) would avail himself of the opportunity of bringing forward his Motion on the State of the Nation.

Mr. DISRAELI said, was he to understand, then, that there would be really no Committee of Supply on Thursday, but that a Motion would be made for going into Committee, in order that an opportunity might be afforded to the hon. Member for Aylesbury to bring forward an important Motion, a notice of which stood on the paper for that day?

The CHANCELLOR of the EXCHEQUER said, the case was as the right hon. Gentleman had stated. The Order for a Committee of Supply was usually placed on the paper for Monday, and then adjourned from Monday to Wednesday, and then again to Friday; but on this particular occasion, by Order of the House, the Committee of Supply was fixed for Thursday instead of Friday, to enable the hon. Member for Aylesbury to bring forward his Motion.

The Motion for the adjournment of the House was then withdrawn.

EDUCATION OF PAUPER CHILDREN BILL.

On the Motion for considering the Amendments in this Bill,

Mr. EVELYN DENISON said, he wished to take that opportunity of making a few observations. The House had been pleased to receive this measure with so much favour that it was not necessary for him to offer any arguments with regard to it. If it had any defects he was answerable for them, but he had no right to claim any of its merits for himself, for they belonged to the Rev. Mr. Rixon, Canon of Manchester, who was the first to suggest a mode of dealing with this destitute class. The children of all persons receiving relief in workhouses did obtain education, and it was only the children of those who received relief out of the workhouses, the most destitute of all classes, who had no means of education provided for them. If from 100,000 to 200,000 of these children should now receive some education, the merit of the measure, he repeated, was due to Mr. Rixon. He would now move that the Bill be recommitted.

Sir STAFFORD NORTHCOTE said, he begged to ask the right hon. President of the Poor Law Board if there would be any objection to the insertion in the Bill of a clause to enable the Guardians of the Poor to provide for the education of pauper children in reformatory or industrial schools? He wanted to know whether any provision would be made for providing instruction in these schools for children, who, though not actually criminal, were in circumstances which rendered it probable they would become so, if they were not previously properly taken care of.

Mr. BAINES said, that the reformatory schools were in almost all cases schools in which criminals were instructed, and there would be great and substantial objection to making them places of education for that portion of the population which was untainted by crime. He should very much regret to see any idea of that kind sanctioned by the Legislature. The other object to which the hon. Gentleman referred—namely, the education of the out-door poor in the workhouse schools—was already provided for under the first clause of the present Bill. There was a number of workhouses in this country, with very good schools, and with a comparatively small number of children attending them, and the guardians were extremely anxious to avail themselves of that accommodation for the purpose of educating the out-door pauper children, but hitherto had no power to do so. The present Bill, however, would make provision for cases of that kind.

MR. HENLEY said, he thought that nothing would be more cruel than, because a child was unfortunately a pauper, to cause it to associate in any way with criminals. He believed the Bill would do a great deal of good, and that the Boards of Guardians would, to a great degree, avail themselves of its provisions.

LORD JOHN MANNERS said, he would beg to suggest that, in accordance with the rule which had governed poor-law legislation of late years, the word "pauper" should be struck out of the Bill, and "poor person" inserted instead.

MR. BAINES said, that the word only occurred in the title of the Bill, and could of course be altered in Committee.

The Motion for the recommitment of the Bill having been *agreed to*, the House resolved into Committee upon it.

Clause 1 was *agreed to*, as were also the remaining clauses of the Bill.

MR. BAINES said, he would now bring forward the following Clause:—

> "In the case of any child of such age as aforesaid, relieved out of the workhouse, which child has been deserted by its parents or surviving parent, or both of whose parents are dead, it shall be lawful for such guardians, in like manner, and with the like discretion as aforesaid, to grant relief for the purpose of providing education for such child in any such school as aforesaid."

In reply to a question from Sir STAFFORD NORTHCOTE,

MR. BAINES said, the Bill as it now stood, provided that children who had not been guilty of crime might be sent to any industrial or reformatory school, with the consent of the parents of such children and the guardians of the poor—the guardians, of course, defraying the expense of their maintenance.

Clause *agreed to*.

House resumed.

Bill *reported*, as amended.

The House adjourned at Eight o'clock.

HOUSE OF LORDS,

Tuesday, May 22, 1855.

MINUTES.] PUBLIC BILLS.—1^a Alterations in Pleadings.

2^a Leases and Sales of Settled Estates; Ecclesiastical Property (Ireland); Sewers (House Drainage); Customs Duties; Spirit, &c. Duties (Excise).

Reported—Parliamentary Representation (Scotland) Act Amendment.

3^a Sewers (House Drainage).

STANDING ORDERS—PROXIES—QUESTION.

THE EARL OF WICKLOW said, that, on the occasion of the discussion which took place in their Lordships' House last week, a question was raised as to whether noble Lords were at liberty to leave the House before proxies had been called and the division was over. It was stated that one of the Standing Orders provided that the doors should be locked during a division, but he did not find any regulation of that kind in the Standing Orders, and he had never known an instance in which a Peer, who had no proxy, had been prevented from leaving the House after giving his vote. He considered the system of proxies highly absurd and objectionable, for a most important measure might be carried or defeated by the votes of Peers who had not attended the House for months; and, for his own part, as he never held proxies, he wished to have the option of leaving the House as soon as he had given his vote upon a division. He wished to know whether any Standing Order was in existence which deprived Peers of the right of leaving the House after a division had taken place, and before proxies had been called?

LORD REDESDALE replied, that one of the Standing Orders of the House provided that after a Question is put, and the House hath voted thereupon, no Peer is to depart out of his place, except upon a division of the House, until the House shall have entered upon some other business; and it was clear, if that Standing Order was observed, that the doors of the House ought to be kept closed until the divisions were entirely completed. It was only of late years that the practice of permitting Peers to leave the House before a division was over had grown up. He believed that a strict adherence to the Standing Order would tend greatly to preserve the regularity of their Lordships' proceedings.

EARL GRANVILLE said, the practice of the House had been that no Peer should leave his place until a division closed; and, as it appeared to be the general opinion of the House that the old practice should be reverted to, it would be necessary for the noble Lord (Lord Redesdale) to take some steps to prevent it, if he thought it improper. If, however, the

Standing Order were not enforced, and Peers were allowed to leave their places before a division closed, there would be no possible means of going over the division again, in case the tellers disagreed as to the numbers.

THE EARL OF WICKLOW said, they were about to reintroduce a system that had certainly not been in practice for the last thirty-five years, without having previously taken the sense of the House upon it in a regular manner.

THE VIENNA CONFERENCES—EARL GREY'S MOTION—QUESTION.

LORD LYNDHURST: I wish to ask the noble Earl opposite what course he means to pursue with respect to the Motion which stands in his name for Friday next—whether he means to alter the course he intended to have pursued in consequence of the scene last night, of which, I believe, the noble Earl was a spectator?

EARL GREY: I can only say, in answer to the noble and learned Lord, that I undoubtedly was a spectator to the scene to which he has adverted, though I cannot say that I was an edified spectator. I can only state, further, that I am not at present aware of any sufficient reason why I should postpone my Motion; but, if any reason can be shown why I should adopt that course, I shall be prepared to consider it.

THE EARL OF DERBY: It is not for me to suggest what course the noble Earl should pursue. I understood that the noble Earl had postponed his Motion, which he had originally fixed for Monday, until Friday, in order that it might not interfere with the very important discussion that was expected to take place upon the subject in the other House, and in order that when it was brought under the consideration of your Lordships the noble Earl might have the advantage of the *prestige* of the eloquence displayed in the other House, as well as the powerful division by which the views of the noble Earl might be there supported. I can only suggest to the noble Earl that the motives which stood in his way in bringing forward the Motion on Monday will equally attend the bringing forward the Motion on Friday. It is certainly a matter of indifference to me whether the noble Earl brings forward his Motion on Friday or not, and I merely wish to remind him that by bringing it forward on Friday, he will deprive himself of all the advantages which it has been thought would arise from a delay.

EARL GREY: I did not postpone my motion either for my own convenience or for the sake of deriving any advantage from the debate in another place; but because it was strongly represented to me, by those who took the same view of the question as I did, that it would be disadvantageous to bring forward the Motion on the same night that a similar Motion was discussed in the other House. I must say that it was with great reluctance, and against my own wishes, that I consented to postpone the Motion.

LORD LYNDHURST: I understand that some negotiations at Vienna are still pending, and that it would inflict an injury upon the public interests to bring forward the Motion of the noble Earl until those negotiations are brought to a close. Under such circumstances, I think it desirable that your Lordships should know the state of those negotiations, and whether they are still pending or not.

EARL GRANVILLE: With regard to the question which has been put by the noble and learned Lord, my noble Friend (Earl Grey), as a spectator of the scene which has been described as having taken place in the other House, would be able to give almost as ample an answer as I can give myself. With regard to the state of negotiations at Vienna, it is not true, as has been supposed, that they have been finally closed. The Government are ready to receive any propositions that may lead to a safe and honourable peace, and they also leave themselves open to decline any terms which may lead to a contrary result. Certainly the conferences are not closed; and, under the circumstances of the case, it is for the noble Earl himself to consider what course he ought to adopt. I should be the last person to point out to the noble Earl what his duty is. It is solely for the noble Earl to consider what course to pursue, and I make no appeal to him on the part of the Government. We shall be prepared to meet the question whenever it may be brought forward, and it is for the noble Earl to consider what his public duty impels him to do on this occasion.

LORD LYNDHURST: The noble Earl says the negotiations are not closed; but are they going on? They may remain open for a twelvemonth. Have any propositions been made which are still under consideration, or have they been rejected? Is there any probability of any further propositions being made, and if so, within what time; or have the Government made up their minds as to the period at which there is any probability of the Conferences being concluded? I never heard anything more vague.

FIBRE COMPANY BILL.

The Order of the Day for Standing Order, No. 176, to be considered, in order to its being dispensed with, read.

THE EARL OF HARDWICKE, in moving the suspension of the Standing Order for the purpose of allowing this Bill to be introduced, observed that he was in no way connected with the Fibre Company, being neither a shareholder nor knowing anything of the parties concerned; he appeared before their Lordships more in the character of a counsel than as a person about to discuss a topic of his own. It would be well known to their Lordships that the article which constituted the basis of the manufacture of paper was becoming extremely scarce; and that at the same time the consumption of paper was rapidly increasing, having increased, between the years 1842 and 1854, from 96,000,000 lbs. to 177,000,000 lbs., and it was impossible to procure a sufficient quantity of rags to supply the demand for paper. A short time ago *The Times* newspaper offered a reward of 1,000*l.* to any person who might succeed in inventing or discovering any new material for the manufacture of paper produced in sufficient quantity to supply the demand that had grown up. This offer led people to look about them and consider what could be done, and it was found, after various experiments, that excellent pulp and excellent paper could be produced from the refuse fibre of flax after the oil had been extracted. He held in his hand the copy of a newspaper printed upon paper manufactured of this material, from which the great value of flax as an article for the manufacture of paper would be perceived at once. In consequence of the satisfactory nature of the experiments which had been made, a company had been formed for the purpose of making paper from this article, and he now appeared before their Lordships for the purpose of asking them to permit the introduction of a Bill for their incorporation, which had already unanimously passed the House of Commons. At its entrance into their Lordships' House, it was, however, encountered by one of their Standing Orders, which rendered it necessary that three-fourths of the capital of an intended company should be subscribed before the Bill was read a first time in that House. That Standing Order had, however, been dispensed with in various cases of railways, and also in the case of an electric telegraph company. The object of the Standing Order was to afford a certain amount of protection to the public; but he thought that sufficient securities on behalf of the public were given by certain Acts of Parliament now in existence, and by other Orders of their Lordships' House, and he now asked their Lordships to suspend this Order, and permit the introduction of a Bill relating to a subject of so much public importance.

Moved, That the said Standing Order be dispensed with on the said Bill.

LORD REDESDALE opposed the Motion. This Bill was one seeking to establish a company with the privilege of limited liability. Now, he did not see how they could consistently relax the Standing Order in this case, unless they were prepared to relax it with regard to all fibre companies; and, if so, he did not see how they could refuse to abrogate it with respect to all companies for carrying on manufacturing processes.

LORD STANLEY OF ALDERLEY said, he would not say that the Standing Order in question was the best that could be framed, but while it existed it should be enforced, unless a special cause was shown to the contrary. No special cause had been shown in this instance; and, therefore, he trusted the Motion would not be agreed to.

THE EARL OF DERBY said, he did not know much of the merits of the case before the House; but it appeared to him that upon one ground, at least, it was entitled to favourable consideration. The Standing Order required that three-fourths of the capital of the company to be created should be subscribed before the Bill entered the House; but this Bill was for the expenditure of capital spread over a long series of years. With regard to the question of limited liability, he must be permitted to complain of the course which had been taken by the Government upon that subject. A Bill on the law of partnership and limited liability was announced to be in preparation as far back as November last. At the commencement of this Session, he (the Earl of Derby) asked the noble Lord opposite what was the intention of the Government respecting it, and he was then told that it was considered important that it should be settled without delay, and was assured that shortly after Easter a Bill should be introduced for the settlement of the whole question. But we were now approaching Whitsuntide; at all events, we were nearly six weeks past Easter, and yet no measure had been introduced upon the subject. He must say, that he could not understand why, during the whole of that time, the President of the Board of Trade had not taken up the question, and introduced a measure in this House, which, thus far, had certainly not been overburdened with business. Notice had been given to bring in the Bill in the House of Commons on Thursday next; but he very much doubted if the opportunity would be found of doing so on that day, or, indeed, until after Whitsuntide; in which case he saw very little prospect of the Bill passing into a law during the present Session.

LORD OVERSTONE said, he saw in Bills of this kind the first premonitory symptoms of a great disease, which he thought was likely to settle upon this country—he meant the indiscriminate desire for limited liability without fully considering or understanding the principles upon which that question rested, or what was really conducive to the public interest of the country. The Standing Order which it now sought to override was passed by their Lordships in 1824—a period well known to have been characterised by an extraordinary mania for joint stock speculations—dishonest in their purpose and dangerous to the community; and the object of this Standing Order was to protect creditors from speculators who were trading with the capital of other people. He confessed that he heard with satisfaction the assurance of the noble Lord who presided over the forms of this House (Lord Redesdale) that he should oppose the suspension of this order, because he believed that, if maintained, it would now present to the people of this country a protection against the recurrence of such embarrassments as those which led to its establishment in 1824. That danger now assumed the form of asking the Legislature to assent to Bills enabling an undertaking to be carried on, not with the capital of those who conducted it, but with the capital of others, and at the same time protecting these speculators from the repayment of that which they borrowed to the utmost extent of their property. This Bill was promoted under the pretence that there was a great demand for an article of essential importance, and that it would be impossible to attempt to supply that demand unless the Legislature enabled capitalists to combine for the purpose of carrying out a certain invention. Now, this was a just ground for legislative interference, provided the persons calling for it came forward in good faith. The question involved two great objects—the maintenance of the high commercial character and the protection of honest creditors; and there were two principles on which commercial undertakings might be carried on—one was by the subscribed capital of the parties interested, and the other by confidence in the integrity, assuidity, and zeal of the undertakers. Great complaints were made that such was the present vicious state of the law of partnership that capitalists, anxious to enter upon a legitimate speculation, were prevented from doing so. What, however, did they find when they looked at this Bill? Why, that the very moment the persons with whom these complaints originated came into contact with the wise and just Standing Orders of their Lorships' House, which required that speculators asking to be protected beyond the full extent of the obligations they might contract should at all events be called upon to subscribe three-fourths of the capital required for their undertaking—the moment they were required to do this they asked for the suspension of that Standing Order. It was impossible sufficiently to condemn the audacity of parties who asked for limited liability on such loose and insufficient grounds. Deeply interested as he was in the maintenance of the commercial character of this country, and in the protection of honest creditors against fraudulent debtors, he trusted that a Standing Order, which he looked upon as involving this high commercial principle, would not be dispensed with by their Lordships.

EARL FITZWILLIAM agreed with his noble Friend who had just sat down that it was of the utmost importance that, in any commercial speculation which Parliament might encourage, there should be the greatest attention paid to the security of those who became the creditors of the concern. He concurred, also, with his noble Friend opposite (the Earl of Derby) in the regret which he had expressed that the Government had been prevented from giving that consideration to the general subject of the law of limited liability which he had been led to believe that they would have given to it in the present Session of Parliament. His noble Friend who had just sat down had taken a somewhat exaggerated view of the question, and had entirely left out of view the numerous important public interests which were thwarted and impeded by the present state of the law. What he (Earl Fitzwilliam) would suggest was, that the Government should appoint a Committee to inquire into the best mode of carrying into effect the principle of limited liability. Undoubtedly it was a question which deserved to be most seriously considered, and he believed that means might be devised for establishing the principle of limited liability, and, at the same time, for securing creditors, who certainly ought to be protected, against the frauds of speculators who were trading upon the capital of others.

Earl GRANVILLE thought that it was better not to enter at that time into a discussion of the general question of limited liability; but he must say that the noble Earl opposite had pressed a little unfairly upon his noble Friend the President of the Board of Trade, who, to his (Earl Granville's) personal knowledge, had from the very day of his appointment devoted his attention to the details of the Bill which the Government proposed to introduce, which had at that time already been prepared. It was the wish of his noble Friend that that measure should be introduced at as early a period as possible, and he had wisely determined to introduce it into the other House, where alone could be found the representatives of the great commercial interests of this country. Notice had been given three weeks ago of its introduction into the other House, but it had been compelled to give way to other business, over the management of which his noble Friend had had no control. As that Bill, however, was now fixed for Thursday next, it would be better to postpone any discussion upon the general subject until it should come up from the other House. With regard to the particular question before them, it appeared to him that the arguments of the noble Earl who had introduced the subject had been directed solely against the Standing Order as it existed, and that he had not shown any special reasons in regard to this Fibre Company which should exempt it from the operation of the general Standing Order. Under these circumstances, if the noble Earl divided, he should vote against him.

Lord BERNERS did not agree with the noble Earl when he stated that no special case had been made out for the suspension of the Standing Order. On the contrary, he thought that a very good case had been made out, for his noble Friend had shown the extent of the demand for paper annually, and that the supply of rags in this country for its manufacture was only equal to one-fourth of that demand, thus leaving the remaining three-fourths to be obtained from other parts of the world. The fact was, that the case was one of great emergency. The Government had promised that the blockade of the Baltic and the Black Sea should be an efficient one; and, in that event, there would be a considerable deficiency in the supply of Russian produce. It became the bounden duty of this House, therefore, by every means in its power, to encourage our own country and the colonies in the endeavour to supply the demand for that description of produce.

The Earl of HARDWICKE briefly replied, and observed, that considering the view which seemed to be generally entertained in the House, and that the Government had promised that a Bill for limiting liability should be introduced into the other House on Thursday next, his better course would be to wait until that Bill had received the consideration which the question deserved, and not press their Lordships to a division on the present occasion.

Motion (by leave of the House) *withdrawn.*

LEASES AND SALES OF SETTLED ESTATES BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR, in moving the second reading of this Bill, observed that he had already stated its principal objects to the House, and upon that occasion he had mentioned the fact that the cost of obtaining by private Bill those powers in dealing with real estates which by the present measure it was proposed to grant upon application to the Court of Chancery was from 500*l*. to 1,000*l*. At the time he made that statement a noble Lord seemed to doubt that the expense was so great; and he (the Lord Chancellor) had therefore instituted an inquiry, the result of which was, that he found he had stated a very moderate amount, for although there were a few isolated cases in which the cost of such applications amounted to 750*l*., the majority cost much more, and in some instances the expenses had risen to 1,500*l*. There was no good reason why people should be put to such an expense, especially as most of the applications were made at the recommendation of the Court of Chancery, and it seemed absurd that, after that Court had investigated the cases, it should have to send them to the Legislature to do that which it would be better for the Court itself to do. By the provisions of this measure he expected that the free disposal and application of property held under settlement would be greatly facilitated. He proposed to give the tenant for life, as an incident of his life estate, the power of granting agricultural leases for a term of fourteen years.

Moved, That the Bill be now read 2ª.

Lord BROUGHAM expressed his great satisfaction at the introduction of such a measure, the principle of which he fully approved, although he might have some objections as to details.

The Earl of DERBY said, he was disposed to agree in the opinion entertained of the measure by his noble and learned Friend who had just sat down. He thought that by the powers given under it for the improvement and management of estates without incurring the inordinate expenses attendant upon private Acts of Parliament, a very valuable addition would be made to the law regarding landed property; but he had some apprehension with respect to the effect of the clause, authorising the interference of the Court of Chancery, which, it seemed to him, went further than was necessary. If that Court should have the power to authorise the sale of property, then, instead of being made instrumental for the improvement of property, it would be converted into the means of effecting the alienation of property.

Lord HATHERTON highly approved of the measure. He was at a loss to conceive the reason why some general measure of this kind had not been passed long ago, which would obviate the necessity of passing so many private Bills, at an enormous expense, through the House. He thought that to carry out properly the objects of this measure large powers should be given to the Court of Chancery.

The Earl of WICKLOW thought that so excellent a measure should be extended to Ireland. The only words in the Bill to which he objected were the words "or Ireland," which exempted that country from the operation of the measure.

The Marquess of BATH suggested that, previous to the clause in reference to leases being brought before the Committee, the noble and learned Lord should be prepared with instances illustrative of the mode of granting building leases in this country. He understood that a change had been made in the mode of granting them, and that the length of leases for building purposes was much shorter than was the custom some few years ago.

Lord REDESDALE said, he had no objection to the Bill; but he hoped that in the inquiries that were to be made under the Bill in the Court of Chancery, the same care would be given to the question under consideration as was given to the Bills brought for effecting similar objects before their Lordships' House. Unless some new regulation was introduced for the purpose into the Court of Chancery, he feared that such a relaxation of the law of settlement would be introduced as was not contemplated by the noble and learned Lord who introduced the measure.

The LORD CHANCELLOR quite concurred with the noble Lord as to the necessity of keeping a strict watch upon the proceedings of the Court of Chancery in connection with the powers to be given under this Bill. For that purpose regulations would be framed in accordance with the practice adopted in that House. As to the power of sale given to the Court of Chancery, he thought that the Bill would lose half of its efficiency if such power were not conferred. He would also mention that the Court of Chancery would have the power of authorising the sale of an estate only when it did not appear on the face of the settlement that such a sale was contrary to the wish of the settler. He was favourable to the extension of the Bill to Ireland; but to provide for any objections that might be made to it on that ground he thought it safer to introduce the words objected to by the noble Earl (the Earl of Wicklow), which it would be much easier to strike out if the extension to Ireland were generally approved of, than to make any addition to the Bill. He would take care to communicate with the right hon. Gentleman the Secretary for Ireland upon the subject, and, if practicable, he should be most happy to extend the measure to Ireland.

Motion *agreed to*; Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Monday*, the *4th of June* next.

RELIGIOUS WORSHIP BILL.

THE EARL OE SHAFTESBURY moved that the House go into Committe on this Bill.

THE EARL OF CARNARVON suggested that the Committee on the Bill should be postponed until after Whitsuntide. No statement had been made as to what the object of the Bill was, and he thought that a subject of so much importance ought not to be so hastily disposed of.

THE BISHOP OF LONDON suggested that the Bill should be postponed. It was impossible that he or any of his brethren could consent to the Bill as it then stood. He considered that it would have the effect of breaking up the parochial system, and he objected to the adoption of the measure without the introduction of some safeguard which would obviate the evils it was calculated to produce.

THE EARL OF SHAFTESBURY observed that he merely intended to put the Bill through Committee *pro formâ.*

LORD REDESDALE said, that the Bill had been read a second time without any explanation of its objects having been given by the noble Earl, and he now proposed to put it through another stage, without explaining what the Bill was to do. He (Lord Redesdale) must now state that the noble Earl was bound to give an explanation of its provisions before he proceeded further with it.

THE EARL OF SHAFTESBURY explained that he was not answerable for the Bill, which had been sent up from the other House, and he now merely asked to be allowed to put the Bill through Committee *pro formâ,* for the purpose of introducing Amendments, and he would be prepared, on its recommittal, to make a statement to their Lordships.

House in Committee.

Amendments made.

The Report thereof to be received on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 22, 1855.

MINUTES.] PUBLIC BILLS.—1° Truck Act Amendment; Bills of Lading (No. 2); Ordnance Board.

2° Absconding Debtors (Ireland); Railways (Ireland).

EAST KENT RAILWAY BILL.

Order of the Day for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. JAMES MACGREGOR rose to move that the third reading of this Bill be postponed until Monday the 4th day of June next; that the minutes of the evidence taken before the Committee on the Bill be laid before this House; and that the said evidence be printed at the expense of the parties. He should have made this Motion when the Bill was considered if he had had the Report of the Select Committee on the Bill; but that Report was not circulated until after the Bill had been considered and ordered to be read a third time. When it was circulated he found that the Select Committee had made a special report to the House, recommending that "under the peculiar circumstances of the case" the 136th Standing Order should be repealed, so far as the East Kent Railway Bill was concerned. The Committee added that they had been led to that decision, "by the conviction of the paramount necessity, in a national point of view, of continuous railway communication between the metropolis, Deptford, and Woolwich, and the dockyard and arsenals at Chatham;" and that they had restricted the application of the money impounded under the Standing Order to the construction of a bridge over the Medway, at Rochester. This was not the first time that they had heard of the importance of continuous railway communication between the metropolis and the dockyards and arsenals on the Thames and at Chatham. The very able report on Kentish schemes of railway, published by the Marquess of Dalhousie, in 1845, set forth the importance of such a communication in unmistakeable terms. It showed to demonstration that it would be highly conducive to the national interests if a continuous line of railway were constructed between the metropolis and the dockyards and arsenals on the Thames and at Chatham; but it recommended, at the same time, that the working of the line should be entrusted to the South Eastern Company, which in 1845 had already expended several millions of money in the construction of railways in Kent. Sir, that company proceeded *bonâ fide* to endeavour to obtain powers from Parliament for that purpose.

Their Bills, however, had failed in 1846, on the Standing Orders; and in 1847 the House of Lords were influenced by the Duke of Wellington on the suggestion of the hon. Member for Dovor (Mr. Rice) to refer it to the Railway Commissioners, who detained it so long that the company withdrew it; and since then the state of the money market had been such as to render proceeding with the works impossible; but the company were, and always had been, willing to complete them. In the report published by the Marquess of Dalhousie in 1845, it was stated that the South Eastern Company, besides completing the railway in North Kent, would also, for the public interests and without the prospect of remuneration, construct a line from Hastings to Ashford, and complete the communication to Deal—the very lines which, according to the Duke of Wellington, were of so much importance with regard to the national defences. Moreover, the company offered to pledge the whole revenue of their existing line for the completion of all cross-lines undertaken by them within a reasonable period. They did complete those railways, with the fact before them that they would prove unremunerative, and fail to yield a dividend to the shareholders. But the impatience of the gentlemen of the county of Kent, in the face of difficulties which had hindered a wealthy company like the South Eastern from proceeding, had in 1853 applied for an Act for the construction of the railway now under consideration; and in spite of every warning of the inadequacy of their means, they had persisted, and the result was now seen. What then is the case? The company admit that they have complied with no one of the conditions of their Act; but they ask the House to release their deposit money, and for other privileges. Their Bill is read a second time, and referred to a Select Committee. That Committee reports in favour of the Bill, and authorises the liberation of the money deposited with the Court of Chancery and the consequent abrogation of the Standing Order, which impounds 10 per cent of the capital of a projected railway as a guarantee for the *bonâ fides* of the undertaking and of its promoters. But it also appeared that the Government itself had lent its influence to obtain the infraction of the Standing Order. The Admiralty had made a report, expressing a wish for the completion of the bridge over the Medway, at Rochester, and recommending the House to realise the 50,550*l.* deposited with the Court of Chancery, and to allow it to be applied to the construction of the bridge in question. What he maintained was this—that if it be necessary for the Government to assist in the completion of the East Kent Railway for national purposes, the proper company for them to negotiate with was the South Eastern Railway Company, which had expended no less a sum than 12,000,000*l.* in the construction of unremunerative lines in the district. As an independent Member of the House, no longer connected with the South Eastern Company, having only the interests of the public in view, he said, that the conduct of the Government in dealing with a company in such a state of embarrassment that it has not been able to comply with one condition of its Act, was neither wise nor politic; and he contended that in a matter of such great national importance, if the Government was to negotiate at all, it should negotiate with a company whose capital and resources were of such an extent as to afford the best security for the performance of its engagements.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Monday the 4th day of June next."

MR. RICE could assure the hon. Gentleman, that with regard to the principle of this Bill he was not prepared either to affirm it or otherwise. He was in favour of the Bill only in so far as it promoted a direct railway communication between London and Dovor. The hon. Gentleman has talked of the impatience of the gentlemen of Kent inducing them to come forward in 1853 with a line of their own; he (Mr. Rice) supported that line as a step towards a direct line from the metropolis to Dovor; and, indeed, he repeatedly told the promoters that, the line would be of no use unless it were carried on to Dovor. The hon. Gentleman has also spoken of the *bonâ fides* of the proceedings of the South Eastern Company. Now, he recollected perfectly well, that in 1848 it was proposed by an independent company to construct a line to Dovor, and he had always regarded the rejection of that Bill as a most unfortunate circumstance. It was thrown out at the instance of the South Eastern Company, who brought forward a rival project, which he believed, however, they never had the slightest intention to carry into effect. He had no hostility to the South Eastern Company. He wished them to afford every accommodation they could to the county of Kent, and having spent so much money in the district, he thought it would be desirable to see the railway communication in their hands, provided they adopted a more direct line, for he thought they could construct and manage it better than any other parties. But, in the absence of any such scheme, he was prepared to support the East Kent line on public grounds, with the understanding that it is to be carried on to Dovor.

Mr. LUSHINGTON said, that so long as the hon. Member for Sandwich (Mr. MacGregor) was chairman of the South Eastern Company, he had never lost any opportunity of opposing any Bill which had for its object the extension of railway communication in Kent; and when the hon. Gentleman came down here to say, that in opposing the passing of this Bill he had no other than a public object in view, he was obliged to look at his antecedents, and at his past connection with railways in Kent. It was well known that he had uniformly opposed the contemplated extension, and when he stated that the South Eastern Company had pledged itself to complete the railway communication in Kent, and that the Government ought to have negotiated with that company, and not with the landowners of the district, he could not help observing that the South Eastern Company has, on every occasion, eluded its obligations in that respect. When the Bill of the South Eastern Company was so suddenly withdrawn in 1847, it was understood that the Bill was to be taken up at the same stage in the House of Lords in the Session of 1848; but the hon. Gentleman, from that day to this, had never re-introduced the measure. Under these circumstances the East Kent Company's Bill was passed in 1853. That company had experienced great difficulties in the carrying out of its project, and it now came to Parliament to ask for the release of the money deposited in the Court of Chancery, in order to enable it to complete the construction of the bridge over the Medway at Rochester, which it was compelled to make within a certain time. The Bill for that purpose was taken before the Standing Orders Committee. It passed that Committee. It was then referred to a Select Committee of this House, and that Committee had reported in favour of their application. The hon. Gentleman, however, now moved, that the third reading of the Bill should be postponed till the 4th of June, which was, in fact, till after Whitsuntide. It was important that the House should know that there was another Bill coming before the Standing Orders Committee this day for an extension from Canterbury to Dovor, and he had no doubt that the hon. Gentleman thought, if he can get the East Kent Bill postponed till after Whitsuntide, it will be of some use to him in raising a further opposition to the Canterbury and Dovor Bill. He hoped that the House, for the public reasons he had stated, will reject the Motion of the hon. Gentleman.

Mr. H. ADAIR: As Chairman of the Select Committee to whom the East Kent Bill was referred, he must trouble the House with a few observations. He thought the Motion of the hon. Member for Sandwich was a very judicious and prudent one, because the House, before passing the Bill, should have an opportunity of seeing the printed evidence. He was of that opinion, because the question now raised was a very important one, and it was a question, moreover, which the House alone was able to decide. This was the first application that had been made to suspend this portion of the Standing Orders of the House. The whole object of the Bill was to release a sum of money which the House of Commons had judged it desirable should be held impounded to enforce the completion of a certain railway, the plans of which have been deposited in Parliament. Now, he thought that was a question of such importance that the House ought to be called upon to express an opinion as to the circumstances under which such a deviation from the usual practice of the House should be allowed. The object of the 136th Standing Order, was to ensure to the public the completion of lines of railway. He had no doubt that the Government were very anxious that the bridge over the Medway at Rochester should be constructed; he had not the slightest doubt that they wish their dockyards and arsenals to be brought into immediate communication with the metropolis; but still it was not shown to his satisfaction in the Committee that the promoters of this Bill were unable to complete the bridge at Rochester without the assistance of the Government. They had raised only an insignificant portion of the capital which they were authorised to raise under the provisions of the Act of 1853; they had laid out little or no money upon the construction of the bridge at Rochester; and, therefore, it was for them to consider whether, under the circumstances, they should agree to the proposed deviation from the usual practice of this House, amounting, in fact, to the abrogation of a Standing Order, which heretofore had been found to work beneficially, and which he was quite sure had, at all events, prevented the passing of many crude and ill-devised schemes of railway extension. I think, moreover, that the parties should not be called upon to pay for the printing of the evidence, but that the expense should be borne by Parliament, and that the House should at once deal with the question, and for the guidance of its Select Committees, should lay down under what circumstance, if any, the 136th Standing Order should be dispensed with.

Mr. RICH said, that if the right hon. Gentleman the Member for Oxford had been in his place, he would have told the House that the object of the Standing Order which it has now proposed to repeal was to secure that those who brought forward railway schemes had the requisite means for carrying out their projects, and that that object has been attained up to the present moment. Now, however, certain parties come forward and ask Parliament to abrogate that rule, and to establish what he might venture to call a very bad and dangerous precedent. If the promoters of the East Kent Railway had exerted themselves to carry out the objects of the Act of 1853—if they had exercised all the due diligence to fulfil their covenants—then, perhaps, they would have been entitled to ask the House to consider whether or not it should relax the Standing Order with the view of enabling them to execute their engagements; but it was notorious that they have not complied with the conditions of their Act, and he thought it would not be fair or just to extend an unusual indulgence to a company placed in such circumstances. The company had, however, disregarded every one of their covenants; and was that a state of things in which any company should be allowed to come before this House and ask to have a Standing Order relaxed, which was specially meant to enforce the fulfilment of contracts? If the House would have a little patience, and wait until the evidence was printed, they would find ample reason to suspect why no calls were made after the month of September, 1853, and why the call made at that time was not paid up. These have been what are called "bubble schemes." When the evidence is printed he was afraid the House would find it might have to apply to the East Kent Railway an epithet which he would not now use. It would find, for example, that of the whole capital to be raised by the company, one individual in London was liable to the amount of 100,000*l.*; that a stock-broking firm was engaged for the sum of 80,000*l.*; and that the contractor who was to make the railway was engaged by himself or his agents to the amount of 72,000*l.* The Chairman of the Select Committee having declared his opinion that the evidence should be printed before the House came to a decision, he thought it would be an act of injustice to the county of Kent, as well as to the other railway companies in the district, and a violation of its own duty, if the House were to pass this Bill without seeing the evidence upon which the opinion of the Chairman and of the Committee was founded.

Sir EDWARD DERING opposed the Amendment.

Mr. FITZROY said, that the question before the House was a very simple one. Two propositions had been made by the hon. Member for Sandwich, both of which appear to him to be rather novel in character, and certainly most objectionable in principle. The first was, that this House, instead of referring private Bills to a small body upstairs, who would be able to take evidence and consider the matter dispassionately, should itself deal with such concerns and decide them according to the chance attendance of Members in this room. Such would be the result if the House, after exposing Members to the inconvenience and labour of attending a Committee upstairs, were to set aside their Report either against or in favour of a private Bill as of no value, and then proceed, as now proposed, to reverse their decision altogether. The Motion of the hon. Member, if it were carried, would lead to no practical end, for no one would trouble himself to read the evidence if it were printed? He hoped that the House would abide by the Report of the Select Committee, and decline to take such matters into its own hands.

After a few words from Mr. Spooner, Mr. Green, and Mr. Henley,

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 99; Noes 21: Majority 78.

Main Question put, and *agreed to.*

Bill read 3°; Clause *added.*

Bill *passed.*

METROPOLIS LOCAL MANAGEMENT BILL.

Order for Committee read.

House in Committee.

Clause 27,

SIR BENJAMIN HALL said, that the previous clause relating to the appointment of the chairman of the Metropolitan Board had already been postponed, as a suggestion had been made that, instead of the members of the Board sending in three names to the Secretary of State for him to select from, they should elect their chairman themselves. Under these circumstances, he proposed that Clauses 27 and 28, which had a connection with the appointment of the chairman, should likewise be postponed.

SIR HENRY WILLOUGHBY inquired whether the members of the Board were to have any qualification?

SIR BENJAMIN HALL thought it would be best to leave the Vestries and District Boards to elect such persons as they thought proper. He proposed to bring up a clause to provide that the election of the members of the Board should take place in great parishes by wards, which should be framed in conformity with the Municipal Corporation Act.

Clauses 27 and 28 *postponed.*

Clause 29,

SIR BENJAMIN HALL, in reply to an observation from Viscount EBRINGTON, said, it was impossible for him at present to say what should be the exact number of the members of the Board; but, whether it was fixed at thirty or at forty-five, he thought nine members, as proposed by the present clause, would constitute a fair *quorum.*

LORD SEYMOUR thought the clause had better be postponed until the number of the members of the Board was decided on.

Clause *postponed.*

Clauses 30 to 34 *agreed to,* with amendments.

Clause 35,

SIR BENJAMIN HALL said, that he had promised, after the Bill passed through Committee, to introduce a measure for the purpose of amending Hobhouse's Act; but it had been suggested to him to insert in the present measure such amended provisions from that Act as might be necessary. Adopting that view, he proposed to strike out Clause 35.

VISCOUNT EBRINGTON trusted that full opportunity would be afforded of discussing the amended provisions from Hobhouse's Act, proposed to be incorporated in the present Bill.

MR. T. DUNCOMBE said, that all parties were agreed as to the principle of Hobhouse's Act, and no difference of opinion really existed between the noble Lord and the right hon. Baronet.

Clause *struck out.*

Clause 36 *agreed to,* with amendments.

Clause 37,

LORD SEYMOUR expressed an opinion that the clause gave too much power to a committee, composed, it might be, of only three persons. He thought the committee should be required to report to the Board, and have their proceedings confirmed.

MR. LABOUCHERE said, he thought the powers of taxation conferred by the clause were far too large. It was very dangerous to give great taxing powers to a committee of not more than three members, and he hoped the right hon. Baronet would take care to give security against abuse of such power.

SIR BENJAMIN HALL said, he would take care that such security should be given, and he would bring up the clause again for reconsideration.

Clause *agreed to.*

Clauses 38 and 39 *agreed to.*

On Clause 40, providing that the books should be open to inspection,

SIR HENRY WILLOUGHBY thought some protection should be given to owners of property as well as to ratepayers, by enabling them to inspect the books.

VISCOUNT EBRINGTON suggested that this would be done by inserting the words "owner of property," along with "churchwardens, overseers," &c. as entitled to inspect books.

SIR BENJAMIN HALL said, he should agree to the Amendment.

Clause, as amended, *agreed to;* as were clauses up to 46.

On Clause 47, which provides that all sewers (except main sewers) shall be vested in Vestries and District Boards.

SIR BENJAMIN HALL said, he looked upon this as one of the most important clauses of the Bill. It had not been inserted without due consideration, and in the firm belief that it was absolutely necessary for the good working of the measure. It was, in short, an essential feature of the Bill, and he hoped the House would at once determine the point which it raised, as that point materially affected other parts of the measure.

Mr. **MASTERS SMITH** wished to hear from the right hon. Gentleman what the definition of a main sewer was?

Sir **BENJAMIN HALL** said, the main sewers to be dealt with under the Bill were all mentioned in a Parliamentary paper, which had been laid on the table of the House. That document would be included in a schedule.

Viscount **EBRINGTON** wished to call the attention of the House to the inconvenience that he feared would arise from the operation of this clause. In the Fleet valley, for instance, there were nine separate districts; and, when it was considered that the sewers would require to be constructed on one system, it became obvious that the arrangement proposed in the clause would be very inconvenient. He knew it was said that everything done by the District Boards would be under the sanction of the Metropolitan Board of Works. Now, that sanction would be either a matter of course, in which case it would fail to secure efficiency; or, else it would involve double toil and trouble, and be equivalent to doing the work twice over. The central Board was to interpose, where necessary, for the purpose of securing harmony of co-operation among the different districts; but, he contended, that just as much correspondence, just as much heartburning and contention, would be the result of such a control, as would be experienced if the whole works were placed under the direct management of a centralised authority. It was almost impossible to conceive that the thirty districts included in the Bill could rightly carry out the works intrusted to them, considering the differences in the natural position of the parishes, and other circumstances that would stand in the way. He objected, also, to the multiplication of officers and engineers that would be required under this provision of the Bill. For these reasons, looking at the inconvenience arising from the different forms and shapes of the parishes, at the manner in which their boundaries stood, with the natural "lay" of the ground, and also at the enormous multiplication of offices, and the increase of taxation that would be unnecessarily imposed on the ratepayers, he would suggest that, at first, at any rate while the great works of drainage were going on, the whole management of the sewers should be placed under the General Metropolitan Board. His experience led him to think that by the appointment of a paid chairman, who would devote his time to these duties, the works would be much more efficiently done than they were likely to be under the management of thirty-six independent clashing and conflicting authorities. He therefore pressed the Committee to place the whole management in the hands of the General Metropolitan Board.

Lord **ROBERT GROSVENOR** did not think the system proposed in the clause would involve those conflicting interests that his noble Friend seemed to apprehend. He thought it would be exceedingly inconvenient if persons in a particular district were to be compelled to wait on a central Board at a distance whenever a sewer was to be constructed, instead of having the matter settled by an authority to be found at their own doors. If this provision were rejected, and in its place a central Board appointed, the Act would, in his opinion, become unworkable. Besides, the noble Lord might depend upon it, that the inhabitants of the metropolis were determined to have the management of their own local works, and, unless the management of the sewers was intrusted to the vestries and local Boards, the Bill would never be carried into effect.

Sir **WILLIAM CLAY** agreed with the noble Lord who had just spoken, that the inhabitants of every part of the metropolis were anxious to have the charge of their own district works. He did not see that such difficulties attended the operation of the clause as the noble Lord (Viscount Ebrington) seemed to imagine. The system would soon work itself into shape, and the different parishes would be found going on in a most amicable and practical spirit, the different parish surveyors, of course, acting with a knowledge of the rules laid down by the central Board.

Mr. **H. BARING** did not see why the General Metropolitan Board should not have the management of these works? The power given to the District Boards by this clause was enormous.

Mr. **W. WILLIAMS** never expected to hear a Member for Marylebone in that House endeavouring to supersede a system of local government by one of centralisation. The noble Lord was not content with throwing the sewerage into the hands of a central body, but he suggested that the whole system should be vested in one individual. If the power of local management were taken out of this Bill, a storm of opposition would be raised to it in every parish of the metropolis.

Mr. LABOUCHERE said, the question was, whether the local sewerage should be entrusted to one central body or to smaller bodies in the several districts, and he must say he was inclined to prefer the plan laid down in the Bill to that proposed by the noble Lord (Viscount Ebrington). He thought the Committee would do wisely in adopting the system that was most consonant with the wishes of the inhabitants of the metropolis, and he could not believe that the difficulties which lay in the way of working that system were so great as the noble Lord seemed to think. At the same time, he should have been satisfied if the districts had been fewer in number.

Sir BENJAMIN HALL said, that the question with respect to the division of localities into districts had been fully considered. The Bill had to deal with large areas already divided, and he had adapted, as far as he could, the new legislation to the existing divisions. The large drainage of the metropolis had failed under one Board, and he had endeavoured to make the existing divisions of the metropolis as useful as possible for the purpose. Considering that the population of the metropolis amounted to 2,500,000 persons, and was increasing every year, he did not believe that the number of the District Boards would be found too many. It had been asked why such large powers were given to them; but if he threw on them the duty of certain drainage he must also give them sufficient powers to execute that duty, and those powers were not more arbitrary than existed in the City of London. There were about 1,500 miles of streets in the metropolis, not reckoning little courts or alleys; and there were only 934 miles of sewerage; so that there were 566 miles of streets without any sewerage whatever. That was under the system of centralisation. Taking the number of houses at 306,000, he calculated that there were 150,000 houses without sewerage in front or back, into which the refuse of those houses could possibly be drained. That was a fact startling enough to induce him to press the clause under consideration, in order that the local districts might do that which the centralised authority had not been able to effect. He could say that, in one of the large parishes of the metropolis —in the borough, for example, which he represented—there was a particular street consisting of first-class houses, from sixty to 100 in number, where only two houses had a drain into the sewer. There ought, therefore, to be given powers to make drains into the common sewer, and to do away with the abomination of cesspools. Not only the great landowners in the metropolis, but the intermediate persons who held under them, desired to have this power taken from a central Board, and vested in local authorities, so that this town, the greatest city in the world, might not be left in the disgraceful state he had mentioned.

Viscount EBRINGTON said, the right hon. Baronet placed the House in this dilemma—that they must either submit to be governed by a central Board, or adopt a far too great number of minor Boards calculated upon far too small area limits. Both these systems were evils, but he thought one central Board the lesser evil of the two. If the right hon. Baronet would constitute seven or eight minor Boards of reasonable dimensions and within reasonable limits, he would be quite willing to vest in them powers even greater than those the right hon. Baronet proposed to give to the minor Boards in the Bill. He would not, however, press the matter to a division.

Sir HENRY WILLOUGHBY regarded the present as a doubtful scheme, and conceived that it would have been better to have established two, three, or four bodies exercising supreme power in their several districts than thirty-six, each of which, having separate staffs, would occasion enormous cost, and lead to every possible sort of collision.

Lord SEYMOUR wished to know whether, if any of these District Boards desired to run a sewer under a public building, the Metropolitan Board would have a distinct power to prohibit a work of that kind, which might be dangerous to the safety of the building; and he also wished to know why this particular number of thirty-six districts had been selected?

Sir BENJAMIN HALL explained that the districts had been selected in this way —he first of all took the parishes *sole*, being large parishes with a population of about 70,000 each, as districts; and next he took other divisions, where parishes had been incorporated for Poor Law purposes, having in each incorporation a population of about 60,000 persons. He had thought it better to take these divisions than to make others of his own. He conceived that under the 109th clause the Metropolitan Board would have the power of controlling the District Boards.

Clause *agreed to.*

Clause 47 *agreed to.*

Clause 48,

MR. CHARLES BUTLER wished to know whether there was any clause in the Bill to prevent rivers and watercourses being contaminated by sewers running into them?

VISCOUNT EBRINGTON said, if that was done, the question would arise where the drainage was to go. The matter carried away by the drains was no doubt of a most fertilising nature, and means ought to be taken to turn it to account for the purpose of fertilising our fields; but, under present circumstances, he thought the least mischievous mode of getting rid of it was by turning temporarily the drainage of towns into the streams, taking care that it reached the streams below the points where the water was taken for drinking or domestic purposes.

SIR J. V. SHELLEY quite agreed with the noble Lord that the sewerage should be carried away from the metropolis, but he was quite opposed to the pollution of the Thames, or any other streams and rivers. The sewerage could be carried away by arterial drains to an outfall provided in lands for the purpose.

VISCOUNT EBRINGTON explained that in the observations he made he had reference to more distant watercourses than the Thames.

LORD SEYMOUR observed that it was an important question where the outfall of drainage should be. They had been for years saying that no drainage ought to go into the Thames; and he thought that a clause should be brought up, if there was no provision already in the Bill to the effect, declaring that after a certain date no drainage should be allowed to go into the Thames between certain limits.

SIR B. HALL said, that he would propose a clause tending to carry out the views of the noble Lord. It would be difficult to fix a date at which the drainage of sewage into the Thames should cease, but a clause might be introduced to provide that works should be commenced for the purpose, and that they should be finished as soon as possible.

Clause *agreed to.*

On the suggestion of Mr. WILKINSON,

SIR BENJAMIN HALL said, he should have no objection to introduce a clause to provide that where District Boards were not inclined to do certain works, it should be in the power of the General Board, if it was thought necessary, to carry them on.

Clause *agreed to;* House resumed.

MESSAGE FROM THE LORDS — A CONFERENCE—MESSAGES BETWEEN THE TWO HOUSES.

That they do desire a present Conference with this House in the Painted Chamber, upon the subject matter of a Resolution of their Lordships, relating to Messages between the Houses of Parliament, and to desire the concurrence of this House thereto.

Resolved, That this House doth agree to a Conference with the Lords, as desired by their Lordships.

Ordered, That a Committee be appointed to manage the Conference:—And a Committee was *appointed,* of Viscount PALMERSTON, Mr. DISRAELI, Mr. GREENE, Mr. STRUTT, Viscount DUNCAN, Mr. MILES, Mr. WILSON, Lord SEYMOUR, Mr. EWART, Mr. LABOUCHERE, Sir JOHN TROLLOPE, the CHANCELLOR of the EXCHEQUER, Sir RICHARD VYVYAN, and Mr. BROTHERTON.

Then the names of the Managers were called over, and they went to the Conference; and being returned;

Viscount PALMERSTON *reported,* That the Managers had been at the Conference, which was managed on the part of the Lords by the Lord Privy Seal, and that the Lords had communicated the following Resolution, which had been adopted by their Lordships' House.

"*Die Lunæ,* 21° *Maii,* 1855.

Resolved, By the Lords Spiritual and Temporal, in Parliament assembled,

'That this House is willing to concur with the other House of Parliament (if it shall think fit) in the following arrangement for the transmission of Messages, Bills, and Papers from one House to the other (namely),

'That, in addition to the present practice with regard to Messages between the Houses, one of the Clerks of either House may be the bearer of Messages from the one to the other:

'And that Messages so sent be received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst it is sitting or in Committee, without interrupting the Business then proceeding:'

Ordered, That the said Resolution be communicated to the Commons, and their concurrence thereto desired."

Ordered, That the said Resolution be taken into Consideration upon *Thursday.*

STATE OF PUBLIC AFFAIRS.

On Question, that certain Papers be laid on the table,

MR. DISRAELI: Sir, I avail myself of this opportunity of making a few observations without having given any notice, a custom which, I think, ought never to be abused. I confess it appears to me that the present position of affairs is very critical, and that the honour and reputation of the House of Commons are concerned in not passing them by without notice. This House will, perhaps, anticipate me, but I more particularly allude to what took place in this House last night. Upon that occasion the language of Government was, to my mind, so equivocal, and their demeanour so discouraging, that I confess I myself shrunk from the responsibility of acceding, under these circumstances, to the Resolution of the House to adjourn for the recess, for an unusual period, without some means being taken by which — I may use the term—the heart of the country may be reanimated, and by which may be obtained some more clear and explicit information of what the position of the country is with regard to the great question of peace and war than they at present possess. Sir, I say that I think that this is a question which principally affects the honour and reputation of this House. The House will, perhaps, recollect that in the year 1853 there were, as we were informed, negotiations of great moment then taking place, on the issue of which the question of peace or war depended. Now, under those circumstances, great and natural as was the curiosity of the country to know in what position it really was placed with reference to a contingency so awful—ready as many Members of the House were, in the fulfilment of unquestionably their highest duty, to obtain information from Government during that Session of 1853 on that important question — the House will recollect that it was totally impossible to obtain any opportunity to discuss that important question, because, upon all occasions, those who were anxious to obtain information, and to invite the opinion of this House on those important circumstances, were always informed that negotiations were going on, and that any remarks in this House might have an injurious effect on the course of our diplomacy. Well, Sir, the House will recollect in what that forbearance ended. There was silence in this House during the whole of that Session, notwithstanding the anxiety of the country, and the result was, that the country "drifted into war." The country found itself engaged in a vast and perilous war, without the satisfaction of knowing clearly for what object we had entered into war; and, humiliated and oppressed with the feeling that its representatives in its own House had never made an effort to obtain that necessary information. Well, Sir, the year—I may say even years—have rolled on. We find now that we are involved in a struggle of the largest dimensions. We find that at the same time that we have again, and for a long period, been engaged in negotiations for peace—we find that these negotiations are carried on by the same characters, in the same city, and under the influence and the inspiration of the same Court. The result of the negotiations of 1853—that covered the whole Session of Parliament; that muzzled the expression of the opinion in this House; that lowered, on account of this conduct, the character of this House in the opinion of the country. The result of that silence was not that we assisted Her Majesty's Government in their efforts to secure peace, for war was the consequence—the character of this House was lowered, and the object of Her Majesty's Government was not attained—the consequence of the conduct of this House then was, that we drifted into what I must call a disastrous war. Sir, it appears to me that there is a great probability, now that the negotiations are still proceeding—the same circumstances being in existence, the same characters in employ, the same Court the scene of action —that, if the consequence of our former forbearance was, that we drifted into a disastrous war; the consequence of our prolonged forbearance now may be that we may drift into peace—perhaps an ignominious peace. Now, Sir, we are on the point, in a few days, of adjourning for a period of relaxation of unusual duration at this time of the year, and, under the circumstances, I think full of danger to the country. We were told last night, amongst the many ambiguous declarations which were made, that the Conferences at Vienna were closed, but had not ceased to exist; that they might at any moment be opened; may they not be opened in the Whitsuntide recess? may we not assemble then to hear that peace has been obtained on terms which may not be satisfactory to the country? What will be the feelings of the people of this country when they learn that the forbearance, again repeated, of their representatives has led to consequences which, in their opinion, are disgraceful and degrading? Sir, it is impossible to deny that there is in the country a feeling of dissatisfaction and distrust at the ambiguous conduct—I would rather say the ambiguous language and uncertain conduct—of Her Majesty's Government with respect to these negotiations for peace. I believe that this feeling of dissatisfaction and distrust exists also in this House; and I am persuaded that it is our duty, before we adjourn for the recess, to take means that it shall not be laid to the fault of the House of Commons any longer that this uncertainty and ambiguity prevail. Sir, it is for this reason that I have felt it to be my duty to take the first opportunity that is available to me to ask the opinion of the House on this subject—to ask this House to give its opinion on the conduct and language of Her Majesty's Government with respect to this great question of peace and war, about which so much ambiguity prevails; and as there have been so many alarming and often equivocal phrases and conduct, that this House should take some step to show that there is no uncertainty in its conduct, that there has been no change in its opinion, and that it is prepared to continue to support Her Majesty in this war, until she obtains for herself and her Allies a secure and honourable peace. Sir, I think it is my duty to this House, after what occurred last night, and as there is a very short time intervening, that I should give the present notice of my intention to submit a Resolution to the House, the terms of which I will lay on the table of the House during the course of the evening, which I hope the House will adopt, and which will embody the views I have attempted to express. Sir, I know that to obtain the opportunity I desire I must appeal to the indulgence and kind assistance of hon. Gentlemen who have a previous right to the opportunity which I understand Her Majesty's Government have announced they will give to them on Thursday next. I understand that the House will on Thursday next go into a Committee of Supply, not for the purpose of voting public money, but for the purpose of enabling hon. Gentlemen who wish to do so to have an opportunity of calling attention to important subjects. I believe the hon. Member for Aylesbury (Mr. Layard) has given notice of a Motion which he intends to bring forward on that occasion. Of course I have no right to express a wish that that hon. Gentleman should give way to me, nor can I presume for a moment to press it; all I can say is, that if I have an opportunity I will make the Motion of which I will give notice on that occasion; and if the Motion of the hon. Member for Aylesbury is brought forward and disposed of on Thursday, I still shall attempt, before the House adjourns for the recess, to bring forward my Motion, and to ask the House to adopt the Resolution which I hope to have the opportunity of submitting for its acquiescence.

Mr. LAYARD: I cordially agree in all the sentiments which have been expressed by the right hon. Gentleman. It appears to me that the question is one of such vital importance that, although I consider the notice which I have given also of some importance, I shall undoubtedly give way to the discussion which the right hon. Gentleman proposes to raise on Thursday.

Viscount PALMERSTON: Sir, according to the statement of the right hon. Gentleman, a scene was enacted here last night—[*cheers and laughter*]—if it be true that a scene was enacted in this House last night, the scene which has been enacted at this moment far exceeds anything which then took place, and it most certainly does great credit to all the actors concerned. Now, Sir, Her Majesty's Government can have no objection whatever to meet the Motion which the right hon. Gentleman has stated his intention of bringing before the House on Thursday, and if he had simply announced his intention I should have thought it unnecessary to say anything whatever on the subject. But the right hon. Gentleman has complained that the language of the Government upon the present position of affairs has been equivocal and ambiguous. Now, I must entirely deny the justice of that assertion. If the right hon. Gentleman means that we have not thought it consistent with our duty, when asked to do so, to detail the precise condition of communications that are passing, or have passed, between Her Majesty's Government and the Governments with which we are in communication, my answer is, that I think it would have been a great breach of public duty if we had answered the calls made upon us, and if we had not observed that necessary reserve which it is the duty of the Government to maintain upon matters of international communication between itself and the Governments of other countries. But, Sir, the right hon. Gentleman says that in consequence of the silence of this House in 1853 this country drifted into war. Now, I beg leave to say that I think the forbearance which this House manifested in the year 1853 very much increased the chances of preserving peace, and that, so far from this House having anything to reproach itself with for that silence having contributed to cause the war in which we are now engaged, the charge may sit easily upon the minds of hon. Gentlemen who pursued that course, inasmuch as any imprudent interference in the negotiations then going on might have prevented those chances of accommodation which, to the last moment, were thought within the possibility of our reach. So far, therefore, from its having been a reproach to Parliament, I think this House ought to congratulate itself upon not having prevented those chances of peace being taken advantage of which the nature of things placed within the reach of the Government. Now, what is the present state of things? It is made a charge against the Government, that we have pursued negotiations in that form, and under the same auspices, as the negotiations in 1853 were conducted, which, unfortunately, proved unavailing. Why, Sir, would it not have been a reproach—a great and just reproach—to the Government, if, while we believed so great a Power in Europe as Austria was disposed to afford us its assistance in our endeavours to bring about an accommodation with that Power with which we are now engaged in war—would it not have been a great reproach to us if we had refused its assistance—if we had refused its advances—if we had said to Austria, "We will have nothing to do with you. We choose to conduct our negotiations without your assistance, and we will do what we please?" I say that Government would have much to reproach itself with, if we had not availed ourselves of the good offices of Austria, and if we had not endeavoured by the assistance and intervention of Austria to obtain from the enemy, if possible, satisfactory and honourable terms of accommodation. Therefore, so far from thinking that we are liable to blame for having continued our negotiations under the auspices of the Government of Austria, I think we should have much neglected and deserted our duty if we had refused or declined to do so. But, Sir, I can quite understand that we might be open to blame, if it could be justly said that, relying upon the prospects of peace—that, trusting entirely to the good offices and friendly intervention of Austria, we had neglected to pursue those other means by which a war is likely to be carried on to a successful and honourable termination. But that reproach cannot be laid to our charge. We have, it is true, endeavoured to avail ourselves of the good offices of Austria for the purpose of obtaining from Russia terms of peace which we might think safe and honourable to this country. But we have not relapsed for one moment in the carrying out of those measures which, if there had been no negotiations going on, we should have felt it our duty to make for the purpose of an energetic and vigorous prosecution of the war; and, therefore, while on the one hand we have not thought it right to shut the door to overtures for accommodation, on the other hand we have acted in regard to the prosecution of the war as if no negotiations had been going on, as if we had no chance but by our own means, or those of our ally, of obtaining a settlement of the question at issue. The right hon. Gentleman says that the reason why he thinks it necessary to call for an expression of the opinion of the House before we separate for what he calls an unusually long period, for the Whitsuntide recess, but what is in reality only some two days more than has sometimes been the period of adjournment—the reason which the right hon. Gentleman gives is, that during that eventful week the country may find itself, by the misconduct of the Government, bound up by a disastrous and ignominious peace. Now, Sir, I do assure the House and the right hon. Gentleman that so long as those persons who now are charged with the conduct of the affairs of this country shall remain in the trust which the House has reposed in them, he need be under no alarm—this House need be under no alarm—the country need be under no alarm—that any peace will be made which shall not be honourable to the country, which shall not give safety for the future, which shall not accomplish the objects for which we have entered into the contest. It is not from those who sit on these benches that ignominious terms of peace will proceed. I trust there is no man in this country, however much he may wish for peace—and Heaven knows every reasonable man must wish for peace, if it can be properly obtained—I trust there is no man who calls himself an Englishman—no man whom the country would not thrust forth as a degraded outcast—who would give his name or sanction to such a peace as that which the right hon. Gentleman has seemed to indicate.

DIPLOMATIC ESTABLISHMENTS.

Mr. AYSHFORD WISE moved the Resolution of which he had given notice—

> "That it is the opinion of this House that the complete Revision of our Diplomatic Establishments recommended in the Report of the Select Committee of 1850 on Official Salaries should be carried into effect."

The hon. Gentleman said, that the Select Committee which was appointed in 1850 to consider this subject laid their Report upon the table in the same year. That Report had remained a dead letter, although the Committee had strongly recommended their Resolutions for the adoption of the House. At present he intended to confine himself to the financial part of the question. With regard to the first proposal of the Committee, to send first-class missions to Paris and Constantinople instead of embassies, he would admit that our position at Paris and Constantinople was very different now from what it was in 1850, and that since the Committee had made its Report the allowance to our Ambassador at Paris had been reduced from 10,000*l*. to 8,000*l*. a year. He admitted also that it might be desirable that we should have at Paris a representative privileged to hold personal interviews with a Sovereign who took so great a share in the Government as the present Emperor. But the expenses of the embassy at Paris were very great, and, however undesirable it might be to interfere with present arrangements, he would call the attention of the House to that expenditure. The hotel of the Embassy originally cost 30,000*l*.; some 40,000*l*. had been afterwards spent upon it, besides 8,320*l*. in 1842, and 9,000*l*. in 1853; making together upwards of 87,000*l*. for the hotel at Paris since the peace. The observations which he had made with respect to Paris applied equally to Constantinople. The expense of the embassy was 10,000*l*. The extra expenses amounted to 6,987*l*. The diplomatic and consular establishments in the Levant cost the country 40,000*l*. a year. Beyond this, 12,000*l*. was voted last year for new buildings at Constantinople. The most extraordinary thing, perhaps, was the cost of the embassy house at Constantinople. It was burnt down in 1841. In 1843 the sum laid out for an embassy house was 10,000*l*.; in 1844 the sum of 10,000*l*. was again expended; and in 1845 there was the further sum of 13,000*l*.—making together 33,000*l*. But that was not all. In the years 1847, 1848, and 1849, the sum of 12,000*l*. was expended in each year, and in 1851 the sum of 14,765*l*. with extras amounting to 2,850*l*., making altogether 86,615*l*. These facts showed that some revision and investigation were required into the expenses of our diplomatic establishments. He could find no good reason why we should send Ambassadors rather than Ministers to foreign Courts. The diplomatists of Russia were quite as successful as our own, yet Russia had no Ambassadors, and sent first-class Ministers to the leading Courts. An Embassy was more expensive than a Ministry, and ininvolved more forms, more etiquette, and more dinners. Sir H. Seymour—of whom he wished to speak with great respect—told the Committee he had no idea of a man being a good diplomatist unless he gave good dinners, and that the giving of dinners was a great part of diplomatic duty. If that were the case the Russian Ministers must have given better dinners than our Ambassadors, particularly in Germany, judging from the greater success of their diplomacy. The second Resolution of the Committee recommended our sending a central mission to Germany, to be located at Frankfort, and the abolition of the missions at Hanover, Dresden, Stuttgard, and Munich. The present expenses of our missions to these smaller German Courts were—Hanover, 3,000*l*.; Dresden, 2,000*l*.; Stuttgard, 2,000*l*.; Munich, 3,000*l*.; and Frankfort, 2,600*l*.; and we also sent Ambassadors to Berlin and Vienna. Our Ministers abroad were described as the eyes, ears, and tongue of our Foreign Minister, but recent events had not taught us to put much faith in the ears and eyes of our Ministers at these smaller Courts, for he had yet to learn what advantage we had derived from what they had heard and seen during the progress of recent events. He thought that if we had Ministers at Frankfort, Vienna, and Berlin, we should be sufficiently represented in a diplomatic sense in Germany. The First Napoleon called Frankfort the window from which one could look out upon the whole of Germany. Looking at the past history of Venice, Genoa, Poland, and other States, it did not appear that these smaller missions had prevented the destruction or absorption of the States to which they were sent. These numerous missions must entail a great amount of correspondence; the despatches annually received by the Foreign Office probably numbered 40,000, and he did not believe there was any compensatory advantage in the information which they contained. The third recommendation of the Committee was the union of the mission at Florence with one of the Italian missions. A Minister was originally sent to Florence because the Stuarts, who then resided in Italy, required to be watched; but that was not so now, and as we had Ministers at Naples and Turin, and consuls throughout Italy, he thought the recommendation of the Committee might advantageously be adopted. He did not consider so many small missions necessary, either in Germany or in Italy; but if these missions were necessary, they ought to be filled by persons well qualified to the discharge of the duties appertaining thereto; on the other hand, if the duties were comparatively trivial, they might be performed by *chargés d'affaires* or consuls, and thus a considerable amount of expenditure might be saved. The next recommendation of the Committee was, that no diplomatic salary should exceed 5,000*l.* per annum; but with regard to Paris and Constantinople, in the present state of European politics, he was not prepared to press that suggestion, but he thought the expenditure ought to be lessened in other cases. They ought to reduce unnecessary expenditure, by substituting *chargés d'affaires* or consuls of the first class for Ministers where, though the duties were light, missions must be kept up; but, as a general rule, he did not think the diplomatic service overpaid—certainly not the junior diplomatists; and he was opposed to a system of having any unpaid *attachés*. By the 2nd & 3rd of *Will.* IV., c. 116, all the salaries and pensions of this department were charged to the consolidated fund, but were limited to the amount of 180,000*l.* a year. But the salaries for the year amounted to 150,000*l.*, the rent paid was 10,000*l.*, the charge for sundries was 25,000*l.*, and the outfit varied from 4,000*l.* to 8,000*l.* The diplomatic expenditure since 1840 had been 3,000,000*l.*, and the diplomatic and consular establishments since 1840 had cost together 4,677,000*l.* Under the head of contingencies there were many charges for services of plate to the Ministers at Paris, Constantinople, Berlin, and other places. The expenses of the Foreign Office for the year amounted to 46,573*l.*, and of the Ambassadors' postage to 4,260*l.* The extra couriers last year cost 32,000*l.*, and this year 35,000*l.* Of course, the state of Europe entailed extra charges of that kind; but, looking at the amount of the general expenditure, he was of opinion that the Committee of 1850 were right in recommending some revision of these charges. The Committee also recommended that, where possible, there should be a union of missions, and that in some cases consuls or consular agents should be substituted for missions. Our Ministers in Sicily, Portugal, Belgium, Sardinia, and Denmark received very large salaries, with very few duties to discharge, and he thought that if the Government followed the advice of the Committee, and revised the whole system, it would not only promote economy, but be for the advantage of the public service. It would be a very curious, and, perhaps, an interesting investigation for the future historian to consider whether resident Ambassadors, as a rule, had tended most to embroil or to pacify nations, and whether they had tended most to conserve or destroy nationalities. Judging only by the number of years of peace and of war, it would be found that resident Ambassadors had rather promoted war than preserved peace. So long, however, as nations were engaged in commerce, and entered into international treaties, resident Ambassadors must be nscessary. Diplomacy was described by some writers, themselves diplomatists, as nothing more than a system of gentlemanly *espionage;* M. Bruyéres said an Ambassador's function was to cheat others, but not to be cheated himself, and Sir Henry Wootton described an Ambassador as a gentleman sent abroad to lie for the benefit of his country. He did not say that our Ambassadors were to be thus characterised. He felt that, in its highest sense, diplomacy was one of the most honourable and distinguished employments, because its legitimate object was to promote harmony and fraternity among all nations; but experience and history proved that diplomacy was nothing more than another word for duplicity, and he thought they had seen enough in the present day to justify such a translation of the term. He was not alluding to our own Plenipotentiaries; but if the recent proceedings at Vienna were to be taken as a test of the diplomacy of some of the nations of Europe, he should be very sorry to continue such a system at all, and would readily concur in locking the doors of all the Foreign Offices in Europe, and throwing the keys into the nearest rivers. There was one term which had been frequently misapplied, but which was very expressive —secret diplomacy. He confessed he thought the public knew too little of international transactions; that they were kept too much in the dark upon such subjects. There might be occasions when discretion was wise; but he believed that if the English nation had been made aware of the Russian State paper which was written in 1844 and remained so long in the pigeonholes of the Foreign Office, it would either have averted war or induced a better state of preparation for it. Such a state of things arose from the secret character of diplomacy, and from the Minister of the day feeling justified in withholding an important document from the knowledge of the country. He could wish that the veil of mystery which overshadowed all the Foreign Offices of Europe was a little more raised. He would leave the question of diplomatic education to be dealt with by his hon. Friend who would follow him, and would only call the attention of the Government to the necessity of care in the selections and promotions in the diplomatic service. It would be absurd to suppose that persons entered that service as a source of profit; promotion was notoriously so slow, the payment was so bad, and for some years *attachés* received no salary at all. That practice, he thought, was objectionable, as all public servants should be paid for their services, and it had the effect of preventing young men well qualified, but whose father's could not allow them 300*l.* to 600*l.* a year, from entering the diplomatic service. He would be sorry to see the day when the sons of our gentry and nobility should be unwilling to enter the public service, and all he asked was that, if men of that position were appointed, care should be taken that they were properly qualified. At present promotions in the public services were felt to be greatly dependent upon political or personal interest. Men who had grown grey in the service found themselves, if not superseded, at least put aside, for new men, with no knowledge of foreign languages, and who had never studied international law, but who were placed in their situations for simple political considerations. He blamed no one person for that, but he condemned the system. The diplomatic service was a fashionable and agreeable service, which enabled young men to move from capital to capital, and he only regretted that the *attachés* did not avail themselves always of those opportunities for acquiring knowledge of the world as they might do. He would recommend that encouragement should be held out to clerks in the Foreign Office to study foreign languages, and thus qualify themselves as *attachés.* The Government of the day had something like 60,000 appointments at their disposal, including the army, navy, church, colonies, &c. All he asked was, that in the exercise of that patronage they would select the cream, the salt of the candidates, especially in a service so connected with the honour and character of the country, and which required such great attention to the elegancies and necessities of education as the diplomatic service. A special Ambassador had certain fixed and defined duties to perform, but a resident Minister was a speciality, and required a man who had gone through a systematic course of education. He found, from a document which had been handed to him, that in France and Germany a commission of examination was appointed, composed of some one connected with the Foreign Office—a retired *diplomate*—a barrister, well-acquainted with international law, and a person connected with the Board of Trade. The candidates were examined in languages, general history, political economy, the law of nations, diplomatic styles, the constitution and the laws of their own and foreign countries, and the economical systems of their own and other countries. Upon passing that examination the candidates received certificates, and were attached to the diplomatic corps. Some such course should be adopted here, for the country, which had been confiding, had now become suspicious and was now anxious for investigation into that department. He would only add, that he hoped that with the new Foreign Office to be built in Downing Street we should have a new system which would be approved alike by that House and by the country.

MR. W. EWART said, that his hon. Friend having called the attention of the Committee to the financial part of the question, he (Mr. Ewart) would direct their attention to that part of it. He meant the importance of establishing an educational test for candidates in this branch of the public service. If he were asked to define the duties of an ambassador, he should say they consisted in endeavouring either to maintain peace or to restore it. He was sorry to say that at the present day our preliminary education for the diplomatic service was inferior to that instituted in other European Governments. We did not, equally with these, pursue the study of international law. Even the Americans were beginning to devote more attention to this branch of jurisprudence. Storey and Wheaton had directed the course of American education into this channel. Our Universities seemed to be slumbering on the subject. Nay, we might be said to have degenerated in the education of our ambassadors since the days of Elizabeth and James. He might cite in those times the name of such a man as Sir Henry Wotton. He (Mr. Ewart) feared that of raw modern ambassadors it might be said as Cowley said of Sir H. Wotton—

" So many languages he had in store,
That only Fame shall speak of him in more."

Cromwell, too, was distinguished by the energy of his diplomacy abroad. He carefully studied the character and qualifications of those whom he sent to represent this country at foreign Courts. Such men as Whitelock, Doreslaus, and St. John, represented this country at foreign courts. In recent times, exclusiveness of choice had limited the diplomatic service. Ambassadors and members of legations had been principally chosen from what was now (somewhat vulgarly) called the aristocracy of the country. For his part he recognised in the English constitution no artificial distinction. At all events, titled families had received more than their share of legation appointments. These changes were required—1. That the Diplomatic Court should be thrown open. 2. That there should be at our Universities, Professorships and courses of study like those instituted long ago abroad (even in the year 1787) by such men as Koch and Von Marbreus. 3. An examination of Candidates, and of aspirants for promotion, should be established. This change alone would exclude titled incompetency. Another important question was the state of our consular establishments. Of our consuls also a preliminary examination should certainly be required. This importance every year increased with the increasing commerce of the world. In no case ought persons engaged in trade to be employed. He would remind the House that Mr. Canning had insisted on the principle that no consuls should be allowed to trade. The French and American consuls were prohibited from trading; and it was the opinion of Mr. M'Culloch, and other persons conversant with the subject, that the appointment of commercial men as consuls materially interfered with the efficient and important discharge of the duties of the office. He regretted to say that our consuls in the East, where our extended commerce, amounting to 8,000,000*l.* or 10,000,000*l.* a year, rendered it important that they should be especially efficient, had not generally done much credit to the country. The Eastern consuls possessed enormous powers. They acted as arbitrators; they were consignees of goods; in some cases they possessed, he believed, the power of imprisonment. The greater caution ought therefore to be exercised in the selection of men to discharge such important duties. From the time of Louis XIV. to the present day, the French Government had always subjected the qualifications of their consular agents to a severe test. The consuls general passed through a previous diplomatic or consular education. They must be Frenchmen. They could not trade. There was a preliminary school for consuls among what was called the "*Elevé* Consuls"—even their Oriental Dragomans must be educated in France. The Americans had recently effected considerable reform in their consular as well as their diplomatic establishments; their consuls were paid by fixed salaries, and no ambassador or consul was allowed to be absent from his post for more than ten days without special permission. If he was longer absent without leave of the President, he forfeited his salary. He must be an American by birth. For the consular services the reforms required were —1. That our consuls, as well as our ambassadors, should prove their competency before appointment. 2. That they should be of British birth. 3. That they should not Trade. Consular fees should generally be abolished. With these reforms our diplomatic and consular services would be elevated and improved. The noble Lord at the helm of the Government would confer a general good by adopting them. They had been urged on him in former years by himself (Mr. Ewart) and others. So to improve these departments would confer honour on the Government and advantage on the country; he might add even benefit on the whole world, since no two professions could be more important to mankind than those whose duty was to maintain the peace and extend the commerce of the world. The reforms which were requisite were simple, and could readily be effected; and if the noble Lord at the head of the Government, who, he believed, was himself fully sensible of the propriety of effecting these improvements in this portion of our public service, would look into the subject with a view to their accomplishment, he would secure for himself the gratitude of the country.

VISCOUNT PALMERSTON: I entirely concur in the observations of my hon. Friend behind me (Mr. Ewart), that the diplomatic and consular representatives of the Crown are most important agents of the public service. Upon them frequently depend not only the commercial but the political interests of the country they represent, and they therefore deserve the attention and support of Parliament and of the country. At the same time I must be allowed to say, that the tendency of the observations of the hon. Gentleman who made the Motion was not precisely in harmony with these sentiments. The hon. Gentleman quoted some old and trite censures from writers of past centuries with reference to the diplomatic body, which were certainly calculated to cast very unmerited obloquy and opprobrium upon diplomatic servants in general. He talked of their being spies—of their being persons whose business it was to deceive and not to be deceived—of their being persons whose want of veracity was proverbial. Now, I think it was hardly consistent with the opinions which I am sure the hon. Gentleman entertains, and which he expressed, of the high honour and integrity of the diplomatic servants of the Crown, to rake up these bygone, proverbial, and trite accusations, which—if they were ever true—applied to a state of things which has long since ceased to exist. When we talk of spies, I am sure, that in these days of newspapers and electric telegraphs a Government would throw away any money which it employed in the payment of spies. So far as spies of any foreign Power in this country are concerned, I believe it is perfectly true that every article of intelligence in *The Times* is reprinted at St. Petersburg by means of the electric telegraph, within twelve hours of the time when it appears in London. The spy system, therefore, is now gone by. My hon. Friend, in referring to the consular service, seemed to suppose that our consuls were inferior in capacity, in intelligence, and in the performance of their duties to those of other Powers. Now, I had the honour of being for many years at the head of the Foreign Office, and my attention was constantly directed to the consular establishment; every day in the year almost I was occupied in sending despatches to, or in in reading despatches from, our consuls abroad; and I am bound to say, in justice to a most meritorious body of public servants, that, so far from believing that they are less efficient than the consuls of other countries, I believe them to be fully equal, in the performance of their duties, to the consuls of any other Power whatever. With regard to consuls in the East, my hon. Friend is perfectly aware that peculiar qualifications are requisite on the part of consuls in that part of the world, and among those qualifications is a knowledge of the habits and customs of the people, and, if possible, a knowledge of the language of the countries to which they are accredited. It is not every man who is fit to be appointed; but the Government have certainly had no reason to think that any of those who have been appointed have failed to possess the qualifications required. I could mention one or two gentlemen who were particularly well qualified for their posts, but I refrain from naming them, because, were I to do so, less praise might be implied to those who were not mentioned. I can only say that, in performing the delicate and arduous duties imposed upon our consuls in the East, I have every reason to believe that the persons employed have met with the approval of the Government. With regard to an assertion made by my hon. Friend in reference to the conduct of some of our consular agents, I may say that, if any consul were accused, or supposed to be guilty of practices or conduct unbecoming his station, a representation of the circumstances of the case might be made to the Secretary of State, who would no doubt feel it his duty to give the most anxious and attentive consideration to the complaint that might be made, and that no mere personal interest possessed by the person accused could prevent justice from being done to parties preferring a complaint. So far, however, as my own knowledge goes, I have every reason to believe that our consuls have performed their duties in a manner honourable to themselves, greatly to the advantage of the country, and to the satisfaction of the British residents within their jurisdiction. In regard, therefore, to the consuls, I really am not aware that any improvement could be effected in the consular system. The duties of our consular agents are entirely different from those of diplomatic servants; they are chiefly confined to seaports, and have no reference to diplomatic relations between two Powers. With respect to the diplomatic service—it is perfectly true that all the recommendations of the Committee of 1850, relating to the diplomatic arrangements of the country, have not been carried into effect; but my hon. Friend (Mr. Wise) himself admitted that several of the suggestions of the Committee had been carried out. For instance, the salaries of the Ambassadors at Paris, Vienna, and other places, have been reduced in compliance with one of the recommendations made. At the same time, it is perfectly true that the Committee recommended that no salary should exceed 5,000*l.* a year, and it has not been thought right to carry that recommendation invariably into effect. The salaries paid to the Ambassadors at Paris, Vienna, and Constantinople, exceed 5,000*l.* a year, and the hon. Gentleman appears to me to have incidentally mentioned a circumstance which shows that salaries of a certain amount are really essential in order to enable our Ministers to live in a manner creditable to the honour and dignity of the country they represent. The hon. Gentleman said, that an unpaid *attaché* could not live in a foreign town unless his family were prepared to give him 600*l.* a year. Now, if a young man without a house, without family, without being required to keep up an establishment, and simply liable to those personal expenses which a single man has to meet, cannot live without an allowance of 600*l.* a year, what must be the expenses of a man with a family and with an establishment, and requiring to keep up that appearance necessary for the representative of this country? Measuring by that standard, I think the hon. Gentleman will find that the salaries paid to our Ministers abroad are not beyond what the necessities of the case require. In point of fact, the real truth is that, generally speaking, the salaries paid are under what it is desirable they should be. The hon. Member admits, and with great fairness, that, with regard to Paris and Constantinople, political advantages are derived from retaining there the services of Ministers having the rank of Ambassador. What the hon. Gentleman states is perfectly true. There are privileges of access to the Sovereign and other advantages connected with the rank of Ambassador which give to the officer holding that rank political consideration which is of service to his country which is not enjoyed by a mere Minister. But Paris and Constantinople are the only places where the rank of Ambassador is retained. It is perfectly true that the Russian Government, some years ago, abolished the rank of Ambassador; but that change arose, not from economical motives, but in consequence of a diplomatic dispute with the then Government of France. So far from the change having resulted from economical arrangements, I can undertake to say that the Ministers of Russia in the different Courts of Europe receive much higher salaries as Ministers than are given to diplomatic agents of England possessing the higher rank of Ambassador. With regard to Paris and Constantinople, it is undoubtedly true that the residences of the embassies have occasioned considerable expense, in purchase in the one case and in construction in the other. At the same time, I am sure that every one who has been at Paris must know that it is of great advantage to the public service to provide a suitable residence for the representative of England. I do not believe that any real economy would have been obtained by disposing of the house at present provided, and hiring another suitable for the residence of our Ambassador. With respect to Constantinople, I admit that the expense of building the Ambassador's residence has greatly exceeded the original estimate. The explanations which have been given of the increase are, that materials for building the residence have been brought from a distance far exceeding what was originally imagined; that the expenses of bringing over and maintaining workmen have been greater than were calculated upon; and that, in short, from various unforeseen causes the expenditure has been considerably increased. At the same time, I am bound to say that I do not think the explanations which have been given are altogether as satisfactory as they might have been; but unfortunately it has been out of the power of the Government to prevent the large expenditure that has been incurred. I may add, that the house which has been built is, I believe, hardly large enough, nor is it as handsome and commodious as the houses provided for the Embassies of France, Russia, and Austria.

But everybody knows that in Constantinople a house must be built, inasmuch as it is impossible to hire one, and as we had the misfortune to have the house of the British Ambassador twice on fire, it was considered essential in constructing a new building, to erect it of materials calculated to secure it from a similar accident in future. The hon. Gentleman has recommended that there shall be no diplomatic salary above 5,000*l*. a year; but I think that in some cases it is important to the political interests of this country to pay our Ambassador a sum that will enable him to maintain the dignity of the country. In such cases a salary of 5,000*l*. would certainly be too small. The hon. Member has referred to what has been said by Sir Hamilton Seymour, in reference to the social expenses of a Minister. Now while this evidence is open to the remark, that diplomacy seems to consist of dinners, hon. Members will be aware that, in order to enable a diplomatist to perform his duties in the manner best calculated to promote the interests of the country of which he is the representative, it is necessary that he should maintain a social intercourse with the Government to which he is accredited, and with the diplomatic agents of other countries. If you were to send a Minister to a foreign Court without giving him the means of maintaining a social intercourse with that Court and with other diplomatic agents, you would compel him to bury himself in solitude or to receive hospitality which he was unable to return; and, in either case, the interests of this country would materially suffer, and the settlement of many matters, which would be very easy between persons who are upon a friendly footing of social intercourse becomes much more difficult when the business has to be transacted by men who have no sort of social relationship. It is consequently necessary, in order to maintain the dignity and promote the honour of the country, to give to your Ministers, not extravagant salaries, but such salaries as will enable them to live like gentlemen in the places to which they are accredited. My hon. Friend wishes that we should adopt the recommendation of the Committee, and send only one mission to Germany. It may be very true, as Napoleon I. stated, that Frankfort is the window of Germany; and it is undoubtedly the fact, that at Frankfort an intelligent Minister acquires a great deal of information which is useful as explaining the policy and future intentions of the German Powers. But I apprehend that Napoleon I. did not act upon his maxim to the extent of confining his agencies to Frankfort alone. He had Ministers at other Courts of Germany; and it is impossible for a person living at Frankfort to give you that full information which it is essential that you should have with respect to the different Courts of Germany. Germany is divided into a certain number of independent States; they are smaller and of less importance, no doubt, than Austria and Prussia, but they are essential elements in the general policy of the compound of Germany. Unless you have a diplomatic agent, therefore, at those Courts in constant communication with the Governments of those States you would be cut off from sources of information which are of the utmost importance to you in regard to those States themselves; you would also be deprived of that most valuable information which you gain through those States with reference to the views and policy of other larger countries; and, moreover, you would have no opportunity either of making representations where representations are required, or of receiving communications which may be of importance. The hon. Gentleman referred to the case of Wurtemburg, and he said, "Wurtemburg has no Minister here, and why should we have one at Wurtemburg?" I think that is the very reason why we should have a Minister there, because otherwise we should be cut off from all communications with Wurtemburg. If Wurtemburg had a Minister here we might more easily dispense with a Minister there; but, as Wurtemburg is an independent element in the system of Europe, it is essential that there should be a medium of communication between you and Wurtemburg. So far, then, from any advantage accruing from dispensing with ministers in different States of Germany, I am convinced, from long experience in the Foreign Office, that very serious injury to the public service would be the consequence. My hon. Friend states that he is not aware what the information is which is received from those quarters. Of course no one but the person who is reading from day to day the despatches received, or who is dictating those that are to go out, can be aware of the various reasons which may render such communications useful and even absolutely necessary. I can assure him, from my own experience, that it would be a great injury to the public service if the missions in those

States of Germany were withdrawn, and we centred all our diplomatic agency in Frankfort alone. What is Frankfort? It is a place where the delegates from the different Courts assemble. Those delegates have a power which is of great importance with respect to the policy of Germany, but they are not the Governments of the different States, and communications made to them are not communications made to their Governments. No matters of complaint, therefore, could with propriety be addressed to the Diet at Frankfort, and it is quite essential that we should have organs at those States for the purposes of intercommunication. The same observations apply to Italy. We have Ministers at Turin, at Florence, and at all the Italian Courts, and if you had not, you would be cut off from those communications which from day to day are necessary, and the necessity of which you cannot well appreciate until the time arrives when they are required. It has been often said, "You ought not to have permanent missions; but, when a question arises, send a person and he will do your business." It is plain, however, unless your agent lives constantly in the country, knows the Government of the country and the habits of the people, and follows up the thread of events, that it is impossible for him to perform the duty satisfactorily; and the expense of sending special missions, if they frequently occurred, would be much greater than that of permanent residents. We have been told to follow the example of the United States; but the United States have recently been compelled to revise the whole of their diplomatic and consular establishment; and how? not by reducing them either in number or salary; but they have greatly augmented both the salary and number of their agents. In some cases, although the salary has been doubled, still I fear that the representatives of the United States will not find that the sum awarded them is such as will relieve them entirely from the painful position in which, to my certain knoledge, many of them have been placed. The United States, however, give outfits, travelling expenses, and large extra allowances; and, in some instances, I believe, it will be found that the missions of the United States have been more expensive, within a small period of time, than the corresponding missions of the British Government. I can assure the House that the subject of our diplomatic and consular establishments has really not been overlooked by the Government—but on the contrary, that it has been very seriously considered. There was no desire on the part of the Government, when the Report of the Committee was considered, to omit any reduction which really was thought to be consistent with the public interests. Several reductions were made, and if we did not go further, it was because it was felt that, as diplomatic agents were persons who were charged with the great and paramount interests of the country, it was not worth while for the sake of a small annual saving to deprive them of the means which were essential to a due performance of their duty. With regard to their capacity, I think that my hon. Friend who made the Motion seemed to be of opinion that seniority ought, in some cases, to be the rule. On the other hand, it is considered by many that merit ought to be the rule of promotion. It has been well observed that the prospects of advance in the diplomatic service are generally slow indeed; that there is but little temptation for young men to look to it as a profession, that vacancies occur so seldom and the opportunities for promotion are so few that it is a very unpromising career for a young man; but it is a great mistake to suppose, when vacancies do arise in the higher offices, where great attainments are required from the individual appointed, that the selection is not made with a view to efficiency. It is, I assure the House, much more to the interest of the Secretary of State for Foreign Affairs to appoint an efficient man than to oblige either political or private friends. My anxious desire always was to find persons fitted for the situation, because it is clear that the credit of the Secretary of State is at stake on the conduct of the person whom he appoints, and even in the narrowest point of view, considering what is for the benefit of the Government of which he is a Member, it is clearly preferable to put a fit man into the situation than to oblige two, three, or half a dozen persons who may apply to him in favour of a less deserving man. That is the course which I pursued, and I am sure that it is the course which will be pursued by every one who holds that situation. With respect to the question of promotion by seniority or merit, the moment that you depart from the principle of seniority, which would be wholly misplaced in the system of diplomacy, you are exposed to the charge of favouritism and undue partiality. It is clear that there will be in all cases of vacancies a certain number of candidates between whom there may be no very great distinction of qualifications; and if you must choose one out of six, the friends of those who are not successful naturally impute to the person who makes the choice improper motives for having passed over cousin Tom, or brother Dick, or friend Robert, whom they declare to be quite as fit as the person selected, and who possibly might have been as fit, or nearly so; but they forget that you had to choose one, and that you could not appoint all. You may find even that persons complain occasionally of what they call the "height of injustice." They say, "Here is a man who was so many years secretary of legation, or unpaid *attaché;* now comes a vacancy, and a young man who has not seen half his service is appointed in his place; isn't that gross injustice?" It is my confident belief that it will always be for the advantage of the person who has the disposal of these appointments to choose that candidate whom he may think, whether rightly or wrongly, best qualified for the post. The hon. Gentleman who seconded this Motion complains that we have no writers on international law in this country; but I must say that our diplomatists have far too much to do, their duties are too constant, and their correspondence too perpetual, to be able to devote any leisure time to writing books. They are, however, sufficiently conversant with what has been written on these subjects to be able to discharge with ability all the duties which devolve upon them; for, from an experience, not now very short, I can confidently assert that the British Crown is as well served by its diplomatic agents as the Government of any other country in the world. I never did and I never will allow for a moment that the diplomatic servants of any country have performed their duties with more efficiency than those of this country. They may not publish books, and they may not, perhaps, be able to pass so good an examination as some gentlemen who have more leisure to store their minds with rules and lore, but they discharge the duties intrusted to them as well as any men. The functions of a diplomatic servant are to furnish his Government with full and accurate information as to what is passing around him; to conduct with courtesy the communications passing between his Government and that of the Government to which he is accredited; to preserve peace, and to prevent little differences from growing into quarrels; and these duties our diplomatic servants have ever, so far as my experience goes, discharged with credit to themselves and advantage to the country. Hardly six months ever elapse, almost in any country, without some little difference arising, which by friendly communications and by prudent and careful management may be settled to the satisfaction of both parties, but which, if left to take its course, might end in an absolute quarrel. If you have no diplomatic agent present at such a place, the diplomatists you must employ must be your admirals and generals; and I am sure it must be far better that such matters should be settled by your regular diplomatic agents than that you should have recourse to anything in the shape of force. With reference to the Motion before the House, I really feel there is no special ground for consenting to a Motion which seems to cast a censure on the Government, of which, I am sure, neither the present Government, nor the Governments which have preceded it, are deserving. I can assure the hon. Gentleman that Her Majesty's Government, after due and deliberate consideration, made those changes and reductions which they thought could be made without detriment to the public service, and I think nothing has been brought forward to show that any reductions which could safely have been made have been neglected. I hope, therefore, the hon. Gentleman will be satisfied with raising a discussion on this subject, and will not press his Motion to a division. With regard to the subject of examinations for the diplomatic service, there was a Council held yesterday, at which an order was passed having reference to a general system of examination of persons appointed to different branches of the public service. I know that my noble Friend at the head of the Foreign Office has had this matter of the diplomatic service under his consideration, but I am not aware that any plan has been settled in reference to it. I will not fail now to bring this matter under the notice of my noble Friend, who, I am sure, will be anxious to give it his earnest attention, and I have no doubt, so far as arrangements can be made for bringing the system into operation, my noble Friend will make those arrangements.

MR. W. WILLIAMS said, the noble Lord had entirely failed to explain why the recommendations of the Committee of 1850, with regard to the salaries of consuls and diplomatic agents, had not been carried into effect. Neither had the noble Lord explained how it was that we retained no less than seven Ministers at the German Courts. No doubt it might be necessary to have Ministers at Berlin, and Vienna, and Frankfort, but there was no reason in the world why we should retain Ministers at such Courts as those of Wurtemburg, Bavaria, Saxony, and Hanover. The noble Lord said, indeed, that he got more information from the Ministers at these petty Courts than he did from those at the more important ones; but, in that case, how was it that these latter Ministers, who apparently were of least use, were paid the largest salaries? The truth was, that the whole system was nothing but a waste of public money to create patronage for the Government, and he knew too well that when a Government once got hold of a piece of patronage it never willingly relinquished it. He was sorry, however, to see a professed Liberal Government defending such a system as this, and if the hon. Member for Stafford pressed his Motion to a division he should certainly divide with him.

Mr. R. PHILLIMORE hoped that the hon. Gentleman would not press his Motion to a division, but would be satisfied with having produced a very interesting debate, and a very interesting statement from the noble Lord. He (Mr. Phillimore) only wished to make a remark with regard to our consular establishment. That establishment might deserve the eulogium passed on it by the noble Lord, but still it would be conducive to the public service, and for the advantage of the consuls themselves, if a rule was laid down that they should not at the same time exercise the functions of public officers and engage in private commercial speculation. No one who practised in the prize courts of this country but must know that in time of war conflicts must often arise between the duties of a consul as a public officer and his private interests as a merchant; and if a rule forbidding such a junction of duties was established, even if it was accompanied by increase of salaries, it would be a great advantage to the country.

Mr. WHITESIDE entirely subscribed to what had fallen from the hon. Member for Dumfries (Mr. Ewart) on this subject, and considered that the hon. Gentleman had done the country good service by

bringing the matter prominently forward. He would suggest that a little more care should be taken in the choice of persons filling the office of consul or *attaché*, who, if they were to grow up into Ambassadors, ought to have the advantage of a better education. He once heard it said that some were sent out who were alike ignorant of the laws of nature and of nations, although the duties of the office were such that it was utterly impossible to transact them unless the officer were acquainted, not only with international law, but the laws of those countries to which he was sent. It would be in the recollection of the House that some time ago the imprisonment of Miss Cunninghame in Tuscany gave rise to a dispute. He forgot what her offence was, but he believed the code of that country contained—unless the Jesuits had abolished it—a very good law of bail. That law, no doubt, extended to English subjects, and, perhaps, if the gentleman appointed to take care of the rights of British subjects there had been well acquainted with it, no dispute would have arisen, and the lady would not have been detained a moment longer than was necessary after the circumstance had been brought to the knowledge of the consul.

Sir GEORGE PECHELL said, that a consul employed by the noble Lord (Viscount Palmerston) had negotiated with great success a valuable treaty with France with regard to the fisheries—a subject which had caused disputes between the fishermen of the two countries. That gentleman was the consul at Brest.

Mr. OTWAY said, that it was highly important to establish a test of the fitness of public officers; but while he tendered his acknowledgment for the service the noble Viscount had done the country by so doing, he wished to advert to one or two topics mentioned in the speech of the noble Viscount. The noble Viscount had said that it had been always his desire, and the desire of other Ministers for Foreign Affairs, to give the various diplomatic posts to the men most fitted for them. Had that statement been borne out by the facts, he (Mr. Otway) would not, for a moment have intruded any observations on the House. Reference had been made in the course of the debate to a most interesting work published by a gentleman in the Foreign Office, and styled the *Foreign Office List*, and from that work he had culled a few extracts, which might truly be called "elegant extracts." He would not go through a long list of cases which every gentleman might see for himself by purchasing a copy of the *List* for a shilling; but he would read to the House one or two which had reference to the promotions that had taken place in the diplomatic service, and he thought, when he did so, that it would be obvious to them all that it was a most remarkable fact that those promotions should be confined exclusively to the sons and relatives of Peers and Members of Parliament. Nothing could be more illiberal or more unworthy of a Member of that House than to desire to put a barrier between a man and the fair promotion he had earned, merely because the individual was the son or relative of a Peer; but it was equally worthy of remark that in this department of the public service—a department of great extent, involving questions of much importance and requiring the employment of men of superior education and of great talent, those alone who obtained any rank or promotion should invariably be the sons or relatives of Peers or Cabinet Ministers. There were two cases in the list to which he had referred of so striking a character, exemplifying so large an amount of injustice done to the individuals to whom they referred, that he could not refrain from bringing their case before the House somewhat in answer the statement of the noble Viscount. The first to which he would allude was the case of Mr. Lettsom, now Secretary of Legation at Mexico. That gentleman was appointed *attaché* at Munich in 1831, he was removed in 1840 to Washington, in 1849 to Turin, in 1850 to Madrid, and in 1854 he was made Secretary of Legation at Mexico. After a service of twenty-three years, for nine of which he was unpaid, Mr. Lettsom, who had invariably conducted himself to the satisfaction of those who employed him, was appointed Secretary of Legation at Mexico—certainly no very desirable appointment. But what was the case of the hon. H. G. Howard? He was attached to the Embassy in Paris in 1838; in 1841—three years afterwards—he was made first paid *attaché*, his salary being equal to that of a secretary of legation; and two years afterwards he was made Secretary of Legation at the Hague. He had therefore filled two of the most agreeable posts in Europe, and three years only of his services had been unpaid. Nothing could offer a stronger contrast than his case and that of Mr. Lettsom. He had looked through a number of other cases, and had invariably found that those gentlemen who had done the most service—who had crossed the Atlantic or the Pacific—were constantly relegated to small posts, while men who had the advantage of being connections of Cabinet Ministers or Peers, and who passed their time pleasantly in Paris or Vienna, were placed over the heads of men of longer service. Take another case—that of Mr. Alison, a distinguished Oriental scholar, who had been a paid *attaché* in Turkey before Lord Napier entered the service. But Lord Napier had been made Secretary of Legation over his head, and those of Mr. Doria and others, most unjustly. Heaven forbid that one should be so prejudiced or so unworthy as to object to gentlemen receiving employment because they were the sons of Peers or men of influence in that House; but it was absurd to contend before them or to attempt to impose upon the people that the fittest men for diplomatic offices were always to be found in that rank, while the sons of medical men and others, who had accidentally crept in, were invariably found to possess the least capacity. Now, here was the case of the hon. H. E. J. Stanley, son of the noble Lord the President of the Board of Trade. In 1847 he entered the service as *précis* writer to the noble Viscount; in 1851 he was made second paid *attaché* at Constantinople; and only six days afterwards he was promoted to be first paid *attaché;* and then, in January, 1854, this young gentleman—the son of the President of the Board of Trade, but by no means because he was his son, but because he was the best and fittest man—was made Secretary of Legation at Athens. Then, again, with regard to the unpaid *attachés*, it was suprising how the noble Lord could sleep in his bed at nights when he thought of these unfortunate gentlemen, who had been receiving no salary since he was at the Foreign Office before, and who were still likely to remain in *statu quo*, it was to be presumed, until some one or other of their relatives was considered the fittest person to be appointed President of the Board of Trade. Here were one or two of the cases of these *attachés*. In the book above described there was the name of Mr. Lonsdale, who was appointed in 1842. There was also that of Mr. Petre, than whom a person more competent to fill the office of *attaché* could not be found. In 1846, Mr. Petre was at Frankfort during the disturbances that occurred there, and now he had been removed to Paris; and though he had done his work well for nine years, he had not received a single shilling from the country. Then there was Mr. Lytton, the son of the hon. Baronet the Member for Hertfordshire, who was appointed in 1849, and was not a fashionable young gentleman spending his time idly in Florence, but had been in the United States and in Paris, where he had done good service, and yet he received no pay. Next, however, there came the name of Lord Hubert de Burgh, who was first appointed an *attaché* in 1852, and in less than three years' time he jumped over the heads of all these other gentlemen, being made a paid *attaché* at Turin in 1855. Still stronger cases might be adduced, but it was unnecessary to trouble the House with them, more especially as they would all be found in the little book to which he had alluded. It was, therefore, astonishing that the noble Viscount, knowing so well as he did what were the real facts, should get up and declare to the House of Commons that, in conferring diplomatic situations, the Government selected men solely for their fitness. Why, on the contrary, it was notorious to all the world that in the diplomatic profession a man was selected for one of two reasons, and one of two reasons only—namely, either because he was related to a Cabinet Minister or to some Peer or gentleman of very high standing; or because he had some Parliamentary influence through which he managed to obtain his promotion. It was sincerely to be hoped that the noble Viscount would interfere to put a stop to proceedings of this nature, which were bringing much discredit upon the country. It was not that the country or the House objected to a man who was a nobleman receiving an appointment, for they had reason to be proud of the noblemen and gentlemen of England; the objection was, that a man should receive an appointment because he was a nobleman or a gentleman. The person who had shown himself to be the fittest man, whether he was the son of a Peer or of a tailor, should be chosen; but, beyond all controversy, men were now selected solely on account of their connections, and not, as they should be, because of their superior qualifications.

Mr. AYSHFORD WISE said, that the noble Lord having promised to give the question further consideration, and having undertaken that the candidates for the diplomatic service should undergo an examination into their fitness and ability, he was disposed to be satisfied with having ventilated the subject and to leave the Government time to revise the system. He did not feel that the cause he advocated would be promoted by a division, and if the House assented, it was his intention to comply with the request of the noble Lord, but with the reserve that if an immediate reform were not carried into effect, he would press the Motion again at the earliest opportunity.

Mr. H. BAILLIE objected to the withdrawal of the Motion, and said he would divide the House.

Question put.

The House *divided*:—Ayes 112; Noes 57: Majority 55.

List of the Ayes.

Adair, H. E.
Alexander, J.
Anderson, Sir J.
Atherton, W.
Bailey, C.
Ball, E.
Barnes, T.
Barrow, W. H.
Bass, M. T.
Baxter, W. E.
Bell, J.
Bentinck, G. W. P.
Berkeley, hon. H. F.
Biggs, W.
Bignold, Sir S.
Bland, L. H.
Brady, J.
Bramley-Moore, J.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brown, H.
Buck, G. S.
Burrowes, R.
Chambers, M.
Child, S.
Clifford, H. M.
Cobden, R.
Coffin, W.
Cowan, C.
Crook, J.
Crossley, F.
Currie, R.
Dashwood, Sir G. H.
Davies, D. A. S.
Dering, Sir E.
Dillwyn, L. L.
Evans, Sir D. L.
Ewart, J. C.
Farnham, E. B.
Feilden, M. J.
Fenwick, H.
Ferguson, J.
Filmer, Sir E.
Fox, W. J.
Frewen, C. H.
Gardner, R.
Gaskell, J. M.
George, J.
Goderich, Vict.
Gower, hon. F. L.
Greaves, E.
Greenall, G.
Gwyn, H.
Hadfield, G.
Halford, Sir H.
Henchy, D. O'C.
Horsfall, T. B.
Keating, R.
Keating, H. S.
Kelley, Sir FitzRoy
Kendall, N.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Laslett, W.
Lee, W.
Lindsay, W. S.
Lockhart, W.
MacGregor, Jas.
Malins, R.
Martin, J.
Miall, E.
Michell, W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Murrough, J. P.
Oliveira, B.
Otway, A. J.
Packe, C. W.
Palk, L.
Peacocke, G. M. W.
Pechell, Sir G. B.
Pellatt, A.
Percy, hon. J. W.
Phillimore, R. J.
Pilkington, J.
Price, W. P.
Reed, J. H.
Robartes, T. J. A.
Robertson, P. F.
Rolt, P.
Scholefield, W.
Scobell, Capt.
Scully, V.
Seymour, W. D.
Shee, W.
Smith, W. M.
Spooner, R.
Strutt, rt. hon. E.
Thesiger, Sir F.
Thompson, G.
Vansittart, G. H.
Vernon. L. V.
Vivian, H. H.
Walcott, Adm.
Watson, W. H.

Whiteside, J.
Williams, W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Wyse, A.
Baillie, H. J.

List of the NOES.

Acton, J.
Adair, R. A. S.
Antrobus, E.
Bagge, W.
Baines, rt. hon. M. T.
Berkeley, C. L. G.
Bouverie, rt. hon. E. P.
Brand, hon. H.
Brotherton, J.
Cheetham, J.
Clay, Sir W.
Cowper, hon. W. F.
Craufurd, E. H. J.
Deasy, R.
De Vere, S. E.
Duncan, G.
Duncombe, hon. A.
Esmonde, J.
FitzGerald, Sir J.
FitzGerald, J. D.
Glyn, G. C.
Goodman, Sir G.
Grace, O. D. J.
Hastie, Alex.
Hastie, Arch.
Heard, J. I.
Heathcote, Sir W.
Hotham, Lord
Hutt, W.
Johnstone, J.
Kirk, W.
Lewis, rt. hon. Sir G. C.
Lockhart, A. E.
Luce, T.
Mackie, J.
Milligan, R.
Moffatt, G.
Molesworth, rt. hn Sir W.
O'Brian, J.
O'Connell, D.
O'Flaherty, A.
Palmerston, Visct.
Peel, F.
Ricardo, S.
Rice, E. R.
Russell, Lord J.
Shirley, E. P.
Smith, rt. hon. R. V.
Strickland, Sir G.
Stewart, Sir M. R. S.
Tancred, H. W.
Thornely, T.
Tynte, Col. C. J. K.
Villiers, rt. hon. C. P.
Wilkinson, W. A.
Willcox, B. M'G.
Wilson, J.

TELLERS.
Hayter, rt. hon. W. G.
Mulgrave, Earl of

THE BALLOT.

MR. H. BERKELEY said, he rose to move for leave to bring in a Bill to cause the votes of the electors of Great Britain and Ireland to be taken by way of ballot at Parliamentary elections. He had been told, on more than one occasion since his notice had been on the paper, that he was bringing forward this question at a most disadvantageous time, when the thoughts of all were deeply interested in the vast war in which the country was, as he thought, rightly engaged, and their minds were perplexed and suffering from the effects of a series of victorious disasters. But he considered, on the other hand, that there never was a time when it was more needful that the people's House should be composed of Members freely and indifferently chosen by the people, and that this was not, nor ever could be, the case under the present electoral system. To those who hated the name of Parliamentary reform this war had charms, and to those who only assumed the garb of Reformers for expediency's sake and to please their constituents; the preoccupation of the minds of the people and rousing to arms this warlike nation was a seasonable relief; to many true and sincere reformers the mismanagement of the war, its fatal errors, its waste of blood and treasure, present so shocking a picture that they can think of no other reform than of the evil immediately before them. To this last-mentioned class he particularly addressed himself, and would endeavour to convince them that no better state of things could be reasonably hoped for or expected under the present representative system. He wished to impress on all true Reformers, and on the country—for it was almost useless to impress it on that House—that the blunders, disasters, and failures which had occurred in the various departments having the management of the war had mainly arisen from several perceptible causes. Among the first of these causes was this—because the Government of the country had become hereditary in, and the property of, a class, and because the House of Commons, being returned by that class, is no check upon it. And, even in the case of a change of Ministry, what did the people know about it? All they knew was this—that one set of aristocrats, 'squires and lawyers, *tristes et afflicti*, went out of office, and that another set of aristocrats, 'squires and lawyers, *magnopere gaudentes*, groped their way into office. Of the proceedings that afterwards took place they knew this—that the aristocrats on the Opposition bench railed against the Treasury bench, and complained of jobbery, red tape, and routine, and said—"Only let us get in, and you shall see what you shall see." Now, when they did get in what was seen? Why, that they inherited, by the political death of their opponents, the sacred edifices in Whitehall and Downing Street, and with them took possession of jobbery, red tape, and routine—embalmed in those sacred edifices and consecrated to aristocracy. Well, taught by disaster, the people were now fully alive to the evils of this system, and were desirous of inquiring into the cause. Could anything be more apparent? It was because the advisers of the Crown were only selected from a few great families who monopolised place and power, and who, not contented with the exclusive possession of the Upper House, monopolised a majority in the House of Commons; and the consequence was, that not only the Ministers of the Crown, but the leaders of the army and the heads of departments, were chosen not for their ability or merit, though they might possibly possess both, but because they belonged to families so powerful and possessed of such political influence that they could either make or mar a Ministry; and because the strength of this influence lies in the power which the aristocratic factions exercise over the votes of the electors—it is this malversation of the franchise that makes them omnipotent in Parliament. The aristocratic factions had desperate fights for place, differing on speculative points, but on the points affecting monopoly of government they were united as one man. He believed if places could be found for both of the aristocratic factions that the House of Commons would become one vast cage, and Whigs and Tories would become the happy family—political cats fraternising and reciprocating friendship with political rats. The people had grown sick of a system which had been the cause of the late disaster, which had rendered this country all but contemptible in the eyes of Europe—they were sick of generals selected from the *Red Book*, and of a Ministry selected from *Burke's Peerage*—of seeing middle-class merit give place to upper-class imbecility forced upon them by aristocratic influence, and of seeing the tried bravery of our soldiers in the East thrust aside by the courtly interests of the soldiers of the West. All this had perplexed them, and they would have an inquiry into the cause. He might be told that they had a Committee which had concluded its labours and was about to bring up its Report, but what assurance had he that this inquiry would not go the way of all others? That Committee would do its duty as other Committees had done before them—they would amass a vast amount of evidence in a blue book, and would, no doubt, come out with a stinging Report, upon which a measure would be framed that would find its way to the House of Commons. But if that measure interfered with the influence, the appointments, and the patronage of the peerage and the upper classes, it would either not pass through the House, or else it would be so mutilated in Committee as to become worthless and inoperative. Instances of this sort occurred daily. We had lately a splendid instance of how to get rid of popular clamour. After the last general election a cry arose throughout the country against the abominations of our electoral system; every one was, or pretended to be, shocked and ashamed at the Saturnalia the country had just passed through, our orgies having been more abandoned than usual. Even good Lord Aberdeen cried out for a change, and every Member of the Government had a pocket-handkerchief at his eyes, weeping over the depravity of the land. To be sure matters were very bad; intimidation, bribery, bargaining for seats, and perjury had done their worst for the creation of a Peer-packed House of Commons. Ministers were ready with a Reform Bill, which proved abortive—it was impossible to get hon. Gentlemen who represented small boroughs to vote for the destruction of those boroughs and for turning themselves out of Parliament. Something, however, must be done, as John Bull was not satisfied, and the noble Lord the Member for London (Lord John Russell) determined upon the appointment of a Committee, which might act as a kind of safety valve. The Committee was composed of very able men—Tories, Whigs, and Radicals—and did its duty, and a Bill founded on its recommendation purporting to put down bribery and undue influence, called the "Corrupt Practices Prevention Bill," was introduced. Now observe this, whatever that Bill contained calculated to put down bribery was carefully erased in Committee, but the pretence it made of dealing with undue influence was so transparent and absurd that the House was perfectly charmed with it, and it passed not only through this House, but also through the House of Peers, with a flourish of drums and trumpets. The old Gentlemen in that House were quite delighted to see that they were able to pass a Bill which pretended to be a Reform Bill, while in reality it in no way interfered with their undue influence. He had before him a very clever letter upon the subject of that Bill, said to be from the pen of an eminent Parliamentary casuist. After going through the Bill clause by clause, the writer concluded by observing that the effect of the new Bill would be to render direct bribery and the direct use of undue influence more difficult and dangerous, but indirect and circuitous bribery by means of payment for fancied services, notices to tenants to quit without reason assigned, and secret influence would not be affected; that the penalty for giving or paying for treating attached only to a candidate and a stranger—a friend or a body of people might give meat, drink, and entertainment to any extent; that the Committee would have to decide in each case whether a voter had received such treating "corruptly" before he could lose his vote; that the prohibition to give a refreshment ticket to a voter on the days of nomination or polling was confined to those two days and to the voter; that although by the Standing Orders no election could be questioned later that fourteen days after the return, the election auditor was not to have the bills of expenditure until three months after the return; that the notification by the candidate to the auditor of his agent or agents, who alone had authority to expend money on his behalf, was the most cunning device to shield the candidate and cover corruption ever propounded; that the whole fry of election agents in a borough would work for the benefit of the candidate, who had secured himself from the penalty attaching to their acts by artful disclaimer; that every attempt had been made to damage the Bill in the House of Commons, and that after Members of Parliament had declined to make a declaration "that they will not knowingly hereafter make any illegal payments on account of being elected to Parliament," they might call the Act by any name they pleased, but all the world knew what they intended it to prove. The editor of *The Times* observed, with regard to that letter, as follows—

> "If this estimate of the honesty and power of this Act be correct, and we have no doubt it is, the Act is one of those pompous professions meant to be inoperative."

This pompous profession, this miserable, emasculated Act, a fit type of Ministerial and Parliamentary insincerity, represented the extent of the interference of Lord Aberdeen, of the noble Lords the Members for London and for Tiverton, and of the then First Lord of the Admiralty, the Secretary at War, and the Chancellor of the Exchequer, with a majority of Whigs and Tories of the House of Commons, in order to check the scandalous abuses of our electoral system against which one and all had expressed so much virtuous indignation. All that indignation, however, was invested in this emasculated Act of Parliament—fit type of Ministerial and Parliamentary insincerity. If such were the results of the Committee that investigated the evils of the last general election, they might fairly assume what would be the effect of the labours of the Committee which had lately been inquiring into the abuses and crying evils of the war. In the case of the Corrupt Practices Prevention Act every clause hitting at the undue influence of Peers or the corrupt practices of the wealthy classes, was carefully erased by a House of Commons returned under that influence. Need he ask what would be the fate of any measure devised by that Committee now sitting on the mismanagement of the war which would in any way interfere with the monopoly of power enjoyed by the Peers and the upper classes in a House of Commons, the majority of which was returned by the Peers and the upper classes? He might just as well ask what would be the fate of the criminal at the bar if he were allowed to change places with the Judge and to pass sentence upon himself? He therefore came to the conclusion that before a healthy state of the executive departments of the Government could be produced, the rottenness at the heart of the House of Commons must be destroyed, and for that purpose a reform of our representative system was necessary. The first step of that reform was to give every elector the use of his legal and constitutional right of freely electing a Member of Parliament—a right which was now wrested from him by the aristocracy, the 'squirearchy, and the moneyocracy, and turned, as the nation must feel, to the worst of purposes. Now, as regards the working of this celebrated "Corruption Practices Prevention Act," so far as it has been tried, the result was precisely what was predicted by the writer in *The Times*, and so happily described by the Editor of that paper as a "pompous profession meant to be inoperative." There was a society in that metropolis called the Ballot Society, which had been at some pains to collect evidence as to the operation of the Corrupt Practices Prevention Act, and he ventured to say that if the House required evidence of the luxurious crop of corruption which still flourished in our counties and boroughs they would have ample means of judging of it from the statement now before him—evidence as strong—it cannot be stronger—than that produced by Mr. Grote's Committee, which sat twenty years ago; the labours of which Committee went the same way as the labours of all Committees hitherto had gone which attacked the unconstitutional influence of the upper classes; blighted—to use a fashionable phrase—"under the cold shade of aristocracy." The society sent out queries, and received replies from boroughs where elections had taken place since the passing of the Corrupt Practices Prevention Act. The queries were as follows—

> "1. Is there any reason to believe that money, bribery, treating, or any other corrupt means took

place at the late election for ——; and if so, to what extent? 2. Have any tenants, tradesmen, or other parties, whose votes at former elections have been controlled by their landlords, customers, &c. voted against them at the late election for ——? 3. If so, do you think the new Bribery and Intimidation Act enabled them to vote more independently? 4. Was the election 'screw' used as usual in the canvass?"

The first return he would read was from the borough of Abingdon.

"1. Bribery to a considerable extent. Many voters promised who never voted at all.

"2. Intimidation. Landlords and customers controlled as usual.

"3. The new Act caused no perceptible difference.

"4. The screw was used in several places; especially where there were debts."

Then came the following boroughs—

"LIVERPOOL.

"No. 1. Bribery.—Certainly not by the Liberals, and no proof of any by Tories.

"No. 2. Intimidation.—In so large a constituency can give no reply as yet. After an analysis of the voting, now in preparation, we may, perhaps, give an opinion.

"No. 3. The new Act, of course, can in no way touch undue influence, change of tradesmen, exclusive dealing, &c.; but, as regards the sale of votes, we imagine the fear of its operation acted beneficially.

"No. 4. The Screw.—There was little or no canvass on either side. The parties were not prepared with books, which form the necessary machinery for putting on the screw."

[An hon. MEMBER: Who are the writers of these returns?] If the hon. Member would call upon him, he would give him all the information in his power; or if he would move for a Committee to inquire into the truth of these allegations, the Motion should have his support. He would now go on with the replies.

"NORWICH.

"No. 1. Bribery.—Yes; in sums from 5s. to 20s. No competitor; hence the market dull.

"No. 2. Intimidation.—None that I am aware of, unless by the screw.

"No. 3. New Act.—As far as intimidation goes, mere waste paper.

"No. 4. The Screw.—Yes; by both parties. The whole science of electioneering rests upon the knowledge of 'influences.'"

"PORTSMOUTH.

"No. 1. No treating or bribery.

"No. 2. Intimidation.—Government influence so powerful that there has been no contested election for the last eighteen years.

"No. 3. The Last Act.—No trial of it. No man in his senses would resort to it for intimidation.

"No. 4. Screw.—The Government people gave it just one turn when a contest was threatened."

When he last had the honour of addressing the House on this subject, he gave illustrations of the folly and danger of the theory, that the elective franchise was a trust, and for that reason refusing to protect the voter on the plea that the non-elector had a right to stand by and see how the elector discharged his trust. He on that occasion instanced the case of the Cork election, and showed how the non-electors put their trustees to the martyrdom of St. Stephen for what they considered a breach of trust. They had now had another brilliant specimen from Ireland of the pleasures and advantages of open voting, at the election for the county of Cavan. The non-electors did not here do much violence to their trustees with stones, but they rather took a leaf from the martyrdom of Ridley and Cranmer, and actually roasted one gentleman until his ribs appear to have been well done—though they failed to roast his vote out of him. As for digging graves before the doors of recusant electors, that was a jocular mode of proceeding which was thought nothing of. [The hon. Member then proceeded to read an account of various outrages perpetrated at this election.] There was another peculiarity attending this election—300 tenants of Sir John Young came to the rescue of the Derbyite candidate. Query—Would those 300 tenants have gone to the rescue of the Derbyite candidate if Sir John Young had been in office under the Aberdeen Administration? He thought any one could easily answer that question. There, again, was a specimen of the unerring influence of the landlord over his tenantry, by which 300 men were moved as so many automata, and suddenly became converted from one opinion to another, and voted as if they were one man. When the string or wire was pulled by the landlord, they were perfectly passive in his hands. Sir John Young, like all other landlords, was the political monarch of his tenantry. He said—"Go to the poll, and vote for Derby." To hear was to obey. He said—"Go to the poll and vote for Aberdeen." "Aberdeen and Derby, Derby and Aberdeen"—

> "Whiche'er your Majesty may please to name;
> Long cut, or short, to us is all the same."

There was no man in that House who was not perfectly aware that there was no remedy for this but secret voting. He was not aware whether the hon. Member for Cavan was present or not. If he were present he invited him to stand between his constituents and oppression, and vote for the ballot. These men who had been roasted, ill-treated, and almost suffered martyrdom, deserved something at his hands. But if he would not give them the ballot, let him rise in his place and say—"If not, why not?" It was not his intention to repeat those arguments which have never been refuted. It was not his present intention to show that there was cowardice in oppressing the poor unfortunate elector and making him violate his conscience under pain of ruin and no cowardice in seeking the safety of the secret and silent vote—the mode of voting provided for every kind of election except Parliamentary election. Neither was it his intention to prove the self-evident assertion, that voting in secret could not be cowardly in the poor man, since it was not cowardly or unmanly in the rich man. He should spare the House any reference to that weak line of defence to which the opponents of the ballot commonly resorted, and which he had demolished so often, simply reserving to himself the right of replying to them, if worthy of reply. He was happy to say the question of the ballot steadily progressed, though some few hon. Members had ratted from it; but it was very remarkable that they quitted the ballot when they changed from a large constituency to a snug borough or to a county where they were returned by the intimidation of the landlords. There have been two remarkable seceders from the ballot, both now Ministers of the Crown. Lord Panmure gave no better reason for voting against the ballot than that it was an unworthy institution since it had elected Louis the Emperor of the French. The right hon. Member for Morpeth (Sir George Grey) said it was no longer necessary from the increasing virtue of the upper classes. I think Lord Panmure is answered by the noble conduct of the ballot-elected Emperor. Where the increasing virtue of the upper classes was to be found he could not very clearly understand. If he were to judge by the details of the last election, certainly no symptom of increasing virtue among the upper classes was to be found there—on the contrary, they distinguished themselves greatly by intimidating tenants and spending large sums in the purchase of votes. But he had some hope of the right hon. Baronet the Secretary of State for the Home Department, because when defeated in Northumberland he began to cast a longing eye upon his old love which he had deserted, and loudly accused the Northumberland party of intimidation. The noble Lord who unseated him (Lord Lovaine) retorted upon him, "Do not talk of our Northumberland intimidation; look at home, what you Greys do." It seemed to him an interchange of civilities between the pot and the kettle; and as to the electors of Northumberland, what between a Grey and a Percy, they would certainly be none the worse for protected voting. Among those who had always been consistent in opposing the ballot was the noble Lord the Member for Tiverton, now at the head of the Administration. Although until the end of the last Session he had never heard the noble Lord speak on the question; and certainly the noble Lord's effort to reply was a great triumph to the cause of the ballot; for when he reflected upon the skill in debate which the noble Lord possessed, his powers of argument, of wit, and of satire, and compared them with the weakness of his speech last Session, he came to the conclusion that the case for the ballot was very strong indeed. Now, although the noble Lord was consistent in his opposition, he was not very consistent in the arguments he used. His noble Friend did not enter into many arguments which could be met, but declaimed generally against the ballot. "Oh!" he said, "the ballot won't do; the hon. Member for Bristol has brought forward all cases of 'exaggeration'—all cases of intimidation, but my hon. Friend exaggerates these things." That was the general tone of the noble Lord's speech; but, with the experience of the election of 1852, he could not very well tell how he could exaggerate. Perhaps hon. Gentlemen who were amused at his mistake, in using "exaggeration" for "intimidation" would tell him. Would his noble Friend allow him to call his attention to the time when he was defeated for Hampshire? Did he not think that some little intimidation was used on that occasion? Did he think the Hampshire 'squires were perfectly innocent when he took refuge in the arms of snug little Tiverton? At the nomination at Tiverton on the 23rd of July, 1837, his noble Friend expressed himself in this manner—

> "My belief is founded not merely on what I have heard from others, but my own observations. My belief is, that a system has been extensively pursued to deter the electors, by fear of injury to themselves and their families, from doing that which we heard read this morning—to elect freely and indifferently the person whom they may think fit to represent them in Parliament. Now, gentlemen, this is not a solitary case, it is the regular Tory practice; and you will hear, when you see

> the proceedings of the different elections, that the same thing has been practised whenever a Tory candidate has opposed men of liberal and reforming principles."

If such was the opinion of the noble Lord in 1837, he wanted to know what change had come over the spirit of his dream to make him venture upon a charge of exaggeration after the election of 1852?—that election which could even shock Lord Aberdeen into becoming a Parliamentary reformer. He would now proceed to point out to the House some of the great authorities who from time to time had given their sanction to, and testimony in favour of, protected voting—and he would commence with one whose pithy sentence might well be inscribed on the ballot-box wherever that institution existed. Cicero said—"*Tabella vindex tacita libertatis.*"

[The hon. Gentleman then proceeded to quote observations in favour of the ballot from David Hume, Blackstone, Bentham, Mill, President Jackson, C. Buller, Lord Althorp, Macaulay, and also the opinion of Sir Edward Bulwer Lytton, that the "exercise of a vote is not merely a political right; that expression of his opinion is a moral and religious right to the elector, in the discharge of which he should be protected."] He found also an opinion which hon. Gentlemen on that (the Opposition) side of the House would perhaps be inclined to respect. The right hon. Member for Buckinghamshire (Mr. Disraeli) had stated as follows—

> "I am desirous of completing the machinery of the constitution by two measures, which will invest the people with what was once their birthright. These measures are triennial Parliaments and vote by ballot, and, unless these measures be conceded, I cannot apprehend how the conduct of the Government can ever be in harmony with the feelings of the people."

Again, he found the same right hon. Gentleman saying—

> "It is true that I avowed myself a supporter of the ballot, because a number of little towns are enfranchised with the privilege of returning as many Members to Parliament as the shires, and the nomination of these Members is placed in a small knot of hard-hearted rulers, opposed to everything noble and national, and exercising a usurious influence over the tradesmen, who are at once their slaves and their victims."

He now had to thank the House for its kind indulgence; but, before sitting down, he was anxious to enter a caveat against being misquoted or misinterpreted, of which he had on former occasions too often had to complain. He had referred to the aristocratic element which so unconstitutionally pervaded the House and the army. It was sometimes very handy to avoid the true question by talking and vulgar abuse of the aristocracy; but he called upon every Member to bear witness that he never denied the valour or the abilities of the upper classes. He was ready to admit that our Royal and aristocratic soldiers had displayed the greatest gallantry at Alma, at Inkerman, and at Balaklava—gallantry equal to that displayed by the soldiers of the middle and lower classes, but not one jot more. It would be folly to deny the ability of the aristocracy, and if he were foolish enough to do so, he would be met immediately by a reference to a Palmerston, to a Russell, or to a Derby. But he thought it was a matter quite susceptible of proof that the army and the Ministry were monopolised by a class to the great detriment of both. He was unfashionable enough not to believe that my Lord Foppington, the hon. Tom Shuffleton, or Sir Charles Easy, who were placed in the army to keep them out of mischief, would make as good officers as men selected from the middle classes. He said that the sympathies of such men, their amusements and pursuits, did not lie in the direction of field days, early drills, and the economy of their regiments; but would rather be found in the London season, at Melton or at Newmarket. He could not consider such men so likely to make good soldiers as Brown, Jones, and Robinson, of the middle classes, who entered the army with no view beyond making it their study, their amusement, their bread. Let them not forget that this had been tested—God forbid that it ever should be so again! Let them not forget that an army led by princes, and officered by the flower of English nobility, proved no match for an army led by a brewer and officered by men of low degree. That Cromwell's Ironsides were superior to Charles's Life Guards—not because they were braver, but because they were more professional. He trusted, also, that because he had dwelt on another phase of the ballot question, he might not be accused of attributing to the ballot miraculous powers, or of its being the panacea for all evils; he said nothing of the sort, but had endeavoured to point out that without a change in our electoral system, we could hope for no permanent improvement in our Government Departments. Emancipate the elector, and he would do his duty; continue him in his bondage, and you would entail on the country its present evils and disasters. He asked for the ballot because it was the only key which could unlock the fetters of the elector and give him that weight in the administration of public affairs which the constitution of this country intended and the laws have guaranteed.

MAJOR FEILDEN seconded the Motion, and said, that he had long been an advocate for the ballot. Having been in Belgium, in America, in France, in Sardinia, and in Switzerland, in all of which countries the practice of secret voting prevailed, he had uniformly found order, peace, and propriety prevailing at the elections there; while in this country, he was ashamed to say—and he spoke from experience—he had observed disorder, violence, and intimidation prevailing to an extent which was a disgrace to the nation. At his own election for Blackburn, large bodies of bludgeonmen from other towns were brought into the borough, who maltreated his supporters, and their violent conduct deterred many of the electors who had promised him their votes from going up to the polling booths. He was, therefore, desirous that the ballot should be established in this country, and would give his cordial support to the Motion. Major Feilden then read extracts from depositions and evidence taken immediately after his election, from parties prosecuting for damage to person and property in the borough, and for which he complained that there was no remedy, but at such an expense as to deter most men from encountering it. Investigation and punishment seldom followed upon such acts, and even when they did, the crime was rarely brought home to the real perpetrator and instigator of the misdemeanor. If perfect freedom of conscience was un-English, then perhaps it might be said that so also was secret voting, but not otherwise; and if every secret act was unmanly, then voting by ballot at clubs might be said to be such also. In the case of his own election, in a small constituency of about 1,300 electors, only 631 had recorded their votes in his favour, though he had promises previously from between 700 and 800; and had it not been for the undaunted heroism and determination of his friends, in the opinion of the great majority of the electors, Blackburn must have been misrepresented by the return of his opponent. He concluded by saying, that he looked upon the elective franchise as a trust, of which conscience alone was the test of its being honestly discharged, which could not be the case when the voter was subject to control and punishment. No Act of Parliament, such as the Corrupt Practices and Bribery Bill, would be of the slightest use where there was no sincere desire on the part of the Legislature to remedy the evil; and he accounted for their resistance to the Motion, in their fear to give the people what the law professed to bestow upon them; at present they enjoyed but a nominal elective franchise, without the real privilege of popular representation. He considered this question ought to be the test of Liberal principles in every constituency, as it was as much the elector's birthright as his right to vote at all.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to cause the Votes of the Electors of Great Britain and Ireland to be taken by way of Ballot at Parliamentary Elections."

LORD SEYMOUR said, he had listened with attention to the speech of his hon. Friend the Member for Bristol (Mr. H. Berkeley), and, as his hon. Friend always succeeded in dressing up his case with great ingenuity and novelty, he had not been surprised to hear him introduce questions which it would be difficult to see had any connection with the ballot—such, for instance, as the state of the army in the Crimea and administrative reform—combining the various subjects together much as an advertiser in the newspaper, who headed his advertisement "War in the Crimea," and ended by a panegyric upon the merits of the article he wished to sell to the public. The hon. Gentleman had said much against the aristocracy of both sides of the House. Now, he (Lord Seymour) had listened to his hon. Friend with great surprise, because he had always considered that the House of Berkeley had been somewhat mixed up in certain proceedings of the aristocracy with regard to elections. He remembered the time when they were called "the Ameers of Scinde," and when it was said that their mode of conducting the elections in their county was characterised by so much aristocratic arrogance, that it was not to be tolerated by the freemen of England. The hon. Gentleman said he knew nothing of either party, and called them "pot and kettle," but what the hon. Gentleman was between the two he (Lord Seymour) was unable to say. Following the example of the hon. Gentleman, he would not enter into the old arguments upon this question, but he would give his vote against the Motion of his hon. Friend chiefly because he considered that publicity was the main essence of the representative system. At present the conduct of the highest personages in the realm was open to be canvassed by the public and by the press; even the most insignificant were not exempt from criticism, and who were the persons whose conduct the hon. Gentleman proposed to free from public examination? The hon. Gentleman said, there was one particular class of persons, and one particular action that ought to be concealed—that particular action being the production of a Member of Parliament. He was to be hatched in the dark; nobody was to know how he was produced, and everything connected with his production was to be conducted with secrecy, until he made his appearance from the ballot-box. Going in as one of the people, he would come out a Member of Parliament, and that would be all that anybody would know of the matter. And who were the parties whose conduct was to be exempted from examination? They were the 10*l.* householders — the retail dealers of the country. Latterly it had been the custom to attack various classes of society. The aristocracy had been attacked, the army had been attacked, and the navy had been attacked, and now he wished to say a word about the retail dealers. Without attacking them himself, he would call into court a gentleman who was no opponent of the retail dealer, who was neither a Conservative nor a Whig, but who was a strong Radical—namely, the editor of *The Lancet*—who told the public that every article of food, every article of medicine, of clothing, and of furniture, obtained from the retail dealer was contaminated, and corrupted; that wherever there was the possibility of concealment there was the practice of fraud. These were the class of persons with respect to whom the hon. Gentleman said, "Let them have complete concealment and secrecy; veil their proceedings with mystery, and of all the various classes throughout the country let them alone have the benefit of secrecy and freedom from examination." And why were they to be exempted from the exposure to which all classes were subjected under the present representative system? It was said that they were forced into dishonest measures by the pressure placed upon them; but he wished to ask who it was who forced them to corrupt everything they sold and to adulterate all their drugs. This was what was said of them by a great Radical authority — the writer in *The Lancet*—who said, further, that their proceedings had reached that disgraceful pitch that there must really be a law to alter the existing state of things. Competition and the attempt to undersell one another were said to be the causes which forced the retail dealer to adulterate his goods; but was there no competition for seats in Parliament? The hon. Gentleman had read a memorandum obtained from some Ballot Committee in which an opinion was given that bribery took place at every election, though there was not in all cases legal proof; but it was very well known that at every election the unsuccessful candidate said he had been defeated by unfair means, and regretted that he had no legal proof that bribery had taken place. Now, what was the position in which the adoption of the principle of secret voting would place the honest and independent voter? Under the existing system a man of character and consistency carried with him great weight, and his vote was of considerable value in an election; but, if the measure of the hon. Member for Bristol was successful, that man would be reduced to the same level of degradation as the corrupt and dishonest voter. At present the great difficulty was to bring the electors to vote. They would not go to the poll—not because they were afraid, but because they did not think it worth while, and because they took no interest in the contests. At the last general election that was very generally the case; and if the hon. Members were really desirous of raising the character of the voter, they would endeavour to show him that the proper way to enforce his opinions would be for him to come forward and have the manliness to avow them. It was not by secrecy and concealment that the liberties at present enjoyed by the country had been obtained, and he did not think that the philosophy of Bentham, which had been quoted by the hon. Member in support of his proposition, had been so powerful and successful that it ought to be adopted on all occasions. On the contrary, he thought that the frippery of Bentham's philosophy had been torn to rags, and that there was but little of it left that was worth anything. The memory of Bentham had almost faded away, and he was now considered as a writer of perplexed philosophy, whose doctrines with regard to religion were hostile to Christianity.

MR. GORDON said, he felt the reluctance which every new Member must experience in presenting himself to the House for the first time; but he should only trespass on their attention for a few moments, while he stated the reasons which induced him to give his vote for the Motion of the hon. Gentleman. He was unwilling to give a silent vote on this occasion, because he did not entirely agree in the sentiments of the hon. Member who brought forward the Motion, but he shared in a still less degree in the opinions that had been expressed by the noble Lord who had just sat down. He voted for the Motion, not so much because he thought it was likely to prove a panacea for the evils that existed in our electoral system, but in the hope that it might tend to eradicate, or at least materially to diminish, those evils of which they were all aware, and which they all professed, at least, to deplore. He did not believe that the most perfect system which it was in the power of man to devise—he did not believe that any amount of safeguards, of checks, of balances, of elaborately contrived systems of voting—would be entirely sufficient to check bribery, so long as human nature remained what it was. So long as there were venal voters, so long, he thought, would votes be sold. But at the same time he believed that a measure such as that now proposed was very much calculated to check corruption in its grossest form. He thought that it would check the direct and scandalous traffic in votes that at present existed, though, perhaps, it would not altogether remove it. But there was another evil connected with the electoral system which appeared to him to be far greater than that of direct bribery—he meant the evil of intimidation;—because, while he had no sympathy whatever with the man who trafficked in his vote as a piece of merchandise, and sold it to the highest bidder, he had great sympathy with those persons who, entertaining conscientious convictions, and desiring honestly to exercise the privileges which had been given to them by the laws of the country, were yet afraid to do so from the circumstance that they knew that their own prosperity in life, and the prospects of their family, might be ruined by a conscientious adherence to that which they believed to be their duty. With those men, he repeated, he had much sympathy—for their present difficult position he felt deeply—and it was for their sake chiefly that he supported this Motion. On former occasions when this point was discussed, it had been stated that intimidation had been much diminished, and that it might be looked upon as one of the evils of the past; but surely there was no Member of that House who had any experience, however slight, in contested elections of late years, but must know that such practices still existed, and were now in as great force as ever. It would be useless to multiply instances; but here was a letter, written by a landlord during the last general election, for the purpose of influencing the voter to whom it was addressed:—"I understand you are doubtful which way to vote, and I desire you to vote for Mr. So and So; for if you do not do that, you leave my farm." [*Cries of* "Name, name."] He was not at liberty to give the name, but he could state that the letter he held in his hand was the original, and no copy. The noble Lord who had just addressed the House had told them that it was not his intention to repeat the arguments that had been used against the Motion on former occasions, and he was glad to hear it, because, with all his respect for the persons who had used them, he must say the arguments they had brought forward in reply to the Motion of the hon. Member for Bristol appeared always to him to be most weak and inconclusive. The noble Lord had to-night given them new arguments, and said that this was a Motion to protect retail dealers. He (Mr. Gordon) was sorry to hear any class attacked in that House by any Member, whether they were high or low; but he must say that the terms in which the noble Lord had spoken of a large and important, and he would say honourable, class of the community, were at the least as offensive as the terms in which the hon. Member opposite was said to have spoken of the aristocracy. He did not believe the retail dealers in this country were systematically the corrupt body the noble Lord had described them to be; but if they were so, a measure which removed from them much of the existing temptation to those external influences would be all the more beneficial. The noble Lord also told them that publicity was the essence of representation; and he granted that publicity was essential to it. In that House they represented the constituencies of the United Kingdom, and he thought it was most desirable that every vote they gave, and all they said and did, should be published in the most distinct and unequivocal manner, in order that their constituents should know how they had discharged the trust they had committed to them. But whom did the electors represent? It might in some part be said that they represented the country; but that was not a trust which was delegated to them by election. It was wisely said that certain persons should exercise the right—which was the right of the country at large—of electing the representatives of the country to Parliament, and it was the duty of their representatives to do whatever they did publicly, but he could not see how the same argument applied to the electors. The noble Lord spoke incidentally of the difficulty of getting up the voters at elections, and of course those difficulties would always exist so long as this system of intimidation was carried on. People told him they would be glad to give him their votes, but were afraid to do so, and accordingly they did not vote at all; and he believed that would be found to be the case at every election. The real cause did not arise from the indifference of the people of England to exercise their political privileges, but was occasioned by the difficulties thrown in their way when they desired to exercise those privileges according to their conscience and sense of duty. He should give his support to this Motion, then, because he desired to relieve a large number of his fellow-subjects from that intimidation under which he believed they now suffered, and because he saw no constitutional objection to the measure and thought it would be productive of great practical benefit.

Mr. BENTINCK thought the hon. Gentleman ought to have been in the position to give the name of the party who had written the letter he had quoted before he ventured to read it to the House; because, as the matter at present stood, they were left in doubt whether the writer was one of the "bigoted Tories" who had been described by the hon. Member for Bristol, or one of the pure Liberals who sat on the other side of the House. The noble Lord the Member for Totness had talked of the difficulty of inducing voters to go to the poll, and the hon. Member for Beverley had ascribed that difficulty to a system of intimidation which prevented them giving their votes. He was satisfied that if the matter were inquired into it would be found that intimidation was not the cause which induced the people to abstain from recording their votes; and as several cases had been instanced on the one side, he would give them an instance on the other. A remarkable thing occurred connected with the last election for the populous city of Norwich. A few days subsequent to the last election, an article appeared in a Liberal newspaper in that city complaining of the result of the election, and ascribing the return of the Conservative candidate to the Liberal electors of the lowest class, who could not be persuaded to go to the poll because there was no one to pay them for their votes. That hardly tallied with the statement of the hon. Member for Beverley. He gave the hon. Member for Bristol credit for the ability with which he had advocated the ballot, but he believed that the hon. Member was an exception to his class, and was one of the very few clever men who believed that the ballot would effect the purpose ascribed to it. He believed the whole question of the ballot lay in a nutshell; and it was this—whether they would pass an enactment by which the system of bribery should be perpetuated in this country for ever, without the possibility of detection. That was the whole question of the ballot in two words. He defied any one to say that any electioneering agent concerned for Gentlemen on either side could not be found who could tell the price in pounds, shillings, and pence of every borough and county in the kingdom if they would only give him the ballot.

Mr. P. O'BRIEN said, he could satisfy the curiosity of the noble Lord (Lord Seymour) as to the position of the hon. Member for Bristol between the pot and the kettle—the hon. Member was the steam; he represented the force of public opinion, which must be brought to bear strongly upon the House before they could hope to carry the measure. But he rose to call attention to the fact that no allusion had been made to the effect which the proposed measure might have on Ireland, where intimidation at elections was practised to a far greater extent than in any other part of Her Majesty's dominions. Under a late arrangement the registration of voters in Ireland was compulsory, and whether a man attended at the registration sessions or not he was placed on the list of voters. Formerly a man might escape the consequences that would follow if he exercised the franchise in a manner conducive to his interests and in accordance with the dictates of his conscience, by declining to register his vote, but he was now obliged to do so, and was thereby exposed to an ordeal which it was impossible for any man unacquainted with Irish constituencies to understand. In the county which he represented one man had, within six months, six distinct distresses levied upon him for rent. [An hon. Member: Why did he not pay his rent?] He would answer that question; it was subsequently found, when an ejectment was brought at quarter sessions, that the man did not owe a half-year's rent when the ejectment was brought, and the ejectment was dismissed. In another case a lease had been purchased which was granted by Lord Norbury with a covenant that the tenant should not assign without the consent of his landlord. The tenant, not being aware of the covenant, underlet; and because the party had voted for him (Mr. O'Brien) an action of ejectment was brought, the covenant was declared to be broken, and the lease was forfeited. He should be sorry to say that landlords in Ireland had recourse to intimidation on all occasions, but he defied any man to stand up and say that landlord influence was not exercised in every county in Ireland. He was informed that acts of the kind had taken place at the late election for Cavan, and though the Gentleman returned was, he believed, a man of the highest character, he was told that men in that county had received notice because they had honestly acted in accordance with their political opinions. He believed if the franchise was more extended freedom of voting would be the best possible thing, but under present circumstances he did not know of any other protection than that suggested by the hon. Member for Bristol.

Mr. BLAND read a letter addressed by an hon. Member of that House (Mr. O. Gore) in answer to a memorial which had been forwarded to him by an Irish tenant of his, refusing to retain him any longer as a tenant, in consequence of the vote which the tenant had given at the last election for the county of Sligo. He had also been informed that since the last election for the county of Cavan a great number of notices to quit had been served by Lord Farnham and Mr. A. Nesbitt, on tenants of theirs, in consequence of the votes which they had given at that election. These, he believed, were intended as *ex post facto* threats, with a view to future elections. Such instances as these proved, he contended, that Irish electors needed some such protection as was proposed by this Bill to preserve them from the effects of exercising the electoral franchise according to their own convictions.

Sir SAMUEL BIGNOLD said, in reference to a statement which had been made by the hon. Member for Bristol in regard to the late election for Norwich, that if the hon. Member had been informed that he (Sir S. Bignold) had gained his election by bribery or by intimidation, he had received information which was totally without foundation, and he felt quite sure that there was not an inhabitant of Norwich with the slightest claim to veracity who would have returned any such answer to the questions which the hon. Member said had been sent down to Norwich on the subject. He had polled 3,720 votes; his majority had commenced in the first half hour of the election, and had continued increasing till the close of the poll. He had been an active citizen of Norwich for 40 years, and he believed he owed his election to the fact that during that period he had obtained the confidence of his fellow-citizens.

Mr. BURROWES rose also to correct a statement which had been made by the hon. Member for Bristol. The hon. Member had related a story of a voter having been roasted during the late election for Cavan in consequence of his refusing to vote a particular way; but, having made inquiries in the county, he had not been able to ascertain that any such occurrence had taken place, and be believed the hon. Member's statement was totally without foundation. So was the hon. Member's remark, that had Lord Aberdeen's Government continued in power, Sir John Young's tenantry would never have been forced to vote for a Derbyite candidate; for the truth was, that Sir John Young did not in any way interfere with his tenants at the last election. He left them to do precisely as they pleased, and the great majority of them had supported him (Mr. Burrowes).

Mr. MICHELL said, he had an Amendment to propose to the Motion of the hon. Member for Bristol, which would widen its scope and greatly increase its efficiency: the effect of it would be that in all divisions in that House the votes of Members should also be taken by ballot. There was a great talk in the country just now about administrative reform; but he was convinced that the very best administrative reform which could be adopted would be to do away with the necessity of having a patronage-feeder in that House. That would be the effect of adopting vote by ballot in the divisions of that House. There would be no more places to be given away then for voting for this Member or that Member, and constituents would find it of little use making applications to their Members; for, if they did, there would be nothing for them. The hon. Member for Lambeth (Mr. Williams) would then be able to do away with more of those nice liltle jobs which he was always assaulting,—commissions, for instance, with large salaries attached—head commissioner 2,000*l.* a year, second commissioner 1,000*l.*, and so on. He was not an old Member of that House, but from what he had seen, that House required the application of the ballot far more than any borough he had ever seen, and, he believed, more than any constituency in the kingdom, for the whippers-in could always obtain a majority as long as they went about with their pockets full of places. The manner in which the Government patronage was exercised was disgraceful, and to that he attributed all the horrors of the Crimean campaign. The proper men were not put into the proper places, but those only were chosen to fill offices who had Friends in that House to vote for the Government. The hon. Member for Bristol deserved little credit for the manner in which he lectured the aristocracy of the country, for, although he (Mr. Michell) was not connected with the aristocracy, he believed that, were it not for the House of Lords, the country would soon be in a state in which no patriot would desire to see it. Their gallant commanders, their Wellingtons and Hardinges, who were the glory of the country all over the world, sprang from the aristocracy, and it ill became the hon. Member for Bristol to condemn it. The hon. Member concluded by moving, as an Amendment, the insertion in the Motion of the hon. Member for Bristol, the words, "and of Members in divisions in this house."

The Amendment, not being seconded, fell to the ground.

Sir JOHN FITZGERALD supported the motion of the hon. Gentleman the Member for Bristol on the ground that the ballot was required for the protection of the voter.

Viscount PALMERSTON: Sir, I should be sorry if my hon. Friend the Member for Bristol were to imagine it possible, which he might do from what he has said, that he had convinced me by the amusing, though I think not very argumentative speech which he has made to the House this evening. In the very short address which I shall make to the House, I shall expose myself, no doubt, to the reproach which I have often heard made by the advocates of the ballot, that those who oppose it do nothing but reproduce old arguments; but believing that the arguments upon which the ballot has been resisted are conclusive in their nature, it seems to me you might as well complain that there is nothing new in the demonstrations of Euclid. Now, my objection to the ballot is that which has been stated by my noble Friend, viz., that publicity or responsibility for public opinion is an essential principle of our representative constitution. I hold, in opposition to the hon. Member for Bristol, that the right or privilege of election is a trust confided by law to a certain portion of the community, not for their own benefit, but for the benefit of the community at large. I hold, therefore, that every person who is invested with a public trust ought to discharge that trust in the face of the whole country, and that every man should have an opportunity of knowing how the trust has been executed, and be enabled to inquire how the individual entrusted with it has acted, and why he has so acted, in the discharge of his trust. It has often been proved that though there may at present be bribery in some cases, and intimidation in others, that secret voting would not be a cure for either of those grievances. Now, we have been told, as we have often been told before, that we ought to follow the example of the United States, and that in the United States votes are given by ballot. But the example of the United States is a complete mistake as bearing upon the proposal now under consideration. It is perfectly true that in the United States votes are given by ballot, but they do not profess to be given in secret; secrecy is not the object in view there, but the mode of electing by ballot is a short and simple method of giving votes for several elections going on at the same time. It is not, therefore, for the purpose of secrecy that the ballot is adopted; it is for the purpose of convenience; and so far from voting being secret, it is well known that in the United States every man who votes is as proud of his vote as are the men who vote in England, and would scorn to have their votes recorded in secrecy. But is it proposed to make it compulsory that voting shall be carried on in secret? Because if that were the law, it would be degrading to the national character, and I say no Englishman would submit to it. I say that no law you could pass would compel the majority of electors of England to vote in secret, no law could compel the people to suppress the political opinions they entertain. Sir, the majority of the electors would evade the law and give their votes in public; and it would be only the few who would go sneaking to the poll for the sake of screening themselves, from some personal inconvenience, but who would thereby become objects of obloquy and degradation in the eyes of their fellow-countrymen. Then, Sir, I say these are the short reasons why I think this proposal of vote by ballot is one which Parliament ought not to adopt. I think it would be ineffectual for the purpose for which it is proposed, and I think also it would become a great public evil. The House was much amused by the proposal of the hon. Member for Bodmin (Mr. Michell) but I think there was much more logic in that proposal than in the original Motion. You want to secure the elector from personal inconvenience; you want to secure the carrying out of a public object more effectually by enabling every man to act according to his own feeling; but if you want to screen individuals from such inconveniences in the discharge of their public duty, why are not Members of this House entitled to the same protection. If you intend it as a public measure for the purpose of enabling men more freely to perform a public duty, I would ask you whether the duty which is performed by the elector can for an instant be put into competition with the important functions exercised by Members of this House? Well, then, will any man tell me that Members of this House always act according to their own opinions. Will any man tell me that votes are not constantly given here in deference to the pressure of constituencies rather than from the sense the Member entertains of what is best for the public interest. Why, we all know that it is so; and if you require that the elector should be allowed to record his vote in secret in order the better to perform his public duty, I say that the argument has tenfold force as applicable to Members of this House. But, Sir, I should be sorry to see such an innovation introduced. The same principle upon which the elector is bound to perform his duty in the face of the public, becoming thereby liable to public responsibility, has also a tenfold force with regard to Members of this House; and therefore, whatever may be the advantage in point of logic of the proposal of the hon. Member for Bodmin over that of the hon. Member for Bristol, I say that the argument is brought to a *reductio ad absurdum*, and only proves that according to the principles of the constitution of this country we ought not to adopt a measure which tends to withdraw from public responsibility the public or political acts of any person intrusted with any right which that constitution vests in him. On these grounds, Sir, I shall have no hesitation in voting against the Motion.

MR. DILLWYN, amid loud cries of "Divide," expressed his intention to support the Motion.

MR. H. BERKELEY replied: In answer to the allusion made by the noble Lord the Member for Totness (Lord Seymour) to elections in Gloucestershire, in which certain members of his (Mr. Berkeley's) own family were concerned, he begged to state that he had never interfered personally in the proceedings in question, and that if he had refrained that night from touching on those proceedings in the course of his argument, it only was from a feeling that the House would have considered it bad taste on his part to refer to them.

Question put.

The House *divided*:—Ayes 166; Noes 218: Majority 52.

List of the AYES.

Acton, J.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, Sir J.
Atherton, W.
Ball, J.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bell, J.
Berkeley, C. L. G.
Biddulph, R. M.
Biggs, W.
Blake, M. J.
Bland, L. H.
Bouverie, rt. hon. E. P.
Brady, J.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Byng, hon. G. H. C.
Challis, Mr. Ald.
Cheetham, J.
Clay, Sir W.
Clifford, H. M.
Cobbett, J. M.
Cobden, R.
Coffin, W.
Cowan, C.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Currie, R.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Deasy, R.
De Vere, S. E.
Dillwyn, L. L.
Duffy, C. G.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Ellice, E.
Esmonde, J.
Ewart, J. C.
Fenwick, H.
Ferguson, J.
FitzGerald, Sir J.
FitzGerald, J. D.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Gordon, hon. A.
Gower, hon. F. L.
Grace, O. D. J.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hastie, Alex.
Hastie, Arch.
Headlam, T. E.
Henchy, D. O'C.
Hindley, C.
Horsman, rt. hon. E.

Hutt, W.
Jackson, W.
Johnstone, J.
Keating, R.
Keating, H. S.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Langston, J. H.
Langton, H. G.
Laslett, W.
Layard, A. H.
Lee, W.
Lindsay, W. S.
M‘Cann, J.
MacGregor, John
M‘Mahon, P.
Marjoribanks, D. C.
Martin, J.
Massey, W. N.
Meagher, T.
Miall, E.
Milligan, R.
Milner, Sir W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Murrough, J. P.
North, F.
O'Brien, P.
O'Brien, C.
O'Brien, J.
O'Connell, D.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Pechell, Sir G. B.
Peel, Sir R.
Pellatt, A.
Perry, Sir T. E.
Phillimore, J. G.
Pigott, F.
Pilkington, J.
Price, W. P.
Ramsden, Sir J. W.
Reed, J. H.
Ricardo, J. L.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Robartes, T. J. A.
Sadlier, J.
Scholefield, W.
Scobell, Capt.
Scully, F.
Scully, V.
Seymour, W. D.
Shee, W.
Shelley, Sir J. V.
Smith, J. A.
Somerville, rt. hn. Sir W.
Stanley, hon. W. O.
Strickland, Sir G.
Strutt, rt. hon. E.
Talbot, C. R. M.
Tancred, H. W.
Thompson, G.
Thornely, T.
Tynte, Col. C. J. K.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Warner, E.
Waterpark, Lord
Watkins, C. L.
Watson, W. H.
Wells, W.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M‘G.
Williams, W.

TELLERS.
Berkeley, H.
Feilden, M. J.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Alexander, J.
Annesley, Earl of
Archdall, Capt. M.
Bagge, W.
Bailey, Sir J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beaumont, W. B.
Bennet, P.
Bignold, Sir S.
Blackburn, P.
Booth, Sir R. G.
Bramley-Moore, J.
Brand, hon. H.
Buck, G. S.
Bunbury, W. B. M‘C.
Burrell, Sir C. M.
Burrowes, R.
Butt, I.
Cairns, H. M‘C.
Campbell, Sir A. I.
Chelsea, Visct.
Child, S.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Christy, S.
Clive, R.
Cocks, T. S.
Codrington, Sir W.
Colvile, C. R.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Cubitt, Mr. Ald.
Dalrymple, Visct.
Davies, D. A. S.
Denison, E.
Denison, J. E.
Disraeli, rt. hon. B.
Duckworth, Sir J. T. B.
Duff, G. S.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dundas, G.
Dungarvan, Visct.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Elliot, hon. J. E.
Elmley, Visct.
Euston, Earl of
Farnham, E. B.
Farrer, J.
Fellowes, E.
Ferguson, Sir J.
Filmer, Sir E.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Frewen, C. H.
Gallwey, Sir W. P.
Gaskell, J. M.
George, J.
Gladstone, rt. hon. W.
Gladstone, Capt.
Goddard, A. L.
Granby, Marq. of
Greaves, E.
Greenall, G.
Greene, T.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Gen.
Hanbury, hon. C. S. B.
Harcourt, G. G.
Harcourt, Col.
Hardinge, hon. S. C.
Hayter, rt. hon. W. G.
Heard, J. I.
Heathcote, Sir G. J.
Heathcote, G. H.
Heathcote, Sir W.
Heneage, G. F.
Henley, rt. hon. J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Holford, R. S.
Horsfall, T. B.
Hotham, Lord
Howard, hon. C. W. G.
Hudson, G.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Adm.
Jones, D.
Kendall, N.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, hon. W. S.
Langton, W. G.
Lascelles, hon. E.
Lennox, Lord A. F.
Lennox, Lord H. G.
Lewis, rt. hn. Sir G. C.
Liddell, hon. H. G.
Lisburne, Earl of
Lyttleton, hon. E. R.
Lockhart, W.
Lovaine, Lord
Lowther, hon. Col.
Lushington, C. M.
Lytton, Sir G. E. L. B.
Macartney, G.
Mackie, J.
MacGregor, James
Malins, R.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maxwell, hon. J. P.
Miles, W.
Michell, W.
Monck, Visct.
Morgan, O.
Mowbray, J. R.
Mulgrave, Earl of
Mundy, W.
Naas, Lord
Neeld, John
Newark, Visct.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, Robert
Palmer, Roundell
Palmerston, Visct.
Patten, J. W.
Peel, F.
Peel, Gen.
Percy, hon. J. W.
Phillips, J. H.
Phillimore, R. J.
Powlett, Lord W.
Pritchard, J.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Russell, Lord J.
Russell, F. C. H.
Seymer, H. K.
Seymour, H. D.
Shirley, E. P.
Smith, rt. hon. R. V.
Smith, W. M.
Smith, A.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stafford, Marq. of
Stanhope, J. B.
Starkie, Le G. N.
Stirling, W.
Stewart, Sir M. R. S.
Stuart, W.
Sturt, H. G.
Sutton, J. H. M.
Thesiger, Sir F.
Thornhill, W. P.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.

Vance, J.
Vansittart, G. H.
Vernon, G. E. H.
Vernon, L. V.
Vivian, J. E.
Vyvyan, Sir R. R.
Vyse, Col.
Waddington, H. S.
Walcott, Adm.
Walsh, Sir J. B.
Welby, Sir G. E.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Wilson, J.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wortley, rt. hon. J. S.
Wynn, Lieut.-Col.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Seymour, Lord
Bentinck, G. W. P.

The House adjourned at a quarter before One o'clock till *Thursday*.

HOUSE OF LORDS,

Thursday, May 24, 1855.

MINUTES.] PUBLIC BILLS.—2^{a} Alterations in Pleadings; Newspaper Stamp Duties.
3^{a} Alterations in Pleadings; Customs Duties; Spirit, &c. Duties (Excise); Parliamentary Representation (Scotland) Act Amendment.

THE NEW SECRETARY TO THE ADMIRALTY.

THE EARL OF **HARDWICKE**: I wish to put a question to my noble Friend opposite, which I do not care whether he answers or not. I see by the newspapers that an appointment has been made in one of the Government offices which has attracted my attention. I am the last person to presume to interfere with the authority of the Crown in any way, and particularly with reference to such appointments as that to which I refer; but I wish to notice this case because I think it is one of great importance to the public. I see that a gentleman of the name of Phinn is appointed to succeed Admiral Hamilton in the office of Second Secretary to the Admiralty. Mr. Phinn, I find from a little book I hold in my hand, called *Dod's Parliamentary Companion*, is Member of Parliament for Bath, and I should do him great injustice if I did not read all that *Dod* says about him. "Mr. Phinn is a man who has been highly educated at Eton and at Oxford, where he was first class in classics in 1837. He is a Liberal; in favour of household suffrage, vote by ballot, and the fullest development of free-trade principles; will vote for inquiry respecting Maynooth, jointly with the other ecclesiastical establishments of Ireland." Now, I believe the appointment of Second Secretary to the Admiralty has always been a non-political and non-removable appointment. That secretaryship was held for a long period by Mr. Barrow, and the office has since been filled by Captain (now Admiral) Hamilton and other naval officers. The late Government considered that that office should not only be non-political, but that it should be held by a naval officer. It would, undoubtedly, be a very great inconvenience to the public service that this secretaryship, as well as the other secretaryship to the Admiralty, should be made a political office; for both the secretaries would, in such a case, be removable upon any change of Government, and a considerable embarrassment might thus be caused to the public service. I beg to ask the noble Earl opposite whether it is true that Mr. Phinn has been appointed Second Secretary to the Admiralty?

EARL **GRANVILLE**: I do not quite admit that my noble Friend's not caring whether he gets an answer or not is a perfectly good reason for putting the question without notice, and taking the opportunity of making a speech prefacing that question. I certainly think, when noble Lords put questions of this sort, materially affecting the public interests, they should give some notice of their intentions. At the same time I have no hesitation in informing the noble Earl that it is quite true Mr. Phinn has been appointed Second Secretary to the Admiralty. I may also say that I believe the appointment of naval men to that office is the exception; that Mr. Barrow, who filled the office for thirty years, was not a naval man; and that I think the qualifications of a highly educated man, and especially of a highly educated lawyer, are likely at a time of war to be particularly useful to the Admiralty.

THE EARL OF **ELLENBOROUGH**: I confess, my Lords, that I saw the announcement of the appointment to which my noble Friend's question referred with very deep regret, in the first place, on account of the loss of the services of Admiral Hamilton. I had the opportunity of observing the conduct of that gallant officer while I was for a short time at the Board of Admiralty, and, I must say, I think the public will sustain a very great loss in being deprived of his services. I see no reason whatever why he should not still have retained the office after attaining the rank of Rear-Admiral. Of Mr. Phinn I know nothing at all, and I can have no objection to his appointment except in so far as I object to the appointment of any civilian to that office. In the case of Captain Hamilton, it might have been accidental that a naval man had been appointed to the post, but I am quite sure that the appointment of a naval officer to such a situation ought to be the rule, and not the exception. The person who occupies the position of Second Secretary to the Admiralty has to transact a great deal of very important business, and, as far as I can recollect, he has to revise the letters which are addressed in the name of the Admiralty to naval officers. That is a duty which requires tact, courtesy, and knowledge of the profession, and an acquaintance with the feelings of the profession. I recollect perfectly well, when I was for a short time at the Admiralty, that I happened accidentally to see one of the letters addressed in the name of the Admiralty to a naval officer, and I said it was not couched in language in which any naval officer ought to be addressed. Indeed, it would not be proper to address a gentleman in such a style. I mentioned the circumstance to Captain Hamilton, who was much pleased with the observations I made, and asked if he might have authority to correct the language of such communications in future, so as to bring it more into conformity with the gentlemanlike language adopted in the army, and which was always practised by the late Duke of Wellington. It is absolutely necessary, in my opinion, that any one who fills the office of Second Secretary to the Admiralty should be thoroughly acquainted with the feelings of the service. It is desirable that the First Lord of the Admiralty should have an opportunity of communicating confidentially with a gentleman fully acquainted with the naval profession; and to place in such an office as that of Second Secretary any civilian, whatever his abilities may be, is, in my opinion, decidedly detrimental to the public service.

EARL GRANVILLE: I have nothing to add to my former statement, except, in expressing my full concurrence in the testimony borne by the noble Earl who last addressed your Lordships to the services of Admiral Hamilton, to say that, for a long time past, that gallant officer has been most desirous to retire from the office he has held with so much credit to himself and so much advantage to the public. I cannot, however, agree with the noble Earl that, because a gentleman belongs to the legal and not to the naval profession, he would not take care that letters addressed to naval officers should be written in a proper style of courtesy. I may also say, that the secretaryship was offered to a naval officer before it was offered to and accepted by the gentleman who has been referred to, and who, I believe, is likely to discharge his duties very efficiently.

In reply to a question from Lord COLCHESTER,

EARL GRANVILLE said, it was very desirable that noble Lords should give notice of their intention to put questions to the Government bearing upon subjects of this kind. One of the secretaryships to the Admiralty was a Parliamentary office; the other was not; and he believed Mr. Phinn had already resigned his seat in Parliament in consequence of having accepted the appointment.

NEWSPAPER STAMP DUTIES BILL.

Order of the day for the second Reading read.

VISCOUNT CANNING, in moving that the Bill be now read the Second time, said, that although the subject which he was about to bring before their Lordships was one that came before their eyes every day, and although of late years it had been frequently a matter of discussion in the other House of Parliament and out of doors, he believed a long time had elapsed since the question had been brought in any shape before their Lordships' House. Not that any imputation could rest upon their Lordships for not having taken the initiative in considering a question which so materially affected the intelligence, education, and social condition of their fellow-countrymen; for he apprehended that the initiative had been left to the other House of Parliament because the question could not be dealt with without interfering more or less with a source of revenue. But, whatever might be the reason which had prevented the question from being brought before their Lordships in late years, it might perhaps be convenient, before he proceeded to describe the provisions of the Bill, that he should state to the House the present condition of the law upon the subject, the manner in which it had operated, and the reasons which made it not only desirable, but absolutely necessary, that some change should take place. The early history of the stamp upon newspapers might be very shortly told; but in mentioning its principal features, he would take the liberty at the same time of calling the attention of their Lordships to the moving spirit and object of the various acts which had been passed to regulate the newspaper stamp. The first act by which a stamp duty was imposed upon newspapers was passed in the reign of Queen Anne, at a time when newspapers, ceasing to be mere chronicles of events, assumed the character of commentators and critics upon all that was passing around, and of partisans of the various factions of the State. The freedom with which they exercised their functions seemed to have given offence not only to the Government, but to the Parliaments of that day; for in a message sent from the Crown to the House of Commons, in 1712 was a paragraph calling their attention to the subject, and recommending them to find a remedy without delay. The result was the passing of an act imposing a stamp upon newspapers. But it was deserving of notice that that was not the only means of correcting the evil pointed out to Parliament which had suggested itself to the Legislature. Other measures were thought of and discussed, which would not, like the one adopted, have had the effect of bringing into the exchequer any amount of revenue, however small. No change took place in the stamp duties thus imposed until the Administration of Lord North, in 1776, took the question into consideration, and imposed an increase upon the stamp of 50 per cent. In proposing that increase of duty Lord North said that,

> "Many persons thought that newspapers did more harm than good, while others looked upon them to be a great public benefit. He would not pretend to determine whether they were or were not; but he could not help observing that they inculcated one thing, which he believed was not to be credited, which was that the liberties of this country were in danger from cruel, ambitious, and tyrannical ministers, when under this tyrannic government news writers were daily permitted to abuse the persons and misrepresent the measures of those very men whom they described as enemies of liberty, with impunity. He could further inform them that those calumnies and falsehoods were propagated and repeated in the course of a year in no less than 12,230,000 newspapers. It was difficult to determine whence this avidity for reading newspapers arose. He could not say it was from a thirst of knowledge or improvement. He presumed, therefore, it was from a general desire of knowing what was passing, of spending half an hour that lay heavy on their hands, or from an idle foolish curiosity; but let the reason be what it might, it was a species of luxury that ought to be taxed, and from the propensity just mentioned would, he made no doubt, well bear it.—*Hansard's Parliamentary History*, xviii. 1319.

These were the reasons assigned by Lord North for increasing the stamp duty, and subsequently, upon two occasions, a further increase took place under the Administration of Mr. Pitt, that Minister having looked upon newspapers pretty much in the light in which they were regarded by Lord North. He declared that they could be considered only as luxuries, and that for his own part, he felt no pain in making people pay dear for them. The last occasion upon which any increase in the duty took place was in 1815, when the stamp was raised to four-pence, upon each newspaper; and shortly afterwards, in 1819, under the same Administration, Lord Castlereagh passed the Six Acts, which did not indeed raise the stamp duty, but which imposed upon the proprietors of newspapers and other cheap periodicals the necessity of registration and of giving security. He called their attention to these features in the early history of the stamp duty on newspapers, because any objections to the present measure would be based partly, at least, on the ground of the abandonment of revenue which it would entail at a time most ill-suited for the purpose. He would admit that this was not a time to abandon revenue, but he denied that this question ought to be considered entirely or even mainly as a question of revenue. Hitherto it had not been so considered, and he contended that if any good cause could be presented to their Lordships which appeared to render desirable a change in the law, they ought not to be deterred from making that change because a question of the revenue was, to a certain extent, involved in it. The next change which took place in the law relating to newspaper stamps occurred in 1836, when the noble Lord below him (Lord Monteagle) was Chancellor of the Exchequer, and the stamp was then reduced from fourpence to its present amount of one-penny. He believed he was not misrepresenting the motives and the arguments used on that occasion when he said, that the penny then retained was avowedly so retained, not as a source of revenue, but as an equivalent for the postal service given by the State to the newspapers. If, then, while the duty on newspapers was retained at its former amount, the legislation on this subject was regarded, not as a question of revenue, but as a matter of literary police, and if when the penny stamp was introduced it was put forward merely as a postal charge, surely it would be neither wise nor consistent in their Lordships, now that a change was proposed for the purpose of relieving the law from the anomalies, embarrassments, and, he might say, from the injustice which hampered its administration, to object to that change because a certain amount of revenue was involved in it. That such anomalies and inconveniences existed was unfortunately but too easily shown. They had arisen, he believed, partly from the unexpected and very varied growth of periodical publications since the time of those who first imposed these restrictions, and, partly, from the present complicated and, at the same time, very imperfect definition of a newspaper. In the first Act on the subject, passed in 1712, the definition given of a newspaper was "a paper containing public news, intelligence, or occurrences, printed in Great Britain, to be dispersed and made public." This definition pervaded all the Acts from that of Queen Anne to the measure of 1836; but it was not the only one. In 1819, at the time when Lord Castlereagh's Act was passed, the definition was enlarged, and was made to include pamphlets containing, as before, news, intelligence, or occurrences, and also "any comments or observations thereupon, or any matter of Church or State." At the same time the operation of the Act was limited to publications printed at intervals of less than twenty-six days, and there was also a limitation with respect to size and price. The only other important change in the definition was made five or six years later, when papers containing wholly or chiefly advertisements were also included among those rendered subject to duty. Here, therefore, were three several definitions of newspapers, all of them, with the exception of the words relating to Church or State, retained in the Act of 1836, and it could not be surprising if many inconveniences resulted from this state of things. As an example of the inconveniences which arose in consequence of this complicated state of the law, he might refer to the case of a monthly work conducted by Mr. Charles Dickens, called the *Household Narrative*, which, published more in the form of a pamphlet than of a newspaper, appeared for some time without a stamp. The Judges differed in opinion upon the law as applicable to that instance, and a measure was therefore passed through Parliament by which publications appearing only at intervals of a month were *ipso facto* exempted from the operation of the Stamp Act. No sooner, however, was this inconvenience remedied than another arose from the issue of what were called "slips" by newspapers, which came out at irregular intervals between the ordinary publications, and escaped altogether the imposition of the stamp duty. The proprietors of other newspapers complained very naturally that their budget of news was anticipated by the issue of these "slips," and that they ought to be made subject to the existing stamp law; but, such was the difficulty of patching up an incongruous law, that the officers of the Crown had been unable from that time to this to deal with this question. Then another difficulty arose with regard to what are called "class newspapers." The Government decided that publications of this sort, which at first were very few in number, should be exempted from the stamp duty on the ground that they did not provide public intelligence in the ordinary acceptation of the term, and that the matter contained in them was evidently not contemplated in the law when first passed. These class publications continued to increase very rapidly in number down to the present time, when there were between 140 and 150 of them, published weekly upon almost every known science. Architecture, painting, horticulture, agriculture, and, in fact, nearly every subject had its own special publication. The consequence was that other newspapers, jealous of that privilege, had sought to obtain it for themselves, by dealing with matters of a very different nature, but still in some sort confining themselves to one particular subject. The most remarkable instance of this was the issue of a number of such newspapers as *The War Telegraph*, *The War News*, the *Army Despatch*, and others, containing nothing but what related to the operations of the army abroad, and claiming, upon the ground of their abstinence from dealing with other subjects, the privileges of a class publication. In many cases the intimation that the law would be allowed to take its course against these publications had been sufficient to suppress them, but that had not been the case with all; and in one instance, the editor having refused to stop the issue, he had been proceeded against at law. The paper in question was an Irish publication, called *The Commercial Journal and Family Herald*; and, though it did not wholly exclude matters of general intelligence, it described itself to be a paper of a literary character. The particular copy of the *Commercial Journal* upon which proceedings had been taken contained, in all, twenty-four columns of matter, namely—nine of advertisements, four of news, and eleven of what might be called literature. The case was tried before the Court of Exchequer in Ireland, and the jury returned a verdict for the defendant, thereby intimating an opinion that, though the paper did contain some news, it was, nevertheless, not a newspaper, the general contents being of a different character. That verdict was taken up very eagerly by the abolitionists of the newspaper stamp duty, who looked upon it as conclusive; and it was impossible to deny that the verdict thus given had greatly increased the difficulties of the Executive. So far, with regard to the inconvenience to which the Executive had been exposed by the imperfections of the law; but there was another point in which the law showed itself faulty, to which he must briefly allude. The proprietors of class publications soon found that, to a certain extent, the use of the stamp and its consequent postal privileges might be of service to them; and, therefore, while claiming broadly and generally for their publications, the liberty of going unstamped, they at the same time put forward a claim to stamp such copies as they might desire to send through the post. Now the declaration that the parties were about to publish a newspaper, which was made use of at the Stamp Office in order to obtain stamped paper, was not held to be sufficient evidence that the publication in question was a newspaper; and hence it was no uncommon thing for printers and publishers and others to make that declaration, and to obtain the stamp to reports and matters of that description, which thus went free through the post. He held in his hand a pamphlet containing the report of a society, of which several right rev. Prelates were patrons and presidents, which bore the newspaper stamp, which could only have been impressed there upon the declaration of the printer, publisher, or secretary, that it was a newspaper. Neither the Government nor any constituted authority had the power of restraining these proceedings. This being the anomalous state of the law, it was not, he thought, a matter of much surprise that a strong feeling should have been expressed in quarters, to which much deference was due, in favour of some change in that law. The last Committee of the House of Commons which had the subject under consideration, and which sat in 1851, directed the attention of Parliament to the objections and abuses incident to the system of newspaper stamps, arising from the difficulty of defining and determining the meaning of the term "news" to the inequalities which existed in the application of the Newspaper Stamp Act, and to the anomalies and evasions which it occasioned in postal arrangements. The next notice which was taken of the matter by the House of Commons was in the last Session of Parliament, when a long and elaborate debate took place which resulted in the passing of a Resolution to the following effect—

> "That it is the opinion of this House that the laws in reference to the periodical press and newspaper stamp are ill-defined and unequally enforced; and it appears to this House that the subject deserves the early consideration of Parliament."

In that opinion the Government acquiesced, and they accordingly lost no time after the Resolution had passed in taking the matter into consideration, and the result of that consideration was the Bill which was now upon the table of the House. It was not necessary, he presumed, to show to their Lordships that, an alteration being required it was absolutely essential that it should be in the form of relaxation and not of restriction. He had, indeed, heard it said that the most wholesome Amendment would have been one in the nature of restriction, by rendering the law more stringent and thoroughly operative than it was at present, more especially since the revenue would suffer from relaxation. He did not think that any of their Lordships, however, would seriously contend, after the liberty which the press had enjoyed so long, and after the tastes and habits which that liberty had fostered, that it would be possible now to put further restrictions and fetters upon the press, even if the stamp law could be enforced as it at present stood. That being the case, the Government had no hesitation as to the direction which the measure should take. The measure now proposed enacted that hereafter there should be no stamp compulsory upon newspapers; and the abolition of that requirement would remove what had been a fertile source of embarrassment to all Governments—the definition of what was a newspaper. A clean sweep would be made in that direction; but inasmuch as the law at present was not in all respects unfavourable to newspapers, which enjoyed certain privileges which, perhaps, if the matter were to be wholly reconstructed, might not be granted, but which, as they existed, it would not be advisable to entirely abolish;—therefore newspapers would be allowed the option of using a stamp as the price to be paid, not for a single transmission through the Post Office, but for several retransmissions. Those papers which were printed upon unstamped paper, and, consequently, not now falling within the cognisance of the Board of Inland Revenue, were now conveyed at the usual letter-post charges; but, as soon as this Act should be passed, that subject would be considered with a view of constructing such a tariff as would enable printed publications to pass through the Post Office at a minimum rate of one penny for four ounces. He was aware that apprehensions had been expressed lest the additional freedom and increased facilities offered for the publication of periodicals should lead to the country being inundated with seditious, if not worse than seditious, publications, which would lower the tone of the press and tend to excite demoralisation and discontent among the community. Great evils had been talked of as likely to ensue, and reference was made to the American press to justify those apprehensions. He confessed that he was far from sharing in those apprehensions, which, he thought, argued some want of consideration and of candour on the part of those who expressed those fears. He believed that if the character of the press were minutely investigated it would be found that the most demoralising newspapers had not been unstamped, or penny publications, but stamped sheets; their existence had been but brief—but he believed that, in the cases of all those papers, which were most objectionable in their tendency and most mischievous in their effects, the purchasers were rather to be found among the higher classes of society than among the lower. With regard to the example of the American press, so often quoted, he did not think the state of things prevalent in the United States was likely to arise among us by the removal of the stamp; and he thought a great deal might be said in defence of a large portion of that press, the failings of which had, he thought, been exaggerated. It must be recollected that there was a great difference between the characteristics of the two nations. America was a young country, her people were democratic in principle, energetic in habits, and active in politics. He thought a more faithful index of the results likely to flow from the proposed change in the law would be found in the press of our Australian colonies. There the press was free as in America—there had never been any restrictions. In Victoria alone there were, he believed, no less than seven or eight daily newspapers, and seven or eight weekly. The only one which he had been able recently to see, and which he believed was the best conducted of them, with the largest circulation, was the *Melbourne Argus*. That paper was nearly the size of *The Times*, and was published at the price of 2½*d.*, he believed—certainly the price did not exceed 3*d.*—and a short time since it was even less. It circulated about 11,000 or 12,000 a day, and, although at present it was not conducted with all the intelligence and talent which distinguished the principal papers of this country, yet so far as he had seen, it was in tone, temper, and language, quite as unexceptionable as our own journals. He was told that the same remark would apply to all the journals of the Australian colonies generally. He should abstain from entering upon details at present as to the intentions of the Government with respect to the terms upon which unstamped papers should be carried by the Post Office. That was a matter which did not fall within the scope of the Bill, and was a matter which the Postmaster General, in conjunction with the Lords of the Treasury, could settle by warrant quite independently of Parliament. He had stated generally the intentions of the Government, and, upon going into Committee, he should be prepared to give their Lordships any further information which they might require. There remained one point upon which, although not mentioned in the Bill, he should wish to say a few words—he referred to the subject of copyright. Great alarm had been expressed that the calling into existence a number of fresh newspapers, to be conducted upon small capital compared with the capital employed by the existing journals, would lead to a mischievous system of piracy, which would seriously affect the interests of newspapers already established. This question excited a good deal of interest in the House of Commons, and Her Majesty's Government consequently thought it their duty to frame certain clauses with a view to the protection of newspapers against piracy; his right hon. Friend, however, who had charge of the measure in the House of Commons had found himself unable to frame a clause, in terms acceptable to the House, and he must say he was not surprised at, nor did he regret their rejection. He was not surprised at it, because any one who had given their attention to the subject would remember that this was not the first time that this question had been agitated in Parliament, and that upon a former occasion copyright clauses had been abandoned, notwithstanding which very little inconvenience had been felt by newspapers on this head from 1836 to the present time; and, probably, had the framers of the provision succeeded in their endeavours on that occasion, there would have been no less reason for complaint than at present. He did not regret the decision of the House of Commons on the present occasion, because it appeared to him that, as far as copyright was needed, the law, as it at present existed, provided an effectual remedy for its infringement, though it might not do so very conveniently or summarily. There were two sorts of articles in newspapers peculiarly liable to be copied by other papers—leading articles, and pure announcements of facts. The former were copied rather for their literary merit and the intelligence, general knowledge and information they displayed, than for the announcement of any new facts, and there was very little difficulty in tracing the theft; besides which, to render such copying in any way injurious to the newspaper from which the leading articles were copied, it was necessary that the copying should be continuous, and for that an effectual remedy might be obtained by injunction in the Court of Chancery. Of course, it was perfectly competent for Parliament to render that remedy more easily obtainable, but he did not see that it was necessary to introduce clauses into this Bill for that purpose. With respect to the pirating of mere announcements of facts, he doubted very much whether any Bill could be framed which would prevent the immediate copying and circulation of news in such a country as this, even if the object were one of unquestioned expediency and utility. It was all very well to say, if we give large powers to particular individuals, we will trust to their good sense not to press them too far; but that was neither a wise nor a safe principle of legislation, and, unless there was an absolute necessity for it, they had better abstain from adopting it. As he had said before, leading articles could not be much disguised, for if the words were very much changed the article would lose the greater part of its value; it was a composition which could not be dealt with in that manner. But it was quite the contrary as respected the bald announcement of a fact which might be conveyed in a few words, but the form of which might be changed in a variety of ways. There would be the greatest difficulty in tracing piracy in such cases, and, supposing the powers contemplated by the clause in question were given, it would require the greatest discretion and forbearance in their exercise, otherwise much mischief might be done, and innocent persons, who never intended to infringe the Act, might be put to considerable expense in defending themselves in actions brought against them. Apart, however, from this objection, he had serious doubts whether this was a sort of property which ought to be protected. He could better understand why it should have been so considered some years ago, when the expense of collecting the intelligence published by newspapers was very great, when special couriers were employed, at a heavy cost, and when it was only those who had great command of capital who could obtain the facilities required for its collection and transmission. The times, however, had changed. Telegraphic communications from abroad were daily sent to numerous persons in this country at the trifling expense of a few shillings, and those persons might either publish the intelligence so received themselves or give it to others to publish. Very great doubt, therefore, would exist whether articles of intelligence which appeared in newspapers, and which persons were charged with copying from other publications, had been so copied; and it would be unjust, upon a mere suspicion that they had been, to put parties to the expense of proving that they had not. In his opinion, no benefit which would result from a copyright would be sufficient to compensate for the restrictions and restraints under which persons would feel themselves in using intelligence transmitted by the electric telegraph. He should, therefore, conclude by urging their Lordships to give the measure a favourable consideration. It had been calculated that the loss to the revenue by the adoption of the present measure would not be much under 150,000*l.* a year; but he thought there was every ground to anticipate that that loss would be compensated in some measure by the charges for the transmission of newspapers by the post; and therefore, notwithstanding the financial objections which had been urged against it, he ventured, upon social and political grounds, to ask their Lordships to assent to the second reading of this Bill.

Moved, That the Bill be now read 2ª.

LORD MONTEAGLE said, that having had occasion when Chancellor of the Exchequer to effect large changes in the Newspaper Stamp Duties, he felt it his duty to state his objections to the present measure. But before proceeding to the consideration of the Bill itself, he would lay a foundation for the main objections he intended to urge against the measure, by calling the attention of the House to the financial condition of the country at the peculiarity of the time when they were called upon to make a large, and what he believed to be an uncalled-for and unnecessary sacrifice of the public revenue—a sacrifice not only uncalled-for, but unwise, and, in some respects, unjust, particularly in reference to the mode in which it was proposed to be carried into effect. The noble Lord who had just sat down need not feel apprehensive that he was about to found his objection to the measure on the grounds to which he had first adverted, namely, the moral and political objections that had been entertained on the subject by the statesmen of past times. He did not advocate the continuation of the tax on any such grounds. He did not mean to argue that any mischief, either moral or political, would result from the relaxation of the present law. Indeed he was precluded from doing so, because it was his opinion that, since the year 1836, when he had himself reduced the tax from 4*d.* to 1*d.*, there had been a marked, though gradual, improvement in the tone and temper of the newspaper and periodical press. This, no doubt, was mainly attributable to the better feeling and taste and to the more extended education of the public. The press derived its character from the character of the people among whom it circulated, and it must necessarily suit itself to the feelings of the people by whom public journals were read. Still, he thought their Lordships ought to pause before they adopted so great a financial change as that which was now proposed; for, although the usages between the two Houses of Parliament were such as to preclude their Lordships from dealing with the subject in a practical way by rejecting the Bill, still they ought not, under the present circumstances of the country, to allow such a measure to pass without adverting to the consequences which might possibly follow from its adoption. The noble Lord himself appeared to be fully aware of the force of these objections. The fact was, that the country was not at present in a position to make so great a sacrifice of revenue as that which the present Bill required. They had not a surplus revenue to deal with—they were not even in a position to support the public establishments from the revenue as it stood—they were not in a condition to go into the market as borrowers without at the same time feeling themselves constrained to impose new and heavy taxation on the country. In taking these steps, therefore, which the Government had done for raising money, and which he believed they were justified in doing by the peculiar exigencies of the present time, they unreservedly admitted that they possessed no excess of resources; and, therefore, were not in a situation to place at risk so large a sum as would be affected by the measure now before their Lordships. There never had been a period when a greater amount of public spirit had been evinced by the House of Commons than was displayed at the present moment in their readiness to support the Government at any sacrifice. So far as taxation and credit went, the national purse had been placed unreservedly at the command of Her Majesty's Government; there had been no hesitation in granting whatever amount was felt to be just and necessary. There might have been entertained some jealousy with respect to the prudence with which enormous funds, placed at the disposal of the Government, had been applied. It might have been thought that there had been a lavish waste of public money in comparison with the services which had been provided for; even he himself was of opinion that there were many cases in which some evidence might be adduced to warrant such an impression. But, notwithstanding the feeling of discontent which had been felt, and which, he feared, was not wholly without justice, the House of Commons, still true to its principle as to the necessity of giving every aid that the war could require, had refused the Government no one vote; but, on the contrary, had placed all the resources of the State at its entire disposal and control. Under these circumstances their Lordships ought to hesitate before they sacrificed the permanent taxation of the country. In proportion as public necessities were great, in proportion too as the Government were lavish, it behoved Parliament to be prudent, and to put a curb upon any disposition that might be felt in any quarter, by repealing permanent taxes, in order to conciliate a popular cry that was not worth the breath wasted upon it. He would now call the attention of the House to the progress of the expenditure of the country; which, he ventured to say, was unexampled in the history of the nation. In 1835, the whole supply voted amounted to 14,123,000*l.*; the average sum voted in the three years, 1851, 1852, and 1853 was 20,018,000*l.*; in the year 1854 it had increased to 38,141,000*l.*; and in 1855 to 50,067,000*l.* There had been an increase, in 1855, of 35,000,000*l.* as compared with 1835; of 30,000,000*l.* as compared with the averages of 1851, 1852, and 1853; and of 11,900,000*l.* as compared with 1854. With facts like these before them, would their Lordships be justified in making a sacrifice of public money to the extent of 485,000*l.* a year, being the amount which last year, on account of this tax, passed into the office of the Inland Revenue. His noble Friend (Earl Granville) had assumed somewhat gratuitously that the loss of revenue by the repeal of this tax would only be 150,000*l.* No proof was offered in support of this assertion. But the real question was not the amount of estimated loss, but the certain amount of revenue that would be brought into jeopardy. They had recently borrowed 16,000,000*l.*, partly raised on annuity, partly a permanent debt. The newspaper stamp, which produced 485,000*l.* represented pretty accurately the interest on the permanent debt which they had contracted in the course of the present year. If they left this amount of revenue as it was, they would have had a sum arising from the newspaper stamp duties countervailing, as accurately as might be, the whole amount of the interest on the Three per Cent stock which they were now called upon to create. He contended that it was not well to sacrifice a permanent revenue at the moment when we were compelled to contract a permanent debt. He contended that the Bill was uncalled for, and that it was not desired by those who were most interested in the question—namely, the newspaper proprietors throughout the country. Had the proprietors of, or those interested in, newspapers, called upon Parliament to relieve them from this tax, because they conceived it to be oppressive or injurious to their interests? No such thing; and he believed that this was the only instance in which Parliament had been called upon to make a sacrifice of public revenue when the parties now paying the tax, proposed to be repealed, humbly and respectfully entreated the Legislature to let them alone. The clamour that had been raised for the repeal of the newspaper stamp was a clamour got up by a few interested persons, and to that clamour their Lordships were called upon to yield, and to make a sacrifice of revenue of nearly half a million a year. Perhaps he might be charged with inconsistency in urging this argument. Perhaps it might be said, seeing that he had had the honour of reducing a tax upon newspapers in 1836, which was then four-fold the amount of the present tax, that he ought not to quarrel with the proposition now made. But the cases were entirely different; and he would show their Lordships in what important principle they differed. In the case in which he had proposed his reduction to 1*d.*, the tax being excessive led to the most undisguised violation of the law that had ever taken place in any civilised society. The duty of 4*d.* was an extravagant duty, and produced a system of smuggling which extended over the whole country. This was met by a resolute determination on the part of the Government to put it down; and in one single day, in the office of an unlicensed and unstamped newspaper, the unfinished impression of a newspaper was seized, equal, in point of numbers, to the whole of the stamped newspapers issued in London on that day. But all such efforts were ineffectual. Prosecutions, fines, imprisonments, were alike failures. It was felt to be unjust to continue a system which gave to those who violated the law an advantage over those who obeyed it. The unstamped press had all the essentials of a vicious press. Under such circumstances it was thought better to reduce the duty, and the parties interested readily submitted to a tax of one penny, which they considered a just and reasonable arrangement, the postal privileges given them being deemed fully equivalent to the duty of 1*d.* paid. The reduction of duty annihilated the smuggler. In the three years before the reduction of duty there were 163 imprisonments for an evasion of the law, but in the three years ending in 1851 after the reduction, there was not one single imprisonment. As a financial measure it had also been successful, because the circulation of newspapers had been greatly increased by the reduction. In 1833 the number of stamps issued was 32,000,000; in 1854 it was 111,000,000, and the stamp duty, though reduced to nearly one-fourth of the rate previously paid, now produced 460,000*l.*, as compared to 533,000*l.* in 1833. He thought Her Majesty's Government were now gratuitously and unwisely calling upon Parliament to forfeit this revenue. He was, however, far from holding the present Chancellor of the Exchequer mainly responsible for this, as an engagement to reduce the duty had been entered into before the right hon. Gentleman's accession to office. Another point deserved consideration. There was the question as to protecting the property of individuals who were engaged in this great commercial enterprise. In 1836 he had brought forward no copyright provision, because none was pressed for; but the case was wholly different now. In 1836, the penny stamp was still left upon all newspapers, but the danger now apprehended was piracy by parties who were not required to contribute to the revenue at all; the non-existence of piracy while the penny stamp was continued was no argument whatever against the necessity of obtaining some protection under the law as it was proposed to make it for the benefit of parties who expended their capital in what, no doubt, was a commercial speculation, but one from which all their Lordships profitted, and which was productive of the greatest possible advantages to the country. If the present mode of conducting their business were made unprofitable, it was quite clear that the proprietors of a newspaper would not persevere in it, and he did not think it wise to adopt a course which would have any such effect. He had been told that the expenditure of the press for intelligence and foreign correspondence was no longer requisite. He might be told that a five shilling message could be sent by electric telegraph containing all the information that was required; but a great deal more than such cheap and simple arrangements was necessary—there must be an intelligent party selected to find the information and to communicate it to some person capable of turning it to account; if, immediately after publication, valuable information was taken from the person who had acquired and purchased it, if it were then made use of for the benefit of a plagiarist by underselling the real author, he (Lord Monteagle) did not think that was just or defensible. On these grounds, but mainly on account of financial considerations, he thought it inexpedient to remit this tax, the repeal of which was not asked for by any but a small and insignificant section of the community. In Scotland, for example, the whole of the newspaper proprietors met together, and stated, in his judgment most truly, but that which the noble Lord who had charge of the Bill seemed to think a fallacy—namely, that they did not regard the stamp duty on newspapers as being in any respect as a tax upon knowledge, but rather a return for postal privileges; and one of the witnesses examined before the House of Commons Committee declared that, if the newspaper proprietors throughout England were polled, not one out of ten would be in favour of the proposed repeal. This, he believed, to be perfectly true. The clamour raised against this tax was got up on the fallacious ground that it was a tax upon knowledge, and the friends of education were especially invited to assist in its removal; but he looked upon this argument as a vulgar clap-trap. If the 480,000*l.* produced by the stamp duties had been spent upon the encouragement of education strictly so called, could any man doubt that it would have been more beneficially employed? He was opposed to the abolition of this tax, because he thought it an inopportune moment to do so when they were imposing other taxes which pressed heavily upon the food of the people, and when they were borrowing 16,000,000*l.* to defray the extraordinary expenditure of the country, and he was opposed to it likewise as most unjustly pressing on the interests involved and capital now invested in the newspaper press of the United Kingdom.

VISCOUNT CANNING said, that although the noble Lord had stated certain objections to the measure, his general sentiments were in accordance in many respects with his own. The noble Lord had not made any allusion to the main ground on which he proposed the Bill, which was that the law which imposed the tax was no longer workable. There was not a single day on which the Government would not be called upon to take proceedings against some offender. The Government were guilty of no *laches* in this respect; yet they had found that they could not carry out the law. Nothing was more calculated to bring the law into contempt than to retain on the statute book enactments which could not be enforced. It was said that there had been few petitions from newspaper proprietors in favour of this measure. This might be true, but it in no way affected the justice of the question. It would be remembered that not many shipowners petitioned for the alteration of the navigation laws, nor many farmers for the repeal of the corn laws.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House *To-morrow.*

Protest of Lord Monteagle *against the Third Reading of the Newspaper Stamp Duties Bill.*

"Dissentient.—Firstly—Because it is inconsistent with the most obvious principles of financial policy to endanger a permanent annual income like that produced by the stamp duty on newspapers, and which nearly amounts to 500,000*l*., at a time when the country is engaged in a formidable war, and when the necessities of the public service have rendered it necessary to contract a loan of 16,000,000*l*. during the present Session.

"Secondly—Because the annual amount of revenue thus placed at risk by the ill-advised repeal of the stamp duty upon newspapers would, if retained, have been sufficient to provide for the interest of the permanent debt contracted during the present Session, or would have lessened the necessity of imposing increased and oppressive burdens on the people.

"Thirdly—Because the inexpediency of this sacrifice of permanent income becomes still more apparent at a period like the present, when, in addition to the loan contracted, Parliament has also been compelled to increase the income tax, as well as the duties of Customs and Excise levied on articles of the first necessity, diminishing the command of the industrious population over the comforts and necessaries of life, checking the progress of our commercial relations, and restricting the foreign markets for our manufactures.

"Fourthly—Because such a sacrifice of taxation is the less called for when, as in the present instance, it is applied to a branch of the revenue increasing steadily in amount from year to year, and thereby demonstrating that its pressure has not acted injuriously to the public interests.

"Fifthly—Because the proposed repeal of the stamp duty on newspapers, so far from being sought for as a relief to the class of newspaper proprietors whose interests are primarily involved in the question, is, on the contrary, earnestly deprecated by them, as being likely to lead (through an unjust and unchecked piracy) to the depreciation of their capital and the sacrifice of their commercial interests.

"Sixthly—Because no attempt has been made by the Legislature, as justice required, to protect such parties from these severe anticipated losses, which, if they should take place by the reduction of the just profits of industry (the result of a fraudulent competition), may lessen the motives and the means of newspaper proprietors for procuring and communicating trustworthy information, thus reacting mischievously upon public and private interests by limiting and defeating the most useful functions of a free and intelligent press.

"Seventhly—Because the loss of permanent income produced by the present Bill cannot but throw obstacles in the way of the future reduction of the war taxes on the restoration of peace, to which the faith of Parliament stands solemnly pledged to the people of the United Kingdom.

"MONTEAGLE OF BRANDON."

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 24, 1855.

Minutes.] Public Bills.—1° Dwellings for Labouring Classes (Ireland).
2° Grand Juries; Bills of Lading (No. 2).
3° Education of Pauper Children; Brighton Incorporation.

WALLACHIA AND MOLDAVIA—QUESTION.

Mr. OTWAY said, that as the noble Lord at the head of the Government had stated in the House that negotiations were now going on, and were intrusted to "our ally to a certain extent"—Austria, and as one of the conditions of peace with Russia related to the state of the Principalities of Wallachia and Moldavia, he wished to know whether it was true that the people of the Principalities of Wallachia and Moldavia had been subjected to martial law by the Austrian authorities; and, if so, whether that step had been taken with the previous knowledge and concurrence of Her Majesty's Government; also, whether any communications had passed on this subject between Her Majesty's Government, or any agents of the Government, and the Austrian Government, or any of its agents; and, if so, whether the noble Lord had any objection to lay such communications on the table of the House?

Viscount PALMERSTON: Her Majesty's Government was informed, in the course of the present month, by information coming principally from our consuls in those provinces, that the general officer commanding the Austrian troops in the Principalities had proclaimed martial law, Lord Westmorland asked for information upon that subject from General Hess at Vienna, and the reply he received was that the Austrian Government had no information on the matter, that they had given no instructions for the order in question, and that they did not know whether or not it had been issued. Upon further inquiry, Lord Westmorland found that General Coronini had issued an order, not to the effect of what we commonly understand as martial law—that is to say, an order superseding the law of the country in regard to the administration of justice generally—but an order which applied to the troops themselves, and to any person who might be detected in the endeavour to induce the troops to desert. The reason assigned was that attempts had been made to induce desertion, and the Austrian general thought that a necessary measure. Lord Westmorland inquired of the Austrian Government whether that edict would apply to any foreigners? and he was assured that it would not apply to any foreigners within the Principalities, and that if any complaint was made as to a foreigner having attempted to induce the Austrian troops to desert, a representation would be made to the Minister of the country to which that foreigner belonged. I am not aware that there will be any objection to give such extracts from the despatches as may serve to explain precisely how the matter stands.

MILITARY EDUCATION—QUESTION.

Mr. W. EWART inquired of the Under Secretary for War whether any programme would be laid before the public of the sort of military education, practical as well as theoretical, to be prescribed for the troops in the encampment at Aldershot; especially, whether it will be endeavoured to give them instruction in details connected with hutting, cooking, food, fire, discovery of supplies of water, and other practical matters fitted to increase their resources and exercise their intelligence as soldiers?

Mr. FREDERICK PEEL said, the militia regiments at Aldershot would have the full benefit of the educational system in the army. Schools would be established, the men would be placed under the care of efficient schoolmasters, while chaplains would be appointed to take charge of their spiritual instruction. With regard to education of a more practical kind, the first object, of course, was to teach the militia regiments how to act together in large bodies; but he had no doubt that the general commanding the camp would give all the prominence it deserved to the important question of teaching the troops how to hut themselves, and the other points referred to in the question.

THE NAVY AND MARINES—QUESTION.

Admiral WALCOTT: I must, through you, Sir, entreat the indulgence of the House to preface the question which I am about to submit to the First Lord of the Admiralty, with a few, but to me most necessary words. To no pain more acute could I render myself liable, than the reflection that, by any expressions of mine, I had justly incurred the suspicion of holding the army in consideration and honour inferior to that in which I regard my own profession. No jealousies exist between the branches of the United Service—their only rivalry lies in the fervour of their mutual desire to promote the success of each other. I am influenced by one motive, to prevent an irregularity becoming a precedent, and to vindicate and confirm the position held by usage and prescriptive right of the navy. I wish, therefore, to ask the First Lord of the Admiralty, why, on the late occasion of the distribution of the Crimean medals by the Sovereign, or by what inadvertence, the navy were displaced from their prescriptive position in front of the army, and the marines from their right of precedence of the 50th Regiment?

Sir CHARLES WOOD said, the position of the navy and marines on the occasion arose from no inadvertence; but as it was the great object of the Admiralty to promote the best possible feeling between the seamen and marines, it was, therefore, thought more convenient and more in accordance with the feelings of men who had served, fought, and bled together in the Crimea, that they should also be formed together when receiving the orders to which their gallant conduct had entitled them.

MESSAGES BETWEEN THE TWO HOUSES.

Resolution communicated from the Lords on Tuesday last, *considered.*

Viscount PALMERSTON moved that the House agree to this Resolution; and said, it should be understood that the reception of Messages at the bar of one House by the clerk of the other did not imply anything beyond the mere formal reception of such Messages.

Mr. DISRAELI cautioned the House against agreeing without due consideration to this proposition, the effect of which would be that they would soon not know what business was going on between the two Houses. In all popular ceremonies a certain degree of form and ceremony was necessary to be observed, in order that business might be conducted in a regular manner, and in order that all Members should be kept perfectly acquainted with what was going on. But if a Resolution of this sort were adopted, he was afraid that before long complaints would be made that things had been done with which this House had not been made sufficiently acquainted.

MR. ROEBUCK said, he should attach more weight to the observations of the right hon. Gentleman, if any Member could tell him that he at any time understood any Message which was delivered from the other House.

SIR H. WILLOUGHBY asked in what manner Messages from the other House would be communicated to hon. Members, if this Resolution were adopted?

MR. SPEAKER said, that the clerk of one House would communicate Messages to the clerk of the other House at the bar; and it would then be the duty of the clerk receiving the Message to communicate it at the earliest opportunity, without interrupting the public business, to the Speaker, by whom it would be made known to the House.

Resolved, That this House doth agree with the Lords in the Resolution adopted by them respecting the arrangement for the transmission of Messages, Bills, and Papers from one House to the other (namely),

> "That, in addition to the present practice with regard to Messages between the Houses, one of the Clerks of either House may be the bearer of Messages from the one to the other;
>
> "And that Messages so sent be received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst it is sitting or in Committee, without interrupting the Business then proceeding."

Ordered, That Mr. FITZROY do acquaint their Lordships with the said Resolution.

PROSECUTION OF THE WAR.

MR. DISRAELI rose, according to notice, to move the following Resolution—

> "That this House cannot adjourn for the recess without expressing its dissatisfaction with the ambiguous language and uncertain conduct of Her Majesty's Government in reference to the great question of peace or war; and that, under these circumstances, this House feels it a duty to declare that it will continue to give every support to Her Majesty in the prosecution of the war, until Her Majesty shall, in conjunction with her allies, obtain for this country a safe and honourable peace"—

and said, in rising—Sir, to move the Resolution which is now in your hands, I wish, in the first place, to explain to the House the reasons by which I am actuated in so doing, and the object which I have in view. Sir, I have watched for some time, as I suppose every Member in this House has watched, with interest and with deep anxiety, the conduct of the Government with respect to the great question of peace or war during the recent Conferences at Vienna, and I have imbibed an opinion with respect to the intentions of the Government which has filled me with distrust. I thought that there was on their part language so ambiguous and conduct so uncertain that I was led to reflect what might be the consequence of circumstances which undoubtedly had filled the public mind of this country with great disquietude and great discontent, and which certainly demanded the attention and consideration of every man who felt that he had a responsible duty to perform in this House. It was impossible for me, entertaining that opinion, to ask that the sentiments of this House should be publicly declared on this subject so long as negotiations were going on. Everybody knows that the obvious and irresistible answer to me would have been—"Her Majesty's servants are at this moment engaged in confidential communications with the representatives of foreign Powers, and it would be highly indecorous, and might be injurious to the interests of Her Majesty's service, if the criticisms of Parliament should interfere with the possible result of their labours." Who can for a moment deny that such an objection would be entirely judicious, and could not for a moment be resisted? At last, Sir, after some inquiry, and after an unusual period of time, the protocols of the negotiations were laid on the table of this House, and I did anticipate that the Minister, following the precedents which, as I think, ought to have regulated his conduct, would have taken the earliest opportunity of asking the opinion of Parliament upon the labours of the representative of his Government, and would have also taken the same opportunity of laying before the House of Commons, without, of course, committing himself to embarrassing details, but still frankly, precisely, and explicitly, what were the intentions of the Government with regard to the great question of peace or war. Well, Sir, I more than once invited the First Minister to take that course; and I confess that, even to the last, I did believe that he would have reconsidered his first conclusion, and that he would have felt that he was doing his duty more satisfactorily to his Sovereign, to Parliament, and to the country, if he had pursued the course which I had intimated. I did hope that the noble Lord would have perceived that the public mind was in that state as certainly to render it necessary, above all things, that the Minister should relieve and enlighten public opinion on subjects of such surpassing magnitude, and that he would, therefore, have been anxious to ask, in the constitutional and customary manner, the opinion of Parliament on the course and character of the negotiations which he had sanctioned, and the policy which he intended to pursue. Well, Sir, I was disappointed in that expectation; but I was not the only person who was disappointed; indeed, I think I may venture to say that the House and the country were equally disappointed. I think I may venture to say that it would have been satisfactory to the public, in the present perplexed and somewhat sullen disposition of the nation, if, at the conclusion of negotiations which had been carried on upon our part with no usual pomp and ostentation, and which had therefore been looked to with proportionate interest, I think it would have been satisfactory to the people of England if the First Minister of the Crown had come forward, when these negotiations had failed, and taken that opportunity of fairly expressing the views of his administration to Parliament, and have given, as I should have hoped, an expression of opinion which would have sustained and reanimated the spirit of the country. Nothing of this kind, however, occurred; and after some lapse of time I hesitated whether I should myself take the necessary step, and ultimately shrank from doing what I felt to be my duty, from what I admit may be a cowardly fear of those vulgar imputations which are often too influential — imputations that a man, when compelled in the exercise of his duty in this House to do that which may in some degree convey a censure of the Government, is actuated by the most unworthy motives. I declined, I am ashamed to say, and more than once declined, to take the course that—in the position which, with the too great indulgence of my friends, I occupy—I felt was my duty. However, a right hon. Gentleman, a Member for a great city, a Member of the Privy Council of the Queen, thought that this was an occasion which could not be allowed to pass unnoticed, and therefore he placed on the table of the House a Motion for an Address to Her Majesty. The right hon. Gentleman the Member for Manchester (Mr. Gibson), instead of the First Minister of the Crown, proposed an Address to Her Majesty upon the grave question of peace or war. I hope, if the noble Lord could have screwed up his courage to propose an Address to His Royal Mistress, that it would not have been conceived in the spirit of the Motion of the right hon. Member for Manchester; and the great object which I have in view to-night is, if I possibly can, to extract, among other things, from the Government a declaration to that effect. But, Sir, the right hon. Gentleman the Member for Manchester in giving his notice acted in a perfectly Parliamentary manner—in a manner quite consistent with his own high character and eminent talents; and I heard of that notice with entire satisfaction, because I felt that the question would have been fairly brought before this House—that we should have had an opportunity of entering at length into the discussion of topics which I am myself soon to treat upon—topics which I believe to be of the utmost importance to the honour and interests of this country. And, although I could not support that right hon. Gentleman in his Motion, I was grateful to him for affording to me and my Friends the opportunity of expressing our views upon this subject, and for taking a course which would have elicited that expression of opinion which I believe now to be absolutely necessary for the country. Sir, I never for a moment supposed that that discussion would not take place. Is there a Gentleman on either side of the House who could for one instant have imagined that it would be suppressed? Not the slightest objection was made on the part of the Government when the right hon. Gentleman's notice was given. True it is that the Member for Manchester had not the power of commanding a day in order to bring the question before the House; but, then, the unquestionable magnitude and gravity of the subject to be brought under consideration, the anxious feeling of the people of this country in regard to it, and the sense of propriety which I suppose still influences a Queen's Minister who is the leader of the House of Commons, convinced every one immediately that no privileges of place, no arrangements of public business, could for a moment be obstacles to appointing a day when that discussion should be fairly and fully conducted. Accordingly, the noble Lord, with that impulse which we could only expect on his part, at once gave an opportunity for facilitating the discussion, offering to the right hon. Gentleman a day; and at last we had an address to the Crown, to be moved by a Privy Councillor, which raises the whole question of peace or war; the day is appointed by the Minister; Parliament is assembled, this House is more than usually full, the entire attention of the nation is fixed upon the House of Commons, believing that at length, after a dreary interval of inglorious lassitude, this assembly was about to give some signs of political life and Parliamentary duty—when to our great surprise, however—to the surprise, I should think, of every one who was not in the secret, for the secret was well kept—the expectation of Parliament, of the country, I might almost say of Europe, was baulked; and no possible chance whatever given for any discussion taking place upon the most momentous transactions that have occurred in this country since the Peace of 1815, and which, strange to say, have not only most deeply engrossed the interest, but absorbed the thoughts and passions of the people of England. Sir, I need not recall to the recollection of the House what happened here on Monday last. The scene then enacted was too vivid and dramatic to be easily forgotten. A right hon. Gentleman suddenly rose, recently the colleague, and, I suppose, still the friend of the noble Lord, and, whether actuated merely by political considerations or by more social influences, as some suppose, that right hon. Gentleman, referring to some papers which have been long lying on the table of this House, and which all of us have studied, turns to a well-thumbed passage, and asks the First Minister of the Crown whether, as there slightly intimated, it be a fact that there is a possibility of renewed negotiations taking place. I will do the noble Lord the justice to say that he showed uncompromising courage on that occasion, for he did not condescend to assign the slightest ground for our believing anything of the kind. But nothing seemed to satisfy the appetite for suppression which characterised the principal conspirators on that occasion. Although the noble Lord did not give the House or the right hon. querist the slightest ground for fearing that the discussion in this House would interfere with any negotiations whatever, another noble Lord—perhaps also influenced by social feelings, which we all respect—rose, and, with a *naïveté* and a simplicity that all must have admired, first afforded the House the unnecessary information that he had engaged to second the Motion of the Member for Manchester, and, in the next place, said that really, after the question of the Member for the University of Oxford—not, of course, after the answer of the noble Lord—he thought it would be totally impossible for him to fulfil his promise. Well, Sir, in a very short time it was found that we were to have no debate on the great question of peace or war before the Whitsuntide holidays, which were then impending; and, still influenced, Sir, by the convictions which I entertain on this subject, believing that the conduct of Her Majesty's Ministers with respect to this question deserves the utmost suspicion and distrust; and, if not vigilantly watched and carefully controlled, may lead to consequences most perilous to the honour and the interests of this country, I felt it my duty to give that notice which I shall now, Sir, soon place in your hands. That is the simple reason for that notice. It is a notice limited to the issue which is attempted to be raised by the Resolution. If the Motion be one that involves a question of confidence or of censure upon the Government, let it not be said that it has been hastily prepared, or that sufficient notice has not been afforded to hon. Members. The Motion, on my part, has arisen from the circumstances of the hour. The Gentlemen who sit opposite have had the same notice of it as my own friends; and I should be ashamed to attempt, on such a subject, to take a Minister by surprise. In fact, if the House will permit me to say it, having no confidence in the Government, and feeling that it would not be improper to ask the opinion of the House on that general question, nevertheless, the time alone would deter me from giving a notice of so comprehensive a character, because I could not, in taking such a course, have given that ample and sufficient notice to every Member of this House which, under such circumstances, is usual. The present Motion has grown out of the peculiar circumstances which I have described. It is a loyal and a legitimate Motion; it takes nobody by surprise, and hon. Gentlemen opposite were aware of its purport almost as soon as those with whom I have the honour of acting.

Now, Sir, having stated my reasons for giving this notice, I will now venture to attempt to express what I purpose by it. I propose, to-night, if possible, to induce the House to come to the same conclusion to which I have come myself. I think the conduct of Her Majesty's Government with respect to the question of peace or war has been uncertain and their language ambiguous, and, if the House be of my opinion, I hope the House will join with me in arresting the course of a policy which they must feel in this case to be injurious to the country. I purpose, if possible, to induce them to come to that conclusion. I ask something else—I ask the House, when uncertainty is so prevalent, when ambiguity of phrase and conduct is so rife, that they will, in a manner which cannot be mistaken, declare to the country that, with regard to this war, their opinions have not changed, and that their spirit is not daunted; and that, while they disapprove the language and conduct of the Government, and are resolved, if they possibly can, by the vote of to-night, to destroy what is the cause of this ambiguous language and uncertain conduct, they are at the same time ready to carry on this war until its great object—a secure and honourable peace—be obtained. With these views, I shall on this question attempt to-night to obtain a clear and precise opinion from the House of Commons, and also, if possible, though with less hope, from Her Majesty's Ministers.

Now, Sir, having made these observations, with the indulgence of the House, on the cause and object of this proposition, let me, before I enter into a severer research, advert to an observation made by the noble Lord the other night upon the manner in which I gave this notice. The noble Lord made a good-humoured *tu quoque*—and a *tu quoque* should always be good-humoured, for it has nothing else to recommend it—on the parties performing, and he intimated to the House, with no great refinement of expression, that there was some concert between me and the hon. Member for Aylesbury (Mr. Layard) in bringing forward this motion, because the hon. Gentleman relinquished his right to bring forward his motion, to which he could prefer a superior claim to mine. I beg to say that I had no communication with the hon. Member on this subject. I cannot say that if I had met the hon. Gentleman casually in the lobby I should have refrained from having any communication with him. He has very often postponed the motion of which he has given notice, and had I met him I might naturally have said—"I am going to give my notice, do you really intend to bring forward your motion?" But as it happened, I did not meet him. I state this because I do not want anybody to consider that I see any impropriety in my communicating with the hon. Member for Aylesbury or any one else. So long as I am a Member of this House I hope to maintain that frank communication with every Member of Parliament which, I trust, has always distinguished my conduct. So far as the hon. Gentleman is concerned—I have known him from childhood, and have always had great confidence in his abilities and character; his abilities are now European in fame, and have justified my opinion of them, and whatever the unfortunate circumstances which have prejudiced many against him in this House, which I deplore, and which, so far as he is concerned, I disapprove—still, I have no doubt that the time will come when, with his talents and excellent disposition, he will outlive these prejudices, which I think, and I tell him so frankly, have some fair foundation. The hon. Gentleman and the House will not, I am sure, misunderstand my observations. I should not have stated this, unless I had just been informed—I hope I am wrong, but I am afraid the rumour is authentic—that the hon. Gentleman intends to vote against my Motion; I do not believe, however, that he or any one else will vote against it until they have heard the debate about to ensue. I think the debate is a little too grave and important for leaders on either side of the table to count noses with accuracy. We are going to-night to discuss no common subject; we are going to weigh, scrutinize, and examine the conduct of high personages intrusted with most solemn duties, and upon whose conduct of those duties depends the greatness of this country and the happiness and prosperity of its people. He would not be a bold man only—he would be a shameless man—who could dare to say before this discussion that his name was registered in the pocket-book of any party.

Sir, the circumstances to which I am about to call the attention of the House will require no great exercise of memory to command. I am not going to ask them to go back to the passage of the Pruth, or to the declaration of war; my criticism to-night will be on public transactions of recent date, though I admit that without a previous knowledge of the circumstances which preceded them it would be more difficult to form an accurate and sober judgment on the subject. My canvas is so small that I shall commence with the installation in office of the First Minister opposite. Glorious epoch for this country! One cannot but remember the triumphant cheers which announced that the crown of Parliamentary laurel encircled that reverend brow. There was a Minister at last who would vindicate the honour of the country; there was a Minister at last who would carry on the war like Chatham, and who would maintain his principles in this House like Pitt; there was a man, backed by an enthusiastic people, to redeem a falling state! I remember on that occasion, when the first fervour was a little past —when men began to cease, as it were, to feel, and to commence to think — that a Member of this House rose in his place and asked a significant interrogatory. I am sure the House may anticipate the sagacious mind that would anticipate the fast-dissipating enthusiasm. The Member for Carlisle it was who rose and asked that question. The right hon. Gentleman had, in a moment of thoughtlessness, forgotten to leave the Cabinet when Lord Aberdeen retired, but it was a moment of amiable weakness which we are probably all subject to, and which all of us, especially those in office, can easily pardon. When the right hon. Gentleman took his seat below the gangway, and scanned the scene, and threw his sagacious eye over the various yet memorable history of those thirty-seven years to which he appealed a few nights ago, the right hon. Gentleman then naturally remembered that a few years back—a very few years back—he had, assisted by the eminent lieutenants who are also sitting near him, impeached the First Minister of the Crown on account of his conduct of our foreign affairs. The noble Lord the First Minister, if not then a traitor, was, at least, a "firebrand." I well recall that memorable Parliamentary contest which ended in a triumph for the noble Lord—a triumph, I am bound to say, not gained so much by the valour and number of his legions, as by his own distinguished prowess. The right hon. Gentleman the Member for Carlisle, remembering all these things—remembering that his foreign policy was the weak point of the noble Lord —remembering that on this score he had formerly failed in turning the noble Lord out of the Cabinet—a duty reserved for the noble Lord opposite (Lord John Russell)—rose in his place, and in a House not very full nor very attentive, said—he having just left the Cabinet, and his seat, although filled by a not unworthy successor, being still warm with his ample presence—that he wished to address an inquiry to the noble Lord, with whose opinions he must at that time have been familiar, and asked whether—in the new Government, of which he had been himself so recently a Member —whether there was to be any change in the principles upon which the foreign policy of the new Administration was to be conducted — whether the policy recommended and followed by Lord Aberdeen was to be adopted—whether, above all things, there was to be any change in the terms and conditions which our Plenipotentiary was to insist upon at the Conference of Vienna? The right hon. Gentleman must, therefore, have had some suspicion upon the subject; but his suspicion was in a moment dispelled. The noble Lord rose and said, "On the contrary, our principles are the same; our policy is entirely identified with the policy of Lord Aberdeen; no difference has been dreamed for a moment with regard to the conditions upon which peace is to be sought for at the Vienna Conference." The right hon. Gentleman said he heard that statement with perfect satisfaction, and should, under those circumstances, conscientiously refrain from even the appearance of factious opposition to Her Majesty's Government. We started with that interlude. Strange to say, after a certain time, the Plenipotentiary, whose conduct we shall have hereafter to discuss, returns frustrated—a Plenipotentiary who represented the policy of Lord Aberdeen returned bootless from the conference; the protocols, in due time, were laid upon the table—but the noble Lord did not, as I have before said, fulfil his duty as Chief Minister of the Crown by moving an Address to his Sovereign. Another Gentleman, however, set him the example, and a Motion is placed upon the table. That Motion, if it meant anything, meant a disapprobation of the conduct of the Plenipotentiary at the conference—it meant that the conditions of peace he had insisted on were unreasonable, and that the terms which were proffered ought to have been accepted. If it meant anything there is no doubt that it meant that. It is derogatory to the high character of the Member for Manchester to suppose that it meant anything else. But what do the right hon. Gentleman and his two right hon. Friends do? They were understood to be the chief supporters of the Motion of the right hon. Gentleman the Member for Manchester. They rose in their places and threw their shields over the coming conflict; but, unless I am much mistaken—and I would not for a moment refer to the information unless it had been given me in this House, apparently with high authority, and without reserve—that cluster of eloquence and intellect which had seceded from the Cabinet of the noble Lord were prepared to throw the lustre of their eloquence, to exercise their highest faculties, to make use of their finest rhetoric in the attempt to influence the opinion of the House in favour of the Motion about to be brought forward. What is the inference to be drawn from this? Why, that there was some change in the conditions upon which peace was to be sought for, and that there was some uncertainty in the conduct for which the First Minister had given a pledge to the right hon. Baronet; because, if the noble Lord had acted upon the pledge he had given to the right hon. Gentleman with regard to the instructions with which the Plenipotentiary was to be provided, and if the Plenipotentiary had ably and completely carried these instructions into effect, how could the right hon. Gentleman and his friends justify to themselves their support of a Motion which was to challenge the propriety of the noble Lord's conduct, and to declare that the conditions of peace upon which Government had insisted ought not to have been urged? The inquiry was made by the right hon. Baronet upon the 23rd of February, 1855; and this leads me back for a moment to the unsuccessful Plenipotentiary, to the critical period when that noble individual was appointed to office; for, upon that appointment, and upon the conduct of the noble Lord at Vienna, much depends. The appointment of the Plenipotentiary did not at the first blush appear to be a happy one. The noble Lord the Member for London is so distinguished that I find it difficult to fix upon any subject or upon any part of his life in which he has not rendered himself remarkable; but I know nothing by which the noble Lord has been more distinguished of late than by his denunciations of the power and the ambition of Russia. It is to the noble Lord that I think may be mainly attributed—and in his various career his patriotism may be sustained and rewarded by the recollection—the passion of this great country for a decisive struggle with the colossal energies of the Russian empire. The noble Lord, then occupying an eminent post—one more eminent, I am sorry to say, than that which he now occupies—addressed, as the leader of the House of Commons, not only fervid, but inflammatory, harangues to the Parliament and people of England, the object of which was to show that war with Russia was the duty of the country, and that it ought to be carried on in no hesitating spirit, but ought to be undertaken by us with a determination of realising considerable results. The noble Lord then said—

> "The British Ministry and nation would be the most silly of mortals if they were to sign an insecure peace, which would leave it to the public enemy to bide his time, until, by the dissensions of the other Powers—until, by the weakness of some of those Powers—he should find a better opportunity of accomplishing his design."

[*Cheers.*] If you cheer that, you will cheer still more at what I am about to read. The noble Lord said, a little later:—

> "The power and ambition of Russia are dangerous to Europe's independence, and incompatible with Europe's future security; therefore no insufficient, no insecure peace is to be made, and England cannot lay down arms until material guarantees are obtained, which, reducing Russia's power to proportions innocuous to the general liberty, will afford perfect security for the future."

That is a brave spirit. When the noble Lord goes to war, he knows what he is going to war about; he wants to reduce the proportions of the Russian Empire; he wants material guarantees for peace. These are designs which some may think rash, but which all must at least respect as great. I am obliged to refer to these circumstances in order to show the character and the antecedents of the noble Lord who was appointed our Plenipotentiary to obtain peace. It was a happy choice. The noble Lord, having frightened the country—I should not say the country, for it was then ready for anything—but having frightened the diplomacy of Europe with those announcements that Her Majesty's Ministers were going to reduce the proportions of the Russian Empire, and were going to commence a war which was not to terminate until we obtained material guarantees for peace, naturally called up in the other House of Parliament another noble Lord, whom, although living, I think I may venture to call illustrious.

Thus it was that Lord Lyndhurst, no advocate of a craven policy—Lord Lyndhurst, who in a green old age has shown a manly vigour in vindicating the high character of his country—Lord Lyndhurst, who, although an orator and a patriot, is still a lawyer and a Statesman—asked this question; he demanded an explanation as to the consistency of such statements as reducing the proportions of the Russian Empire and taking material guarantees, with the protocol of the 5th of December, 1853, to which France and England were signataries, which stated—

> "The present war cannot in any case lead to territorial diminutions or modifications of the Russian Empire."

What happened then? I would not refer to Lord Clarendon if he were not still Secretary of State—for I shall endeavour, as much as I can, not to touch upon the policy of the illustrious corpses of the Aberdeen Administration—I will refer only to existing and responsible Ministers, although it is not to be supposed that any man who is a Secretary of State now would do anything so mean and pitiful as to say that he was not responsible for the deeds of the defunct Administration. Well, what did Lord Clarendon say? Lord Clarendon last year was indignant at this inquiry of Lord Lyndhurst. He said that the language quoted by the noble and learned Lord might be the will of Austria and of Prussia, but it was not the will of England and of France. This was towards the end of the Session; and, therefore, notwithstanding even the protocol signed by France and England, which declared that, whatever the result of the war might be, the territory of Russia should not be diminished in extent, the English Government, by the head of its diplomacy, the Secretary of State for Foreign Affairs, stated in the highest House of Parliament that England would not be influenced or controlled by the protocol that they had signed.

Well, Sir, I have shown that the noble Lord who was selected for a Plenipotentiary to obtain peace was unquestionably an advocate of war, and of war on a great scale. It is of infinite importance, when we have to investigate the conduct of the noble Lord at this emergency, that we should clearly comprehend what were the antecedents of the noble Lord and his qualifications for the office that I think he rashly undertook. The House will remember that it is only forty-eight hours since the First Minister of the Crown said that, although these negotiations had been unsuccessful, they had been conducted with consummate ability. The noble Lord (Viscount Palmerston) nods his head. I accept that ceremony as if the noble Lord threw down his glove, and I call upon the House of Commons, without respect to party, to give a verdict upon the conduct of our Plenipotentiary at Vienna. Do not let it be said that I am making comments upon the conduct of the noble Lord because I am a member of a different political party, and that this is a party move. If I show that the noble Lord was incompetent for the office that he fatally accepted—if I show that his conduct at those Conferences led to consequences prejudicial to the public weal, it is my duty to bring these things forward. It was not enough that the noble Lord made the speech to which I have referred, but he the Plenipotentiary of peace, distinguished himself in this House by the high tone he assumed with regard to Russia and the rulers of Russia, and, although then the First Minister of State in this House, he did not hesitate to denounce the conduct of the Emperor and his Minister as false and fraudulent. The noble Lord did more. As the Session advanced—as the noble Lord's blood grew more warm, in a moment of excitement (it was in the month of July)—the noble Lord revealed the secret policy of the profound Cabinet of which he was a member to the House of Commons, and we then obtained the authoritative information that war was to be carried on and peace obtained in no less a manner than by the conquest of provinces and the destruction of that stronghold that threw its frowning shadows over the waters of the Black Sea. The noble Lord made an explanation afterwards of the words he used; but, as has been well observed—"Apologies only account for that which they do not alter." When the noble Lord thus announced the invasion of the Crimea and the destruction of Sebastopol, I, for one, said, that I had listened to that statement with dismay. These were the qualifications of the Plenipotentiary of peace whose selection did so much credit to the judgment of the First Minister, who, called to power by the enthusiasm of the people, and determined to put the right man in the right place, sends a Minister to negotiate peace who had proclaimed an internecine war. But these were not all the qualifications of the noble Lord. It was not enough that he had distinguished himself by addressing inflammatory harangues to the House of Commons. It was not enough that he had denounced the conduct of the Emperor of Russia and his Ministers as false and fraudulent. It was not enough that, in a Moment of outrageous and fatal indiscretion, he revealed, as one might say, the coming disasters of his country. The noble Lord signalised himself by another exploit before he went to make peace for his country. The noble Lord destroyed a Cabinet. He tripped up the Prime Minister because he was not earnest enough in prosecuting the war. These were the antecedents, these the qualifications of the Minister Plenipotentiary to whom was consigned the fulfilment of the most important duties that have ever been delegated to a subject of the Crown since the great Congress of Vienna. This was the dove sent out to the troubled waters of Europe. It has been said of the noble Lord—I think very unjustly—by a high, although anonymous, authority—that the noble Lord was not calculated for the post of Plenipotentiary; in the first place, because he was not an eminent diplomatist; and, secondly, because he did not take that leading position at the moment in this country which might have compensated for his want of diplomatic experience in the opinion of the Russian Court. That was, I think, unjust, because I shall show that the noble Lord has had a great, though not lengthened experience of diplomatic affairs. He was once at the head of the diplomatic body of this country, and in that capacity performed feats of no mean character, which greatly influenced subsequent events, and are at this moment influencing the fortunes of this country; and, although it is quite true that, having held this office, when the noble Lord was called upon by his Sovereign to form a Government, he could only find one Gentleman to serve under him—and, strange to say, that Gentleman the present First Minister—and although the noble Lord, with his great position, and with all his genius, which I admire, finds himself in the disagreeable predicament of twice filling a subordinate position in two Administrations which are Whig Administrations, still that noble Lord is the leader of the great Whig party—that small company of great families who ever rule this country, when in power, in defiance of our free aristocratic settlement by the principles of an oligarchy masked in the language of a democracy—and therefore the noble Lord, whatever office he may fill, will always be a very considerable man. Let me, then, call the attention of the House to a great event in the career of the noble Lord—the key-note of the transactions which occurred when the noble Lord was chief of the diplomacy of the country. The noble Lord was Secretary of State for Foreign Affairs during a brief period in the year 1853—two or three months; but, though the period was brief, the most important communications which have ever been made to this country, at any period of its history, were made when the noble Lord was Secretary of State. Upon the noble Lord fell the responsibility of deciding the course of England when vast events were near us, when a dark destiny was impending over Europe, and when the conduct of the English Ministry might have averted that fate and the consequences of a great conflict. A whisper was heard, a rumour was spread, that secret communications of a very different character from those which were laid on the table of this House had taken place between the Court of St. Petersburg and the English Government. They were denied, not by the Government, but by those who seemed to have authority to deny them. I extorted myself from the noble Lord the Secretary of State in this House the admission that those documents existed. Such was the feeling of Parliament and of the country—though I admit I cannot justify the conduct of any Government in producing those papers—they were produced; they are on the table; they are among the most precious records of the most important events in the history of the age; and there we learnt, from the lips, as it were, of the late Emperor of Russia himself, his resolution to accomplish the partition of Turkey; and that partition was to be accomplished mainly by assuming rights of a protectorate over the Christian subjects of the Porte, which, in the last despatch of the Russian Minister, we hear, as a protectorate, never existed. What was the conduct of the noble Lord the chief of the diplomacy of England under those circumstances? Observe well this important phase of these transactions, and you will find, as I will show you, the key-note of disaster—you will find it the cause of the failure in the recent negotiations, and the probable cause of great difficulties and dangers to this country. The noble Lord, after ample time, wrote a secret and confidential despatch to Sir George Hamilton Seymour upon the propositions of the Emperor of Russia, and upon the general tenour of the confidential communications which were then taking place. I must invite the attention of the First Minister, who admires the ability of his Colleague so much, to these remarks. The noble Lord (Lord J. Russell) wrote a despatch which was much admired when it first appeared. The despatch was partly historical and partly diplomatic. The noble Lord was of opinion that the Sultan was not in the same state as the Spanish king in the time of Louis XIV., or the last of the Medici. Certainly those Sovereigns had no children, and the Sultan has as many wives as the wisest monarch, and so many children that he is obliged to marry them to his Ministers. With all this historical display which, while unaccompanied by anything injurious, reflects great honour upon the country producing such a statesman, the noble Lord proceeded—

> "To these cautions Her Majesty's Government wish to add, that in their view it is essential that the Sultan should be advised to treat his Christian subjects in conformity with the principles of equity and religious freedom which prevail generally among the enlightened nations of Europe. The more the Turkish Government adopts the rules of impartial law and equal administration, the less will the Emperor of Russia find it necessary to apply that exceptional protection which His Imperial Majesty has found so burdensome and inconvenient, though, no doubt, prescribed by duty and sanctioned by treaty."

Not to taunt the noble Lord with an error (though probably the most gross error ever made by a Secretary of State)—not to twit the noble Lord with a fatal admission (for every one gets into a scrape sometimes, and we, who are a popular assembly, know that duties press so upon public men which they can only half fulfil, that all sometimes make mistakes, though a Secretary of State who in a secret and confidential despatch makes a mistake is less entitled to the charity of men than mere individuals)—I will remind the House that I called attention, when that despatch was so much admired, to this fatal admission. The noble Lord never made the slightest answer. He could not make any answer, and I should never have brought it forward again but for the remarkable reason I am about to place before the House, and which the House will in a moment see is exercising a fatal influence on this country. The mistake of the noble Lord was to acknowledge the protectorate of Russia over the Christian subjects of the Porte, which Count Nesselrode has just told us does not exist; and not only to acknowledge but to tell us "its exercise is prescribed by duty and sanctioned by treaty." When the noble Lord told the House some time ago that everybody knew what the "Four Points" were, I took an opportunity of saying I, for one, did not know what the "Four Points" were. Up to the moment the protocols were placed on the table we never had a formal and authentic statement of what the "Four Points" were; but at last the papers were laid on the table, and the "Four Points" are now in the hands of the Parliament of England, of those hon. Gentlemen who will sanction or oppose the Resolution which I am about to submit. Here we have, at last the "Four Points," and I beg you to turn to the fourth point, bearing in mind the noble Lord's famous historical despatch, and the interpretation which he put upon the treaties of Kainardji and others, acknowledging a protectorate, and declaring its exercise to be not only legal but obligatory. What do we see in the fourth article of the Conference of Vienna? Remember, this article has been produced by the prolonged thought, the deep meditation, the unrivalled learning of the greatest statesmen of Europe. Here is the summary of what they believe to be the cause of the most important event of the present day—

> "Russia, in renouncing the pretension to take under an official protectorate the Christian subjects of the Sultan of the Oriental ritual, equally renounces, as a natural consequence, the revival of any of the articles of her former treaties, and especially of the Treaty of Koutchouk-Kainardji, the erroneous interpretation of which has been the principal cause of the present war."

By whom was that erroneous interpretation made? Was it by the noble Lord, or by the Emperor of Russia? If by the Emperor of Russia, it was assented to by the Minister of England. What right have we to interfere in this quarrel, when the united wisdom of all these statesmen has found out that "the erroneous interpretation of the Treaty of Kainardji has been the principal cause of the war"—and the erroneous interpreter is sitting before me. And the very statesman who lashed on the passions of this country to war, when we had a springtide of national feeling in our favour which might have been directed to great ends, is sent by the First Minister, as Plenipotentiary of peace to the Conference of Vienna? But we are only at the commencement of the extraordinary mistakes, the fatal admissions, the disgraceful demeanour of that noble Lord who displayed, we are told, consummate ability, though unsuccessful. Why did you not give us an opportunity of examining the conduct of your unsuccessful Plenipotentiary? Why did you not move an Address to the Crown congratulating Her Majesty on the admirable manner in which the negotiations have been carried on, while at the same time expressing a determination to prosecute the war with vigour? I am not at all surprised that you have avoided discussion. There have been before now unsuccessful negotiations and unsuccessful negotiators; but it is equally true that Ministers have been overthrown and branded by the verdict of an indignant Parliament for having acted and for having spoken in a manner similar to that which has been done and said by the noble Lord. The right hon. Gentleman the First Lord of the Admiralty laughs; it is not the first time I have been met with a laugh by the right hon. Gentleman. He is a merry soul, but if he can answer what I am saying let him do so. The noble Lord arrived at Vienna early in March, and the first conference, I think, was held on the 15th of March. At first everything went on swimmingly, and subjects were discussed and settled about which in reality no difference of opinion existed, and thus an admirable opportunity was afforded to the Russian envoys of making conciliatory sacrifices. The conferences went on from the 15th of March to the 26th of that month, and then commenced the real business. Five or six meetings of the conference had taken place, at which, as I have said, nothing of the slightest importance was settled—in fact, all that was settled might have been settled just as well by the post. There was no controversy about the first or second point, but, at last, on the 26th of March the real difficulty arose; then was made apparent the real reason why the noble Lord was sent to take part in the conferences. Then came the discussion of the third point, and then it was that the noble Lord was expected, among others, to obtain the admission of the Turkish empire into the European confederation, and to decide upon the manner in which the preponderance of Russia in the Black Sea should cease to exist. Then commenced the real business of the conference; but the noble Lord before he touched upon the real point—remembering the mission of his life as much as his mission to Vienna—threw in a word with regard to the representative Government for the Principalities, and, I believe, even hinted at something like a new Reform Bill for those countries. Prince Gortchakoff smiled, and naturally replied that that was not exactly the point they had met to settle; and he hinted that a new Reform Bill for the Danubian Principalities might be postponed, as a new Reform Bill for a more important place had been postponed, and that it might be as well to get on a little with the real business of the meeting. The noble Lord then rose and made the following unprecedented declaration, in reference to a very commonplace statement of Prince Gortchakoff at the commencement of negotiations, and which was not referred to while the conference was engaged on those articles which produced no controversy—

> "Lord John Russell, recalling the declaration made by Prince Gortchakoff at the opening of negotiations, that he would consent to no condition incompatible with the honour of Russia, maintained, that, in the eyes of England and of her Allies, the best and only admissible conditions of peace would be those which, being the most in harmony with the honour of Russia, should, at the same time, be sufficient for the security of Europe, and for preventing a return of complications such as that the settlement of which is now in question."

Let us see to what that admission led. The noble Lord states that, in the eyes of Europe and the allies, the only admissible conditions of peace were those most in harmony with the honour of Russia. What, I want to know, had the noble Lord to do with the honour of Russia? I apprehend that the noble Lord was not sent to Vienna to take care of the honour of Russia. No, Sir, the noble Lord was sent to Vienna to take care of the honour of England. What happened under these circumstances? At that time—I am stating what I admit does not appear formally in the protocols, but I am stating what no well-informed person will for one moment contradict, and which is matter of general notoriety—at that time there did exist an understanding to which Russia was not, I believe, bound by any formal instrument, but still an understanding did exist that the Russian Plenipotentiaries, Prince Gortchakoff and M. de Titoff, should take the initiative, and offer a plan which might lead to a satisfactory solution of the question how the preponderance of the power of Russia in the

Black Sea might be made to cease. I do not think the noble Lord will deny that, although the Russian Ministers were not bound by the understanding, still their feeling had been felt upon the subject, and it was clearly understood that they should take the initiative, and propose some plan which they believed would afford a satisfactory solution of the difficulty—the preponderance of Russia in the Black Sea. No sooner, however, had the noble Lord made the declaration that, in the eyes of Europe and of the Allies, the best, and indeed, only admissible terms of peace were those "which should be most in harmony with the honour and dignity of Russia,'' than—

> "Prince Gortchakoff, while congratulating himself on the conciliatory disposition with which this question had been hitherto touched upon in the Conference, said that he was prepared to discuss the means of execution which should be proposed by the Plenipotentiaries, but that he did not consider himself in a position in which he ought to take the initiative on this subject."

[LORD JOHN RUSSELL: As Count Buol had suggested.] [MR. DISRAELI: I did not say "as the noble Lord had suggested;'' I would not misrepresent the noble Lord, but any one who thinks the correction of the noble Lord makes any difference in my argument is entirely mistaken.]

> "As Count Buol had suggested. Appreciating at the same time the sentiments of courtesy and conciliation which, according to the unanimous language he had just heard, seemed to have inspired this proposition, he declared himself ready to take it *ad referendum* reserving to himself to make known to the Conference the answer which he should receive from his Court."

M. de Titoff spoke to a similar purport. Aarif Effendi, however, who appears to have been the only man of sense present.

> "While declaring that he was not authorised to take the initiative in propositions relating to the third point, expressed a hope that his Government would accede to those which the Plenipotentiaries of France and of Great Britain have reserved to themselves to make on this subject."

Instead of taking the initiative, Prince Gortchakoff immediately referred to his Court, using those bland expressions which, of course, induced the Minister of England and the other Ministers to believe that he was only going to refer to his Court for fresh powers to make those proposals which it was expected he would make. Well, Sir, delay after delay occurred, and it was not until the 17th of April—the admission of the noble Lord having been made on the 26th of March that, in the eyes of the allies, the best and only admissible conditions of peace were those most in harmony with the honour of Russia—that Prince Gortchakoff received his instructions from St. Petersburg. What were those instructions, or, rather, what was the result of them? On the 17th of April Prince Gortchakoff at the conference of that date said—

> "That his Court, though fully appreciating the reasons which had prompted the members of the Conference to surrender to the Cabinet of St. Petersburg the initiative of the proposals respecting the third point, did not feel it incumbent on itself to take advantage of the initiative which had been offered to it."

And must now beg the allies to take the initiative, feeling of course confident that what the allies had laid down by the mouth of the noble Lord, "that the best and only admissible conditions of peace would be those which were in harmony with the honour of Russia,'' must be conceived in a spirit much more agreeable to Russia than Russia herself could possibly devise. Is there a doubt about it? To prove that such was the case, let me refer to the recent circular note of Count Nesselrode, and let me see how that most experienced of living Statesmen treats this subject. That Statesman has produced a diplomatic paper of great ability, in which he takes a survey of the transactions at the Vienna Conferences, and examines with critical eye the conduct of European Statesmen; and on whose conduct did he fix? Upon that of the English Minister, and more especially upon the fatal admission of the 26th of March. Count Nesselrode refers to what he terms *la définition fort remarquable* of the noble Lord which was to serve as a solution of the problem, and in that circular note he says:—

> "Lord John Russell, recalling the declaration made at the opening of the negotiation by Prince Gortchakoff, that he would consent to no condition incompatible with the honour of Russia, maintained that, in the eyes of England and her allies, the best and only admissible conditions of peace would be those which, being the most in harmony with the honour of Russia, should at the same time be sufficient for the security of Europe, and for preventing a return of complications such as that the settlement of which is now in question. After this declaration, made formally in the Conference of the 26th of March, Lord John Russell cannot be surprised that the propositions made on the 19th of April were not judged by the Imperial Cabinet as 'the best and only admissible ones,' to quote the words of the English Plenipotentiary."

And what were the propositions made by the noble Lord? I have already told the

House of great feats of history and diplomacy in connexion with that celebrated despatch to which I have already referred, and here the noble Lord fully sustains the character and position he had exhibited in connexion with that famous despatch at the commencement of the proceedings. He made as fatal an admission as he had made in his despatch respecting the protectorate, and the noble Lord supported his position by a historical illustration equally infelicitous, but much more insulting. Here is the noble Lord uselessly going out of his way to announce that the best and only possible conditions of peace, in the opinion of England, were those most compatible with the honour of Russia, and at the same time sufficient for the security of Europe. Having made that admission, the noble Lord proceeds, on the 17th of April, to do —what? To propose the most humiliating condition that could be made to any Government, and that humiliating condition he supported by a precedent which appears to me the most unhappy that could possibly have been brought forward. The noble Lord appeals to the treaty of Utretcht and the destruction of the fortifications of Dunkirk. Now, under what circumstances were the treaty of Utretcht and the negotiations for the destruction of the fortifications of Dunkirk made? After a series of splendid victories achieved by the arms of Marlborough and Eugene—after a series of the most humiliating reverses on the part of a once great King—at the end of a long reign, when her resources were exhausted, France—high-spirited France—submitted to the greatest humiliation that her history records. And this is the precedent which is produced by the noble Lord, who commences with an admission which makes the honour of Russia an essential qualification in any conditions of peace that may be made. I ask again, who made the noble Lord the judge of the honour of Russia? What business had he to think of the honour of Russia? The noble Lord had to think of the honour and interests of his own country; and surely Prince Gortchakoff and M. de Titoff were capable enough of attending to the honour of Russia. The admission made by the noble Lord was the real cause of these conferences being broken off. That I consider a very minor evil, according to my view of the nature and character of the conferences; but that admission — was such as may embarrass this country, and involve it in a position from which it will require all the patriotism of this House and the high spirit of this country to extricate it. The noble Lord himself confessed that the admission he had made was the cause of the rupture of the negotiations. That is actually the admission of the noble Lord at the time when he professes his regret at Russia not taking the initiative. On the 17th of April, after the extraordinary illustration to which I have referred had been repudiated by Prince Gortchakoff, he himself adds—

> "Since the Court of Russia has declined to take the initiative on this subject, the chances of success attending the negotiations for peace appeared in his eyes much diminished."

It was, therefore, in consequence of the noble Lord's conduct, by his own avowal, that the chances of peace were much diminished. I say, therefore, that the noble Lord has placed the possibility of peace by negotiation almost out of the question by his conduct at the conferences at Vienna. The noble Lord allowed the Conference for a considerable period to waste its energies in settling matters which required no arrangement; and when Russia had the appearance of conciliating public opinion by apparently considerable concessions about nothing at all—when he had placed Russia in a position to obtain the favourable opinion of the Congress, the noble Lord then came to the point, and so managed the conference that it appears that, because Russia would not consent to one single point, we had, in fact, been deprived of that peace which otherwise might have been attained. What a handle does the noble Lord give to any Peace Society or to any doubtful ally when he allows Russia to say, "Here are twenty points which we concede, and the only one point we insisted on is not conceded by England, so that the horrors of war are in consequence to continue." And what is that one point? The English Minister proposes that Russia shall consent to that which must, in his opinion, be a most humiliating act, because he illustrates it by a reference to the most humiliating occurrence in the history of France. Is the noble Lord justified in visiting Russia with this humiliation after he has laid it down as a principle of negotiation that she "is not to be humiliated?" I say, then, that the third point, according to all rules of diplomacy, inasmuch as it contained the real business of the question, ought to have been taken first. If the negotiators had met and said, "We all know that the difficulty is on the third point; let us solve that difficulty, and, if we solve it, all the rest is plain sailing," that would have been a wise and intelligible proceeding. But you carried on your negotiations day after day with dissimulating courtesy, and because you put off to the last the real business, that dissimulating courtesy becomes a source of increased irritation. Under these circumstances I cannot look at the conduct of the noble Lord, as Her Majesty's Plenipotentiary at Vienna, with that satisfaction with which it has been spoken of by the First Minister. I think I have shown to the House some reason to hesitate before they agree that the noble Lord has shown great ability in these negotiations. I think the noble Lord, instead of showing great ability in the conduct of these negotiations, has committed every blunder which a negotiator could possibly accomplish. I think he made fatal admissions at the commencement, and that he had recourse to dangerous illustrations to support his position. I think he dealt with the wrong part of his material first, and that he has so managed the really important element that, so far as negotiation is concerned, it is my solemn opinion diplomacy can no longer solve the knot. The noble Lord has proceeded in these Conferences at Vienna in the same manner in which he proceeded as Secretary of State for Foreign Affairs, with reference to the confidential communications of Russia. He met them by a diplomatic and historical move conjoined, and, guided by history he has made a diplomatic mistake.

Sir, at last the protocols so anxiously looked for and so long sought were laid on the table. The First Minister declines to address the Queen. We read those protocols; and the language of the Plenipotentiary seemed to be as ambiguous as his conduct was uncertain in the conduct of the negotiations, for exactly opposite conclusions were drawn by different parties in the House. The Member for Manchester says, the negotiations authorised peace. That is also the opinion of the Member for Carlisle, and his Friends. Another party thinks they necessarily conclude in war. We are, therefore, extremely anxious to obtain the opinion of the Ministry upon the question, so that the country, in a state of great perplexity and some discontent, may be guided in their opinion by Her Majesty's Government. What is the position of the country? Is there to be peace, or is there to be war? Do you wish there should be peace, or that there should be war? On what conditions do you wish to have peace? In what spirit are you going to carry on war? We do not ask the noble Lord to let us know the precise and actual conditions on which peace ought to be obtained, as the noble Lord the other night, with his usual happy power of perversion, seemed to represent, no man is so silly as to entertain such an idea. We know well that we must trust to the discretion of the Government in such matters, and especially as we are connected with an ally whom we love and respect. But what we want from Her Majesty's Ministers is some general, though explicit, statement as to our position; and it is my object to-night to obtain it. It is my object to do more than that—it is my object to show what is the cause of this perplexity—to show Her Majesty's Ministers how ambiguous has been their language, and how much more ambiguous has been the conduct of their negotiations, in first stating the honour of Russia to be an element in the conditions of peace, and then in proposing conditions of peace which the strongest advocates of war could not suppose, in the present position of affairs, Russia would accept. Is not that ambiguity of language and uncertainty of conduct? If the noble Lord was sincere when he said that, above all, the honour of Russia was to be one of the principal elements in the conditions of peace, his language, in my opinion, was feeble and incautious. If the noble Lord was not sincere, and did not mean what he said, then I think his language is liable to the charge impliedly made against it by Count Nesselrode—that of duplicity. The noble Lord must choose between these two qualities.

Well, the protocols being here, the First Minister of the Crown not fulfilling his duty by moving an Address to the Sovereign in respect to them; and a right hon. Gentleman who attempts to do that giving notice of a Motion, which is suppressed, we, the Members of this House, endeavour to extract some opinion from the Government; and what is the answer we receive? I am told that there has been no ambiguity of language and no uncertainty of conduct. Now, this is a grave question, and we must fully and completely enter into it. Therefore, let me call the attention of the House to the words of the First Minister of the Crown, recently delivered. He said:—

> "With respect to the question whether negotiations are entirely broken off, my answer must be the same as I gave on a former evening—namely, that the elements of conference permanently exist at Vienna, there being in that capital the representatives of the British, French, Turkish, Russian, and, of course, Austrian Governments. If, therefore, at any time any proposition should be made by Russia, or by Austria, on behalf of Russia, which might appear to offer a fair prospect of prosecuting negotiations to a successful issue, there are means and elements in Vienna for resuming the negotiations."—[See 3 *Hansard*, cxxxviii. 301.]

Is it not quite clear that there are, in every capital in Europe almost, the representatives of the British, French, Turkish, Russian and Austrian Governments? and, therefore, if at any time any propositions should be contemplated, they could be made in any European capital. But there is no proof whatever of any special negotiations going on, or of any reason why we should not investigate the conduct of Her Majesty's Government, and give our opinion upon these records of our unsuccessful Plenipotentiary. What was the language used in another place by another Minister (Lord Granville), on May 22? That noble Lord said:—

> "With regard to the question which has been put by the noble and learned Lord, my noble Friend (Earl Grey), as a spectator of the scene which has been described as having taken place in the other House, would be able to give almost as ample an answer as I can give myself. With regard to the state of negotiations at Vienna, it is not true, as has been supposed, that they have been finally closed. The Government are ready to receive any propositions that may lead to a safe and honourable peace, and they also leave themselves open to decline any terms which may lead to a contrary result. Certainly, the conferences are not closed, and, under the circumstances of the case, it is for the noble Earl himself to consider what course he ought to adopt."—[3 *Hansard*, cxxxviii. 866.]

I gave my comment on the language of the First Minister about a week ago, and I will now communicate to the House the comment of Lord Lyndhurst on the language of Lord Granville, for the purpose of showing that I do not stand alone in the opinion that the language of the Government is vague and ambiguous. Lord Lyndhurst said—

> "The noble Earl says the negotiations are not closed; but are they going on? They may remain open for a twelvemonth. Have any propositions been made which are still under consideration, or have they been rejected? Is there any probability of any further propositions being made, and, if so, within what time? or have the Government made up their minds as to the period at which there is any probability of the conferences being concluded? I never heard anything more vague."—[*Ibid.*]

Are we, then, with these statements, made in this and the other House of Parliament, to be told that there is nothing vague, uncertain, or ambiguous in the language and conduct of Ministers in reference to the great question of peace or war? Let me now recall your attention to a statement made by the noble Lord opposite (Lord J. Russell), the unsuccessful negotiator, totally contrary to everything said by both his colleagues in the passages I have just quoted. On May 21, that noble Lord said—

> "Certainly my opinion is that, whether the propositions lead to peace or not—because upon that question I feel myself incompetent to give an opinion—the Austrian Government will, before the conferences are finally closed, make some proposition to the members of those conferences. I imagine that proposition must have one of two results; either it will be rejected by one—perhaps by both—of the belligerent Powers, and then the conferences are broken off, and no doubt it will be perfectly competent for any Member of Parliament to ask this House to declare its opinion of these negotiations; or, on the other hand, if that should not be the case, then, again, negotiations will be resumed, and there will be a greater prospect than there has been of peace being established."—[See 3 *Hansard*, cxxxviii. 853.]

That is a totally different statement from the statements made by the First Minister and by Lord Granville. The latter tell you that there are the representatives of the Four Powers in Vienna (though, as I told you before, they may be found also in other capitals), and if any proposition is made it will be received; but here the noble Lord tells us most positively that the Austrian Government has some other proposition to make, and that it is expected by Her Majesty's Government. The noble Lord distinctly stated that one more attempt at negotiation was to be made; which is quite a different account from that given by the First Minister and by Lord Granville. Well, is this the case, and is another attempt to be made? The inconsistencies are considerable. Here we have the statement of the First Minister that there is a permanent condition of congress, and then we have from the noble Lord opposite a statement that there is going to be a final proposition, and then the conferences are to be closed. Which is the true statement? Is another proposition expected, has it been made, and what are the general expectations of the Government as to its character? But this is not all. I am told that the language of the Government on this subject is not ambiguous. Why, what did Lord Clarendon, the Minister for Foreign Affairs, say?

The noble Lord opposite having returned from his unsuccessful mission, Lord Clarendon said that he should lay before Parliament the official papers as soon as possible, and went on to say that, for his part, he very much disapproved conferences or negotiations being carried on where there was no real business to conclude; that, he said, was the present state of things, though the Government would be prepared to answer any distinct proposition on the part of Russia. That was a very proper tone to take, but it was totally different from the ambiguous language held by other Ministers, which had something in it like "leaving the door open," which I do not understand. I am against this principle of "leaving the door open;" I say—shut the door, and let those who want to come in knock at the door, and then let us endeavour to secure a safe and honourable peace.

Then, Sir, arrived the night for the Motion of the Member for Manchester, to which I need not now advert, as I have before alluded to it; and I refer to it only to notice the strange position taken up by the First Minister of the Crown on that occasion. That noble Lord told us that he was not going to make an ignominious peace; and that the man who would do so would be a degraded outcast. I admired the tone of the noble Lord. "The captain is a brave man;" but we want something more than the assertion of the noble Lord as to whether he is going to make an ignominious peace or not. The noble Lord can advise the Crown to make peace without first asking this House. Let us, therefore, be well acquainted with the real character of his policy before he makes peace, and let us, above all, have a clear and explicit explanation of the real position of affairs. There is a sarcastic note, which I have no doubt hon. Gentlemen will recollect, in one of Mr. Gibbon's volumes, in which he quotes an Arabic author named Abu-raaf, who stated that he was witness of a certain marvellous incident. But who, asked Mr. Gibbon, will be witness for Abu-raaf? The noble Lord says, he is not going to make an ignominious peace. The noble Lord is witness for himself, but who will be witness for the noble Lord? It is in the power of the Minister to advise the Crown to make peace, without asking the opinion of Parliament. Far be it from me to interfere with the prerogative of the Crown; but what other safeguard is there, when Parliament has adjourned, against an unwise exercise of that prerogative, but a discussion in Parliament on the state of affairs, by which we may become well acquainted with the feelings and views of Ministers? The noble Lord the other night said, he would not be forced by me into making the House acquainted with the confidential communications which were passing between Her Majesty's Government and our allies; but no one asks the noble Lord for that—no one ever asked the noble Lord on what terms he intends to make peace. It would be the height of imprudence for any man to ask the noble Lord to tell us the precise terms on which he proposes to make peace. He must act upon his own responsibility, in conjunction, of course, with our cherished ally; but that is no reason why the noble Lord should take a course which, in my opinion, must lead either to an ignominious peace or to a lingering and fruitless war. That is why I press the noble Lord. We have a right, I maintain—without trenching on the prerogative of the Crown, and without circumscribing the Government's liberty of action along with our ally—to interfere if we think that the noble Lord and his colleagues are pursuing a course of policy which will either lead to the conclusion of an unsatisfactory peace; or else, which I think even more probable, to a lingering, fruitless, and inglorious war. The noble Lord told me the other night that, while I was objecting to the negotiations which were going on, I seemed to forget altogether the fact that the Government at the same time were carrying on war—effectively carrying it on; and he insisted on this point with great vigour, apparently very much to his own satisfaction. Now, there I join issue altogether with the noble Lord. I deny that you can carry on war effectively with this chronic state of negotiation. Here, I think, lies the whole fallacy of the noble Lord's policy. The cause of all the ill-success which has attended his efforts, and of the discontent and dissatisfaction now so prevalent in the country may be traced to this principle on which the noble Lord, and the Government which preceded him, of which he was a Member, have acted—that it is possible at the same time to make war and to negotiate for peace. It is pretty apparent, I think, that the noble Lord has a false and limited idea of the manner of making war. I deny that all you have to do in order to make war is to levy taxes and to fit out expeditions.

There is something else equally—and perhaps I might say—though it may seem extravagant—more important, even, than raising money and recruiting troops. If you want to carry on war with vigour and efficiency you must keep up the spirit of the people. Now, Sir, I deny that you can keep up the spirit of the nation, in a struggle such as that which we carried on with Napoleon, and such as that which we may have to carry on with the Emperor of Russia, if you are perpetually impressing on the country that peace is impending, and if you are perpetually showing the people that the point of difference between ourselves and our opponents is, after all, comparatively speaking, of a petty character. Men will endure great sacrifices if they think they are encountering an enemy of colossal power and resources. A nation will not count the sacrifices which it makes, if it supposes that it is engaged in a struggle for its fame, its influence, and its existence. But when you come to a doubled and tripled income tax—when you come to draw men away from their homes for military service—when you darken the hearths of England with ensanguined calamities—when you do all this, men must not be told that this is merely a question whether the Emperor of Russia shall have four frigates or eight. I say the principle upon which the Government of the noble Lord and the Government which preceded him have acted—that of keeping up a state of war and a state of negotiation simultaneously in action—is a fatal principle, and that in it may be traced the real cause of our disappointment and partly of our disaster. What effect has it had upon your militia? Why, I remember when the militia was first embodied there was aroused, even in the humblest cottage, that military spirit which, I think, is natural to the British people, but which had certainly not been shown for half a century. But what is the feeling now? The people understand the question now; they have read of the Conferences of Vienna; they believe that, after all, the difference between the contending parties is no very great one—that it is not a difference for which their blood should be lavished, or for which the country should appeal to their patriotism. Is there a murmur against increased taxation in the country? Do you think you would ever have heard a murmur against increased taxation if, at the same time you were calling for those increased sacrifices, you had not striven to impress on the public mind that you were not engaged in a struggle for an object worthy of the sacrifice? Moreover, if you would carry on war effectively it is necessary not merely to keep up the spirit of the nation, but also to keep up the spirit of foreign Powers. You may rest assured that so long as you appeal to a foreign Power as a mediator that foreign Power will never be your ally. I do not say this with any want of respect for Austria. I think that the Court of Vienna has acted throughout these transactions with wisdom, with sagacity, and with prudence, and I am not surprised that its councils have been guided with so great ability when I remember that the Minister of that country is a pupil of the greatest statesman which this age has produced. The genius of Metternich still guides the country which he has more than once saved; and if the policy of that great statesman be pursued I am persuaded that in a struggle with Russia he is not the man, nor are those who have sat at his feet the men, to counsel base humiliation to that Power. If in 1828 the opinion of Prince Metternich had prevailed—if the policy which he recommended had been adopted by the English Cabinet — this House in all probability would not at this moment have been called on to discuss the all-important question of a war with Russia. Therefore it was with no disrespect to Austria that I made that remark. It is in human nature that the moment you ask a person to occupy the position of a mediator he will necessarily not fulfil the duties of an ally. I say, then, Sir, that so far as the general policy of the noble Lord is concerned, I trace its want of energy and its unfortunate consequence—I trace the discontent and the dissatisfaction which are prevalent in all quarters—to this continued alliance between diplomacy and war. As a general principle I think that alliance objectionable; but in the present case I think I can show the House that there are peculiar objections to this double service — that there are peculiar reasons why, if now followed it must, I believe, in my conscience, lead to great public disaster. There are two modes in which you may make war on Russia. In one case you may invade her provinces, despoil her of her territories, push her back to the north; reconstruct, in short, the map of Europe, and solve the knot you are now trying to untie by the rudest and most determined means. If there were a young Minister full of genius and energy, backed by the enthusiasm of a people, unembarrassed by any public debt, and fortunate enough to possess as a colleague a general, as young, as energetic, and as able as himself, I do not say that that is not a career which I should recommend to his attention. I do not presume to predict what the result of such a struggle would be, but I think few will deny that the hair of the youngest Member present might grow grey before its termination. There is another mode of waging war with Russia—an essentially protective mode. In adopting that mode your object would be to protect your ally, to take care that his territory should not be violated, that his fortresses should be secure, and to check the preponderance of Russia in every quarter, not so much by reducing the influence of Russia, as by increasing the power of Turkey. That was the war in which, from your declarations at its commencement, I thought we had embarked. But what have you done? Having embarked in a war to protect the Turkish empire, you suddenly resolved to invade the Russian dominions, and all this time you were engaged in diplomatic transactions which were to carry out a protective policy. You have thus combined, therefore, an aggressive war with a protective diplomacy; and to this incoherent, inconsistent union I trace and attribute the dangers which are surrounding us, and which, in my opinion, unless you terminate that union, must increase until they, perhaps, overwhelm you. A Conference at Vienna may cope with such questions as the government of Danubian Principalities, as the course and free navigation of a river, or the rights of the Christian subjects of the Porte. But Conferences at Vienna cannot cope with such subjects as the invasion of Russian provinces, the destruction of Russian fortresses, or the fortunes of accumulated hosts on the impatient territory of a proud foe. Wasting your time at Vienna in this protective diplomacy, all that you can do is to devise schemes which will apply to the objects of protective war. But the evil consequences upon the objects of aggressive war are daily traceable, because, by this chronic diplomacy, you not only check and destroy the spirit of the nation, upon which, after all, you must rely, but by these very conferences you are paralysing your allies, and preventing that energy and exertion on the part of the European Powers which may be necessary to enable you to carry on your aggressive warfare, and to extricate you from the dangers which you must meet. Sir, it may have been a great error, as I frankly confess I believe it has been, to depart from the protection of the Turkish Empire to undertake that invasion of Russia which you most rashly, and, as I think, thoughtlessly, decided upon; but, having once entered upon that course, you must now meet the consequences of the policy you have pursued; and you cannot extricate yourselves from these consequences by Vienna Conferences. You will only increase your difficulties and augment your dangers if you trust to diplomacy. Your position is one that is entirely deceptive; and you never can carry on an aggressive war with success unless, on the one hand, you are supported by an enthusiastic people, and unless, on the other, you can count upon allies, who know that you are determined to be victorious.

I have said, Sir, that there was at least one object in my making this Motion—not a solitary, but a main object—namely, that I want the House of Commons, by its vote to-night—I want even those most favourable to peace, provided, I suppose, that it is made upon honourable terms, and is likely to be permanent—for I trust that no hon. Member would advocate any other kind of peace—I want this House, by its decision, to put an end to that vicious double system by which we have so long carried on an aggressive war and a protective diplomacy. I want the House of Commons, to-night, to say in distinct language that the time for negotiation has passed. No man, I think, will be inclined to deny that proposition who has read Count Nesselrode's circular. If negotiations could bring us an honourable peace, and extricate the country from the dangers that surround it—if I thought that there was even a chance of obtaining such results by means of negotiation, I might still have the weakness to cling to it; but I am convinced that further negotiations, instead of securing peace, will only aggravate the dangers and distresses of war. I am confident that, if negotiations are continued, the Government may be prevented, indeed, from making a disgraceful peace by the still latent spirit of England; but the Government, if it persists in its present policy, will only substitute for such a peace, a lingering, fruitless, and inglorious war. I ask the House, therefore, to support this Motion, because one of its main objects is to put an end to this fatal union between diplomacy and aggressive war.

Sir, it has been said that the Motion which I am about to make expresses distrust of Her Majesty's Government. Be it so. Is there any man out of this House who does not feel distrust of Her Majesty's Government? I beg the noble Lord to understand that I do not say this by way of taunt. I know full well—and it is a most sorrowful thing—that this distrust is not limited to Her Majesty's Government; and that it has been occasioned by the policy of this country for the last two years. That distrust reaches our generals, although they are victorious; it reaches our officers, although during this war they have achieved deeds of unprecedented valour, and maintained among their troops unexampled discipline; it reaches our aristocracy, although they have poured out their blood like water in the conflict; lastly, and this is the worst of all among the dark suspicions that have, alas, been rife, that distrust has reached even the practical working of our representative institutions. And will you, then, hesitate to support me to-night in this the first effort to breathe some feeling of life in this House, in the dangerous circumstances in which, believe me, the House of Commons is placed? Further forbearance on our part cannot be submitted to by our constituents. I speak frankly; I say that silence is by them considered to be an abnegation of our functions. You must say, "Aye," or "No," to the Motion I am about to propose. I cannot believe that you will allow any miserable Amendments to evade the issue which I am going to place before the House of Commons. That issue is this—"Will you put an end to this diplomatic subterfuge, and this Ministerial trifling?" It is a simple issue, and it will be so looked upon, I believe, here and elsewhere. I am told that I am to be met by an Amendment. I find, Sir, that a right hon. Gentleman has done me the honour of adopting five lines of my composition. The right hon. Gentleman (Sir F. Baring) is a *miles emeritus* in the great struggles of political life. I must congratulate the present Ministry upon its good fortune in always having a Privy Councillor to rush to its aid; and certainly it ought to be a wise Government that has so many amateur and veteran colleagues. I read that Sir F. Baring is to move an Amendment to my Motion in these terms—

> "That this House having seen with regret that the Conferences of Vienna have not led to a termination of hostilities, feels it to be a duty to declare that it will continue to give every support to Her Majesty in the prosecution of the war, until Her Majesty shall, in conjunction with her allies, obtain for this country a safe and honourable peace."

The latter portion of this Amendment is taken from the words of my Motion. Is this Amendment which Sir Francis Baring is to move the Amendment of the Ministry? If it is their Amendment, it is an act on the part of the Ministry which vindicates to a certain degree the course I have taken, and in every sense condemns themselves. If the noble Lord and his colleagues think that this House ought, in the present state of affairs, in consequence of the failure of these negotiations, to express their determination to support Her Majesty in the manner I have described, how can the noble Lord reconcile it to himself that he did not himself, like a loyal Minister of the Crown, come forward and propose an Address thanking Her Majesty for the papers which she has so graciously placed on our table? I can hardly recall the passage, but I remember reading of an example in the history of this country which the noble Lord the First Minister might well study in regard to communications of this nature proceeding from the Sovereign. It is to be found in *Cox's Life of Sir Robert Walpole*, where it is stated that the Duke of Newcastle, then Secretary of State, brought down papers relating to the threatened invasion of England, and laid them on the table of the House of Lords, by Royal command. In consequence of some papers on the same subject having been previously laid on the table, and the Crown having been addressed in regard to them, the Duke of Newcastle said that it would not be necessary a second time to address the Sovereign. I can remember the spirit if I cannot repeat the words of Sir Robert Walpole on that occasion, when he made the only speech he ever delivered as Earl of Orford:—"My Lords," I think he said, "is the English language so barren that we cannot find words to express our gratitude to His Majesty for every act of grace and condescension to this assembly?" And, continuing in this strain of flowing and indignant eloquence, he so shamed the Ministry that, although the Government party had a great majority in the House of Peers, that august assembly rose almost in a body and decided that it should address the monarch; while the Prince of Wales, who was then in opposition, although he had not for some time been on speaking terms with the Earl of Orford, crossed the House and warmly embraced that nobleman, and, addressing him, exclaimed, "From this moment we are Friends. I feel that you have vindicated the honour of the Crown and represented the feeling of the country." Well, then, here is the Amendment of the right hon. Gentleman (Sir F. Baring). Is it the Amendment of the Government. Will they have courage to support this Amendment? If they have, it is possible they may yet take Sebastopol, for a more audacious act was never perpetrated by any Minister. It is not—it cannot be. It is an amateur performance. I make this remark with regard not to this Amendment only, but also to some others of which I have heard; I wish to impress upon the House the difference between my Motion and the shabby Amendment that has been cribbed from my thoughts and clothed in my stolen language. What is the difference between them? It is this—both the Motion and the Amendment contain the assurance, which I am certain hon. Gentlemen on all sides will feel it their duty to proffer to the Crown, of their determination to support Her Majesty in the war in which we are engaged; but in the Amendment there is an omission of those words which, if they be adopted, will ring through England to-morrow, and will gladden the heart of many a patriot who is now discontented, but who will rejoice when he finds that the House of Commons have come to the issue I have just described, and have decided by their vote to-night that there shall be an end to diplomatic subterfuge and Ministerial trifling. The right hon Gentleman concluded by moving his Resolution.

MR. BARROW, in seconding the Motion, expressed his concurrence with the right hon. Member for Buckinghamshire in the opinion that the negotiations in progress at Vienna were inconsistent with the continuance of the war, and his belief that a large majority of the people of this country were anxious that the suspense existing with respect to those negotiations should be terminated. He was fully alive to the deplorable consequences of war—to the misery which it inflicted upon private families, and to its injurious effect upon the commerce and the general interests of the country; but it was because he entertained this feeling so strongly that he was anxious to impress upon the House the necessity of a vigorous prosecution of the war as the only means of obtaining a secure and honourable peace. He was satisfied that such a war as was now waged between great and powerful nations would not be brought to a satisfactory termination so long as any irresolution was exhibited on the part of Her Majesty's Government. He remembered the hollow truce—the Peace of Amiens—which for a short period interrupted the war that was carried on at the commencement of the present century, and he had no desire to see such an experiment repeated.

Motion made, and Question proposed—

> "That this House cannot adjourn for the Recess without expressing its dissatisfaction with the ambiguous language and uncertain conduct of Her Majesty's Government in reference to the great question of Peace or War; and that, under these circumstances, this House feels it a duty to declare, that it will continue to give every support to Her Majesty in the prosecution of the War, until Her Majesty shall, in conjunction with Her Allies, obtain for this Country a safe and honourable Peace."

SIR FRANCIS BARING said, that notwithstanding the formidable language of the right hon. Member for Buckinghamshire, he was not at all inclined to shrink from proposing the Amendment of which he had given notice:—Indeed, the right hon. Gentleman's speech had convinced him of the propriety of submitting such an Amendment to the House, for the right hon. Gentleman had in his speech plainly stated the intention which he believed had lurked under his Motion. He (Sir F. Baring) would, in the first place, state the reasons which had induced him to steal a portion of the language of the right hon. Gentleman. He had concurred in the views expressed in that House by the noble Lord at the head of the Government, that until the final and formal close of the Conferences of Vienna there was no necessity for the expression of any opinion on the part of the House with reference to the negotiations. But the state of affairs was entirely altered when the right hon. Gentleman's notice appeared upon the paper—the House was then compelled to pronounce an opinion of some kind or other. The right hon. Gentleman, with his usual dexterity, had combined a Motion for an Address to the Crown with an attack upon the Government. After the right hon. Gentleman had laid upon the table a proposal to address Her Majesty, stating, in proper terms and language, that Parliament was prepared to support Her Majesty until a just and honourable peace had been obtained, it was impossible to meet such a proposition with a direct negative. Hon. Gentlemen must remember that their discussions were not merely for England, but for Europe, and if the proposal of the right hon. Gentleman for an Address to the Crown had been met with a direct negative such a course might have been liable to misconstruction, and it might have been supposed out of doors—at all events in other countries—that that House was not prepared to support Her Majesty in carrying on the war. Well, he admitted that he had appropriated some of the right hon. Gentleman's words, and he committed that larceny because he was anxious it should go forth to Europe that there was no doubt or difficulty whatever in that House with respect to the proposal for an Address, but that hon. Gentleman on both sides were ready to concur in addressing Her Majesty in the same words. He freely owned that the language of the right hon. Gentleman with respect to the Address seemed to him the most convenient he could adopt, for it was free from any ambiguity; but the right hon. Gentleman was mistaken if he supposed that he (Sir F. Baring) was not prepared to meet the remaining and essential part of his Motion directly and frankly. The right hon. Gentleman had gone into a long narrative of the history of these transactions, into which it was impossible to follow him. The right hon. Gentleman had attacked acts and negotiations of the Government, with reference to which papers had already been laid upon the table; such attacks would doubtless be met by those who had been engaged in the transactions, and who alone were able to meet some of the right hon. Gentleman's assertions. But if the right hon. Gentleman believed there was reason for such grave charges against Her Majesty's Government, he was surprised the right hon. Gentleman had not frankly and distinctly brought those charges before the House, instead of mixing them up with what appeared to him—to steal the right hon. Gentleman's own expression—to be a very "shabby" Resolution. A great part of the right hon. Gentleman's speech consisted of an attack upon the course adopted by the noble Lord (Lord John Russell) in the Vienna Conferences. That was undoubtedly a fair subject for discussion; but why did not the right hon. Gentleman, instead of contenting himself with attacking the noble Lord's conduct in his speech, in what appeared to him (Sir F. Baring) ambiguous and unsatisfactory terms, bring the question fairly before the House by a specific resolution? The right hon. Gentleman had charged the Government with unsatisfactory conduct and with using ambiguous language with regard to negotiations which were actually going on, but which were then not quite completed; and he (Sir F. Baring) thought that was a point to which the attention of the House ought to be directed, for it involved a very considerable constitutional question, and one which was of importance with reference to the transaction of the great diplomatic business of the country. As he read the constitution of the country, it was to the executive of the Crown that the negotiations for peace were intrusted; and while perfectly admitting the entire right of Parliament to censure the Ministry when the transactions had closed—while admitting the entire right of the House to withdraw its confidence from a Ministry while negotiations were in progress—and while admitting it was also the duty of the Ministry to give to the House such information from time to time as could be given without injury to the public service, yet he thought it of the utmost importance that the House should not, either by any direct or indirect Resolution, state that the Ministry that did not, from day to day, inform them of what was goin on—was using ambiguous language, or that their conduct was unsatisfactory. What was really the case as it now stood? The negotiations had been some time in progress; they had taken different shapes according to the circumstances of the times; they had changed from day to day: had there been any ambiguous language or unnecessary concealment on the part of those who were aware of the different forms those negotiations had assumed. The answer of the Government, as he understood them were, that the conference was suspended, but though suspended was not closed, and that the Austrian Government did not consider that every effort was exhausted, but was of opinion that means might still be found of meeting the difficulty which had caused the temporary suspension of the sittings, and his noble Friend told them that the conference was suspended, but that negotiations were still in progress, and that of course, while in progress, it was not possible for that House to ask and to be told of everything respecting those negotiations. Was it possible, even while negotiations were going forward on a matter in private life, to carry them on with any hope of success if from day to day their adversaries and all the world were made acquainted with what was taking place? Precisely the same principle, he contended, was applicable to the negotiations now under consideration. Was it possible they could ask to be told the terms on which the Government were willing to make a treaty? The right hon. Gentleman had asked, and he had repeatedly heard hon. Gentlemen say, let us know the conditions on which you will consent to make peace; but he did not think it was in accordance either with the principles of the constitution or the good conduct of affairs that that House should ask for information on everything that was going forward. In the first place, Austria was prepared to make a proposal, and, therefore, it was hardly possible to make any such statement to the House before that proposal should have been received. He (Sir F. Baring) could not understand how, if they were negotiating alone, it could be consistent with good conduct of affairs, if the House were to insist from day to day upon information about everything that was going forward. When, however, they came to consider that they were not negotiating alone, but with allies with whom they were by arrangements bound to communicate, and not, he apprehended, to propound an ultimate decision without such a communication with the Government of France, with which they were on most intimate terms, fighting the same battles and acting on the same principles, he would ask, was it fair and just to their allies that every day—for to that it would come—the Government of this country should expose the wishes and confidential communications which must be made to it? Under these circumstances, therefore, he conceived that his noble Friend had given the House and the country all the information upon the pending negotiation that could fairly and reasonably be expected of him. He (Sir F. Baring) apprehended that communications with reference to these negotiations were still going on with France and Austria, with the view of meeting, if possible, the difficulties which had arisen. When these were over, and when they had either come to a satisfactory conclusion, or, on the other hand, had abandoned all hopes of peace, then it would be the duty of Ministers to lay on the table full information, and then would be the proper time for the House to interfere and declare its opinion upon the course the Government had pursued; but until that time arrived, he believed that, both as regarded the good of the country and the interests of peace, nothing could be so unfortunate as this constant meddling and pressing anxiety to get news; he was going to say for the amusement of hon. Members, but certainly to gratify a spirit of impatience which should not, on such an occasion, be displayed. Having thus stated my objections to the Resolution of the right hon. Gentleman as far as related to the complaints that the Government had not afforded fair and full information, he might be allowed to turn a little to what the Resolution really was. The right hon. Gentleman did not attempt to deny what would be the effect of his Resolution. He said it was not technically a vote of want of confidence, for if he had so intended it, he would not have given such a short notice of it. If it were not so intended, he (Sir F. Baring) must say that he never heard a Motion introduced in a speech where there was so palpable an intention to damage the Government, or more full of bitter invectives against particular Members of the Administration. He was not disposed to follow the right hon. Gentleman through those charges; it was not difficult to recriminate in such cases; but he confessed that he considered those questions far too important to treat them as mere party matters. He could not but see, as everybody must, that whether the vote was or was not intended as one of want of confidence, it was a vote that was intended to, and which would, if it succeeded, change the Government, and would place the right hon. Gentleman on the Ministerial side of the House. There could be no concealment of such an intention, for everybody knew what it meant, and he could not help considering the right hon. Gentleman's repudiation of want of confidence as in the highest degree absurd. He (Sir F. Baring) must appeal to the House against a course which seemed to him most improper and unworthy of the leader of a great party—against a course which would combine in an Address to Her Majesty a declaration of the readiness of the House to assist in a vigorous prosecution of the war and an attack upon the chief Minister of the Crown. It appeared to him that if hon. Gentlemen opposite considered the advantage and real good of the country, they would have avoided, in an Address to Her Majesty expressing support and confidence, any topic that would raise party questions and tend to bring about a party struggle. It would be far better, he thought, if they could have met and joined in a united address, not expressing the opinions of one side or the other, but declaratory of the firm resolve of all parties to assist in the vigorous prosecution of the war in which Her Majesty is at present engaged. The right hon. Gentleman had thought differently, and had taken the present opportunity—he thought a most unfortunate one—of attaching a party vote and a party struggle to an expression of the anxiety of the House to support Her Majesty in the war—a course which he believed had never been taken before by any party in that House, however reckless that party might have been. The right hon. Gentleman had fairly stated the issue. His anxiety was to shut the door against any further negotiation. That was the object of the Motion—that was the view which the right hon. Gentleman had, time after time, pressed upon the consideration of the House in the course of his speech, and that was the point upon which he now wished to have the opinion of the House. He (Sir F. Baring), on the contrary, wished the House to declare that the door to all further negotiation was not shut for ever; he desired that while there was a hope, however small that hope might be, that the negotiations not yet concluded might be brought to a successful issue, that the House should not interfere for the purpose of preventing the attainment of a just and honourable peace—while these negotiations were still unconcluded, while a proposal from Austria was still under confidential consideration, or while such a proposal was expected, that the House should not declare that the door for all settlement should be closed; and with that view mainly he ventured to propose his Amendment to the right hon. Gentleman's Resolution. He would not detain the House upon the matter longer; but he might be allowed to ask hon. Members opposite what course they were about to pursue, with regard to their allies, if they adopted the Resolution in the sense put upon it by the right hon. Gentleman? Austria—with whom we had been in alliance, though not in active warlike operation—was anxious for, and believed she could propose, terms for the relief of the difficulties which at present existed; France was not unwilling to consider the case; and communications of a confidential nature were now passing between the two countries in reference to the proposals of Austria. This, then, was a moment of the deepest importance, upon which the blood of many of our fellow-subjects, upon which the peace of Europe might depend. The right right hon. Gentleman said he had been too cowardly in shrinking from bringing forward this question at an earlier period; and he (Sir F. Baring) must say that he was surprised at, though he could not admire, the courage which the right hon. Gentleman had now shown; he could not understand how men of humanity and wisdom could at a moment, when Government said that negotiations were still unsettled, support a Resolution which the mover boldly and unhesitatingly avowed was for the purpose of preventing further negotiations and to shut the door against them for ever. In the Amendment he had proposed he had endeavoured, as far as possible, to avoid party feeling, for, as he had before stated, these matters were too important to be considered in connection with mere party interests. He believed that there were upon the benches opposite, men as anxious for peace, and as desirous to secure the honour of their country as any of those who sat near him, and to them he appealed whether they were prepared, while the Government still told them that communications were going forward, to take upon their shoulders the responsibility of stepping in and interfering with the prerogatives of the Crown, and of interfering with their allies, by declaring in their wisdom that they would shut the door to further negotiation? The Amendment he had proposed would express to Her Majesty the regret of the House that the negotiations at Vienna had not been successful, and it would then proceed to inform Her Majesty of a determination on the part of the House vigorously to carry on the war with a view to an honourable peace. The Resolution of the right hon. Gentleman (Mr. Disraeli) shut the door to peace—it interfered with the prerogative of the Crown—it interfered with the frank, and fair, and confidential communications which had gone on so well with our allies. It would take into the hands of the House a subject that ought to be discussed with France confidentially and freely—it declared that the House of Commons and the country, in spite of France and Austria, was determined not to go on with the negotiations; but then the right hon. Gentleman would have the satisfaction, if it were carried, of upsetting the Government, which probably was not the least reason why the Motion had been brought forward.

Amendment proposed, to leave out from the first word "House" to the word "feels," in line 5, in order to add the words, "having seen with regret that the Conferences of Vienna have not led to a termination of hostilities," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR WILLIAM HEATHCOTE said, that although he could not at that time move the Amendment on the Motion of the right hon. Baronet the Member for Portsmouth of which he had given notice, it would be convenient to the House that he should then state the reasons which would induce him to bring it forward at the proper time. There were two Resolutions, to one of which he was required to give his assent. The right hon. Gentleman the Member for Buckinghamshire, by the terms of his Resolution, to a great extent, and entirely by his speech, had made it impossible that he (Sir W. Heathcote) should vote with him, because, far from desiring to shut the door to future negotiations, he (Sir W. H.) was most anxious to see the thread taken up again; and his quarrel with the hon. Gentlemen opposite was that that thread had been too abruptly broken. He then had to consider whether the Resolution of the right hon. Baronet the Member for Portsmouth expressed his opinion. He gathered from the right hon. Baronet's speech that he intended to express very much the same meaning as he (Sir W. Heathcote) wished to see embodied in the Resolution, and he therefore hoped the right hon. Baronet would not object to the introduction of his Amendment; but, as the Resolution stood, it seemed to him to be somewhat open to the charge of ambiguity and uncertainty which had been brought against the Government. In order to get rid of that objection, he should propose to insert after the word "hostilities," "and still cherishing the desire that the communications which are in progress may arrive at a successful issue," &c.; of the concluding sentence, which was common to the Resolutions of both the right hon. Gentlemen, he entirely approved, because it was highly important that it should go forth to Europe that, notwithstanding the negotiations in progress, the House was prepared to support the Queen in the vigorous prosecution of the war. Their declaration upon that head ought not to be open to misapprehension, and he felt it was a great objection to the Motion of which the right hon. Member for Manchester had given notice, that it did not conclude with some such expression of opinion. He believed that if it should ever appear to Europe, by any Resolution of the House of Commons, that a faintness was coming over the heart of the people of this country in reference to the war, or that there was a desire to shrink from the side of their allies or from the face of their enemy, the strength of the country would, to a certain degree, be paralysed at home and abroad; and that therefore some Resolution expressive of a determination to carry on the war with vigour, if peace be unattainable, should be come to by the House. But this was not the only aspect of their responsibility; nor were they without dangers on the side opposite to those which he had indicated, equally real and more imminent. If any chance of peace should be thrown away; if the war should be unnecessarily prolonged after the objects for which it was undertaken had been attained, if the Ministers of the Crown were left to act under pressure from without, and their House did not interpose to correct popular mistakes, and to moderate popular expectations, he thought that no small part of the responsibility of blood would rest upon the Members of that House. He put that as a hypothetical case; but whether they were not upon the brink of that danger was a question to which every individual Member of that House would do well to address himself. Before, however, they could solve that question there were three others which must be considered—namely, what were the original objects of the war; how far those objects had been obtained; and of what remained how much ought to satisfy us? When he spoke of the objects of the war he meant such only as were tangible, definite, and avowed, without making reference to any feelings whether of sympathy for Turkey or animosity against Russia—for it was clear such feelings afforded no justification for any warfare on any principles of a Christian or a statesman. The definite and avowed objects of the war were, first, to arrest and repel an actual aggression on Turkey on the part of Russia—an aggression not only in itself unjust, but such as to involve an European necessity of self-defence, in order to prevent Constantinople from falling into the hands of Russia; and, secondly, to establish such a system, by treaty, in lieu of the former treaties, superseded by the war, as should make such aggressions less likely to occur in future, and less likely to succeed if they did occur. The first of these objects had been already insured. Constantinople was safe. No Russian fleet was able to menace it, and not a Russian soldier was left in the Principalities. It was the second of those objects, therefore, that formed the problem which the Vienna Conferences were intended to solve, and they endeavoured to solve it in two ways. In the first place, they endeavoured to get rid, as far as possible, of all points of contact, fertile in quarrel, between Russia and the Porte, and especially of the exclusive protectorate assumed by Russia over the Principalities, and over the Sultan's Christian subjects of the Greek Church, so fruitful of dispute between Russia and Turkey—the protectorate of the Principalities, and the protectorate of the Greek Christian subjects of the Sultan; and, in the next, to strengthen Turkey if, notwithstanding these precautions, an aggression should take place. The modes in which they endeavoured to strengthen Turkey and put her in a position of greater security were, firstly, by introducing her into the family of European nations, and connecting her with the balance of power; and, secondly, by putting an end to the preponderance of the power of Russia in the Black Sea.

These means of attaining the desired object were embodied in the Four Points of which so much had been heard; and of which the first and fourth related to the protectorates of the Principalities and of the Christians of the Greek Church; and the third embraced both the annexation of Turkey to the European system, and the reduction of Russian preponderance in the Black Sea; while the second was intended to secure the opening of the Danube—an important object no doubt, and intimately connected with the Turkish case, by treaties and otherwise, but hardly so much an essential part of that case as it was important to Austria and Germany.

Let the House, then, consider how much

Sir W. Heathcote

of this projected arrangement had met with general consent; and how much, or rather, it should be said, how little, remained unsettled when the negotiations were broken off.

The question of the Danube, in the second point, was quite settled.

The precaution against future opportunities of dispute in respect of the protectorate was completed, so far as the Principalities, by the agreement on the first point. The case of the Greek Christians, as embodied in the fourth point, was not opened, for reasons given by the English and French Plenipotentiaries, of which he was unable to see the force, and which would, at any rate, have applied equally to the analogous case of the Principalities, on which they did enter. It appeared, however, sufficiently clear, in other parts of these transactions, that no difficulty would, in fact, have occurred in settling this point also.

There remained, therefore, for consideration, only the mode of providing for the future security of Turkey, which formed the third point of the Vienna negotiations; and when this had developed itself into its two branches there was agreement on the most important—namely, that by which Turkey was to be annexed to the European family of nations; while, even on the other—namely, that by which the preponderance of Russia in the Black Sea was to be reduced, there was agreement, so far as the admission that it ought to be reduced, although there was a difference, which unfortunately proved to be irreconcilable, as to the mode by which the reduction should be effected.

It appeared, therefore, that when the negotiations were closed there remained unsettled, out of all this complication, but one part of one point, and that the propriety of so closing the negotiations turned upon the difference between the opposite suggestions for correcting the Russian preponderance in the Black Sea, and upon the question whether the Russian scheme proceeded on so vicious a principle as that it was unfit, not only for adoption, but even for consideration and discussion.

Now, what were the principles of the two proposals respectively?

The principle of the suggestion made by the allies was to reduce the fleets of Russia and Turkey to an equal, and not very large force, so that neither might have an excess over the other; while the principle of the Russian suggestion was, that each

Power might develope its own fleet to whatever amount they pleased, but that facilities should be given to Turkey to invite the fleets of her allies to pass to any extent through the Straits without waiting for actual war, or affording a pretext for it. He was bound to confess that, though the Russian principle was not in his opinion sufficiently developed, and though sufficient concession had not been made in the actual proposition of the Russian Plenipotentiaries, yet it afforded the elements for further discussion; he did not say it was the only mode capable of affording a solution of the difficulty, but he went the length of thinking that it would afford a better solution than the mode suggested on the other side. Supposing that they restricted the fleet of Russia to the same number of vessels as that of Turkey, they did not thereby diminish her power or her resources, but left her with all the means she possessed of raising a fleet or any other force whenever opportunities served, and they would only create a rankling sense of indignity in a great Power, which would infallibly find or make such opportunities, and indemnify herself for present mortification by future attempts at conquest. And this, even if in the meantime the restrictions were faithfully observed; but how could they ascertain this, and how enforce it? Did they mean to have a roving commission, looking into every dockyard in Russia, to see whether one ship was built more than was stipulated? Was this country to go to war when it was found that Russia had a frigate or two laid up in ordinary more than the number which was fixed upon? He thought, on the contrary, that the power given to Turkey to call in the fleets of her allies, which were overwhelming in comparison with the fleet of Russia, would give her much more efficient protection than the limitation of the fleet of Russia. At all events, it was not a suggestion which was incapable, or was even now incapable, of being further discussed, and it was utterly unintelligible to him that the instructions of the Plenipotentiaries should have been exhausted when one solution of the difficulty remained. He could not help thinking that the people of England had shut their eyes to what had been already achieved in this Russian war. He was not speaking of how far they had succeeded in their negotiations, though he thought he had shown that a great deal had been done in that direction; but the gallant defence of Sebastopol had so arrested the public eye that they forgot how much Russia had been foiled in other matters—how she had been repelled from every part of European Turkey—and how she had been obliged to recede step by step from, and at length abandon altogether, pretensions which she had been setting up for years and years. There was a good deal for us to rejoice at, and if they left off at this moment and without any further success, his belief was, that they had thrown back Russia to a point from which she was far less dangerous than she had been for many years. The defence of Sebastopol, no doubt, was a proof of what they were told before—that Russia was a formidable enemy on her own soil; and if they went on with the war with the insane object of dismembering her, he agreed with the right hon. Member for Buckinghamshire, that the head of the youngest man in that House would be grey before they accomplished their object; and he believed that they would soon find formidable allies on the side of Russia in such a war. But if they were content with knowing that Russia had been already repelled from her attempted advance to a position far behind that for which she lately started; that the free navigation of the Danube—the abolition of the late treaties with the Porte—the substitution of joint, in lieu of exclusive protectorates—the admission of Turkey to the family of European nations—and the concession, in whichever way it may be effected, of her exclusive preponderance in the Black Sea, were enough to lower her *prestige* in the East of Europe, and to diminish her actual power of aggression, there would remain so little of difference between the contending parties as to render the conclusion of an honourable, secure, and lasting peace by no means difficult, and to throw on either side which shall wantonly persevere in unnecessary war a grievous weight of responsibility, or rather of actual crime. His desire, therefore, was, that the right hon. Member for Portsmouth should consent to the introduction of a few words into his Amendment, in order to make it more definite and less like a Resolution, constructed so as to catch the votes of Members acting from different motives. Such was not the intention either of the right hon. Gentleman the Member for Portsmouth or of the Government, and he trusted that they would consent to insert words which would only represent what hon. Members wished. He should have no difficulty in voting against the Resolution of the right hon. Gentleman (Mr. Disraeli), or in favour of that of the right hon. Baronet the Member for Portsmouth (Sir F. T. Baring), if the latter would amend it to the extent he recommended. The House was, no doubt, unanimous in pledging itself to carry on the war with vigour until a safe and honourable peace could be obtained, and he rejoiced that this sentiment was expressed in both the Resolutions; but he also earnestly desired to introduce those few words which would serve, not to impede preparations for war; not to excite suspicion in allies, or arrogance in enemies, but only to intimate the opinion of Christian statesmen that negotiations ought to be encouraged which seem likely to attain the objects of the war, and ought not to be put aside on the plea that however we may have attained those objects it still remains for us to gratify our pride.

Mr. KER SEYMER thought that the duty of answering the speech of his right hon. Friend the Member for the University (Sir W. Heathcote) devolved upon the Government, who stated the other night that they were prepared to meet the proposition of the right hon. Member for Manchester with a direct negative. He was one of those who regretted the withdrawal of that Motion; not that he thought the discussion free from danger, but the danger arose, not from its effect upon the Vienna Conferences, for he had no faith in them, but in its probable effect upon the vigorous prosecution of the war, if a large number of hon. Members had assented to the Motion of the right hon. Gentleman. He regretted the withdrawal of the Motion, because the advantage of that debate would have been to show who were on the side of England and who were on the side of Russia. The House, then, had before them the proposition of the right hon. Member for Bucks; and, at first, he (Mr. Seymer) felt some doubt in joining in the Resolution of his right hon. Friend, and, perhaps, in a party point of view he had not chosen a very good moment for it. The pear was not yet ripe, although the proceedings of last Monday had hastened its maturity. The question was one, however, far above party considerations. The greatest danger was lest a large portion of our population should feel that they had ground for discontent against the Government and Parliament of this country. A feeling of dissatisfaction with Parliament had undoubtedly arisen, and he could conceive nothing so dangerous as for the whole people of England to be very much in earnest on the war, and, at the same time, to believe that the Government was trifling with it. As an independent Member, he therefore thanked his right hon. Friend for giving the opportunity to Parliament to express an opinion on the great question that engrossed the public mind. His right hon. Friend had not proposed an Address to the Crown, as the right hon. Member for Portsmouth had represented, and the Resolution he had moved was a Resolution of the House of Commons, and, as such was not liable to the objections urged against it. When people heard that the Vienna Conferences were broken up, and when the Government laid the papers on the table, it was natural to suppose the time had come when Parliament might take some cognisance of the proceedings at the Conference. He thought there was something in the language of the noble Lord at the head of the Government that required animadversion, when he stated the other night that he was ready to meet the Motion of the right hon. Member, the Member for Manchester, either by moving the previous question or by a direct negative, or by anything the House liked. The noble Lord would have stood well with the House if he had declared in favour of a direct negative, but it seemed as if the noble Lord were perfectly indifferent in what way the Motion was met, so long as he got a majority. Austria, he admitted, had a difficult game to play; but the policy of England and France ought not to be tied to the policy of Austria. That Power appeared to him to be, in the interest of peace, no doubt, oppressing the Danubian Principalities; and it appeared to him that it would have been better for the allies if Austria were taking no part at all, because, if war were going on between Turkey and Russia in the Principalities and on the Danube, while there would be no danger that the Russians would take Constantinople as long as the allied fleets commanded the Black Sea, a Russian army would be required to fight with the Turks in the Principalities and to guard the Russian frontier. The main difference between hon. Gentlemen on his side of the House and hon. Gentlemen opposite was, that whereas his party and the people of England felt that we could only win a safe and honourable peace by the bravery of our army, the hon. Gentlemen opposite thought we could only obtain peace through the Conferences at Vienna. It was asked whether our army were always to remain at Sebastopol? Certainly not; but Sebastopol rebuilt would be a very different thing from Sebastopol unconquered and believed to be impregnable. He would assert that the bugle that sounded the recall of the French and English troops would re-echo to the very confines of India. In the East opinion had the greatest weight, and if we desisted from the attempt to take Sebastopol no treaty with Russia upon paper would have any effect in binding that Power. Her *prestige* in the East, in Turkey, Greece, and in Central Asia to the borders of India would be so great that no treaty would be so effectual to cripple her as the failure to take Sebastopol would add to her aggressive power in the eastern parts of Europe and in Asia. He was very much struck with some observations of the hon. Member for Manchester (Mr. Bright) in a very remarkable speech which he delivered last year. The hon. Member in the course of it, spoke of the evils of war and the misgovernment of Turkey, about which they were all agreed, and then told them what he thought ought to be done. He said Turkey should have accepted the Vienna Note, which the sagacity of the Turkish diplomatists discovered placed Turkey, with regard to her Christian subjects, entirely in the power of Russia, or that Turkey and Russia should be left to fight it out; and if, at the end of the war, they found Turkey had got the worst of it, then they should interfere to insist upon the maintenance of the balance of power. Those were two valuable concessions. The hon. Member admitted that there was a balance of power, and that it was worth fighting for, because, by insisting, he presumed the hon. Member meant to fight Russia if she refused, unless the hon. Member meant that France and England, at the end of the war, should say to Russia, "Now, let us share the inheritance of the 'sick man.'" He did not agree with the hon. Member who opened the debate that there was nothing in the first two points. By conceding those points Russia gained the neutrality of Germany. Russia granted what was important to Germany to secure her neutrality, but showed no disposition to meet the views of the Western Powers on the third point. She was constantly offered to take the initiative. She declined to take it, and would not allow the other Powers to consult, but called upon each to bring in a separate note, perhaps, judging from experience, that in one of those ten there would be most probably some great blunder of which she could take advantage. He would not say in which note the blunder was most likely to occur, but he had his own suspicions on that matter. England then made a proposal which, of course, Russia would not accept, and he was quite surprised that the noble Lord the Member for the City of London could have supposed for a moment that the acutest men of the age would be deceived by a false analogy, which it had been said would not do even for the House of Commons. Russia then proposed her own scheme. He did not agree with the hon. Baronet (Sir W. Heathcote) that anything could be made of it; and it appeared to him there was no reason to think that any tinkering on the part of Austria would induce Russia to propose anything more favourable until the result of a resort to arms was decided in favour of the Western Powers. During the whole war, next to the behaviour of the soldiers and sailors, nothing was more gratifying than the attitude assumed by the people of this country. There had been no bravado except within the walls of the Reform Club; there had been no boasting except in the post-prandial orations of Cabinet Ministers; but, on the part of the people, there had been a steady determination to uphold the Government in the vigorous prosecution of the war. This determination had been more particularly remarkable among the manufacturing and commercial classes, who must be suffering from the pressure of that war, and he believed that the hon. Member for Manchester did not represent the feelings of those classes. He knew it would be said, "It is all very well for you to talk about war; your constituents are farmers, and the farmers are profiting by it." He knew something of the feelings of the farmers, and the farmers did not desire a continuance of the war on account of high prices. The farmers knew that continued war meant increased expenditure, that increased expenditure meant increased taxation, and that a very large share of increased taxation was pretty sure to fall upon the land. The farmers shared also, in common with all good men, those feelings of humanity which induced them to object on principle to war. He should be sorry to be thought to undervalue the advantages of peace or to underrate the evils of war. He respected very much the motives of those who would altogether prevent war, the only fault he found with them was, that they put the cart before the horse. If all the world were governed by strictly Christian principles, and there was neither inordinate ambition, cruelty, nor oppression, wars would cease from off the earth, because they would be no longer necessary; but, while those vices prevailed, to put an end to war was simply to hand over the weak to the tender mercies of the strong. While he respected those amiable enthusiasts, he could not say so much for those who objected to war on purely commercial principles. He believed they were ably represented in the House; he believed there were some men who would sacrifice every ally and abandon every treaty rather than diminish to any extent the sale of cotton goods. For those Gentlemen he had no great sympathy. In other words, he had no belief in a calico millennium. It was said the Power with whom we were allied was Mahometan, and the enemy with whom we were contending was Christian. Still, on Christian principles, he was prepared to support the weak against the strong, the faithful ally against the unscrupulous and perfidious enemy, and, therefore, to support Turkey against Russia. Upon these grounds he was prepared, without hesitation, to give his vote in favour of the Resolution submitted to the House by the right hon. Gentleman the Member for Buckinghamshire.

Mr. WILKINSON objected to the assumption which ran through the speeches of the hon. Member for Manchester and his Friends, that all who were in favour of the prosecution of the war were opposed to the obtaining peace; because, he believed, the surest way to obtain peace was vigorously to prosecute the war. There were, no doubt, two or three causes for the state of affairs in which they found themselves, but he attributed the war, in a great measure, to the conduct of a certain party in this country who were the strenuous advocates of peace upon any terms. He did not say that the erroneous supposition, that there was no chance of an intimate alliance between England and France, had not had its effect, because the Emperor of the French had just committed an act which, however necessary it might have been, was abhorrent to the lovers of constitutional Government, and all Englishmen were such; but the late Emperor of Russia had likewise formed an erroneous idea of the importance of the peace party, because he saw that certain Gentlemen who represented the peace party had, upon the question of free trade, and by the support of the people of England, been strong enough to defeat the banded arristocracy of the landed interest; he concluded they were equally followed on the present occasion, and hence his fatal Resolution. In a despatch from Sir Hamilton Seymour to Lord John Russell, dated the 11th of January, 1853, he found this passage—

> "Since this despatch was written I have heard from the Austrian Minister that the Emperor has spoken to him of the conversation which he had held with me. I told Sir Hamilton Seymour—His Majesty said—that the new Ministry appears to me to be strong, and that I am anxious for its duration—although, to say the truth, as regards England, I have learnt that it is the country with which we must be allied. We must not lean to this or that party."

The Emperor Nicholas saw that those gentlemen who had been backed by the people on one question would upon no consideration assent to war, and he naturally supposed that, if they were similarly backed upon this question, England would never be induced to go to war by any attempt which he might make on Turkey. Therefore those Gentlemen were in some measure the cause of the war. He agreed with the hon. Member (Mr. K. Seymer) that it was a great misfortune that the right hon. Member for Manchester did not press his Motion. He believed more mischievous Resolutions were never placed upon the papers of the House, and that the expression of opinion, by an adverse division upon them, would have been more calculated than anything to bring about a satisfactory and honourable peace—the only, peace, in fact, which the country desired. The right hon. Gentleman the Member for Bucks had, indeed, given an opportunity for testing the opinion of the House upon the subject; but, unfortunately, the right hon. Gentleman had something else to do than to elicit the opinion of the country as to the justice of the war—he had to damage the present Ministry. He (Mr. Wilkinson) could not see his way to charge upon the Ministry a want of candour or a desire to equivocate. The noble Lord at the head of the Government had stated, that so long as he and his colleagues remained in their posts the House might be assured that none but an honourable and successful peace would be made. After such a declaration, he could not refuse his support to Ministers, and it was to be regretted that the right hon. Gentleman had marred the discussion of the matter by the words he had introduced in the latter portion of his Resolution. Under the circumstances, he should have no hesitation in voting for the Amendment of the right hon. Baronet the Member for Portsmouth.

THE MARQUESS OF GRANBY observed, that before deciding the question whether we should consent to a peace or remain at war, it was essential to consider the intentions of Russia, the danger to be apprehended from that Power, and whether she meditated aggression or not. On a former occasion he had ventured to tell the House that by the admission of Lord Aberdeen, ever since the Treaty of Adrianople, twenty-six years ago, Russia had had it in her power to march on Teheran on the one hand, or on Constantinople on the other, whenever she might choose. He had met with no reply in the House; but people out of doors were ready with the obvious answer, that the time of Russia had not arrived. It was not until 1853 that Russia found her opportunity for making her descent on Constantinople. He found, however, in *The Times* the other day the following passage:—

> "If the Russian vessels had sailed for Constantinople with 20,000 men on the day after Prince Menchikoff's return from his mission, the Emperor Nicholas would have realised his predictions of making Constantinople his southern capital."

And why had the Emperor of Russia not realised his predictions? Was it from any want of capacity that the Emperor missed this golden opportunity? Was it because he had not 20,000 men at command? No such thing—he had nothing to do but to put 20,000 men on board his transports and he would have taken Constantinople. Sir Hamilton Seymour said, in one of his letters, that the Russian army in Moldavia amounted to 60,000*l*., and in Odessa and Bessarabia to the same number; and thus, if he had been so inclined he could have done the thing. If the House required the reason why that descent was not made, it would be found in the following passage of a note, addressed by Count Nesselrode to Reschid Pacha, on the 31st of May. Prince Menchikoff left Constantinople on the 21st:—

> "Within a few weeks his (the Emperor's) troops will receive orders to pass the frontiers of the empire, not in order to make war upon the Sultan—a war which it is repugnant to his Majesty to undertake against a Sovereign whom he has always had pleasure in looking upon as a sincere ally, and as a well-disposed neighbour; but in order that he may possess material guarantees, &c."

On the 1st June Count Nesselrode writes to Baron Brunnow:—

> "It is not without extreme and profound regret that the Emperor finds himself forced into adopting such a measure. Even whilst adopting it, he still intends to remain faithful to the fundamental principles of his policy, that of not wishing to subvert the Ottoman empire."

Russia had said that she was willing to guarantee the independence of the Porte, but that she was not ready to promise on all occasions to send an army for that purpose. Now on September 10, 1853, Lord Clarendon, writing to Lord Stratford, used these words:—

> "As regards the solid guarantee expected by the Porte, Reschid Pacha must well know that it is utterly impossible for the Four Powers to enter into any such engagements."

The third point in the late Conferences had reference to the limitation of the preponderance of the Russian fleet in the Black Sea. The plenipotentiaries of the allies insisted on the reduction of the number of Russian ships in the Black Sea to four men-of-war, four frigates, and a proportionate number of other ships. Now, in the language of Lord John Russell, he (the Marquess of Granby) thought such a proposal degrading to the honour of Russia. We had no right to tell Russia what number of ships she should build in her ports. To do so would not be more impertinent than for Russia to dictate to us what ships we ought to construct at Portsmouth or Sheerness. But Russia offered to open the Dardanelles to the ships of all nations, permitting the Sultan to close the Black Sea in case of danger. It was the Turkish Minister who objected to that arrangement, saying that it was contrary to the whole policy of Turkey. Russia then said, "So anxious are we for peace, that we will make a further proposal;" but, unfortunately, the noble Lord had departed from Vienna. The second proposal was, that the Dardanelles should be closed against all ships of war, the Sultan being empowered to call in the ships of the allied Powers in case of danger. What was Austria's opinion of this? Why, that there were elements for a successful issue of the conferences. If Austria thought there were the elements for negotiation, he wanted to know why it was we were not to consider Austria's propositions? He understood the noble Lord the other night to say that Austria had actually made a proposition—he did not know what it was, but he hoped to hear it stated before the House came to a division—for the settlement of the question whether we were to have peace or not. He was anxious for a just and honourable peace, and he protested against the language heard in the House that night, that of stigmatising men by saying that certain Members of that House were willing to make peace with Russia on terms inadequate to the honour of the country. He said he believed there was not one individual in the House who would consent to make peace on terms that were dishonourable to the country. They were told by some hon. Members that they were for peace at any price. His answer to that was a direct negative. He said they were not for peace at any price or for anything but a just and honourable peace—not for a degrading peace. They were not those cravens some people appeared to think; and allow him to observe, that he thought England was a great deal too great, and the country a great deal too powerful, morally and materially, to allow any considerations to influence their decision except those they believed to be essentially just and right; that what we believed to be just and right we would maintain, but we would never allow derogatory considerations to weigh with them. It was stated by some that we had entered upon an aggressive war; that we were determined to take Sebastopol, and to drive the Russians from the Crimea; and that we could not make peace until we had done all we said we would do, and until we had fulfilled every word we had uttered. He denied the necessity for that. Our armies had been invariably victorious in the Crimea, whether in attack or defence—whether scaling the heights of Alma, or defending ourselves against overpowering numbers on the heights of Inkerman; let us recollect we had, and would do so again, beaten the enemy. But if defeated—an event he did not for a moment suppose to be likely—the only effect of such defeat would be to inspire us to fresh exertions—to make us consent to greater sacrifices than we had already made, and to make us more determined to carry our point, believing what we sought was both just and right. If victorious, we could do no more. That one point was what we ought to arrive at; and what he wanted was for the House of Commons to say what they thought was just and right. But he protested against the idea that because we had laid siege to Sebastopol, and had sent an army into the Crimea, we were to have no peace until we had taken Sebastopol and driven the Russians from the Crimea. He would now come to the Motion; and he must be allowed to say he was not able to agree in the Motion, or in what the right hon. Gentleman stated in his speech. The right hon. Gentleman said he was desirous of shutting the door upon further negotiations at Vienna. He could not agree with the right hon. Gentleman in his wish to close the door on negotiations which he believed might yet end in a just and honourable peace. One of two things must happen. Either that negotiations were going on, and the prospect of successful negotiations at Vienna encouraging, or else there was no hope of peace being restored. But if he consented to the Motion of the right hon. Gentleman, that Motion, coupled with the speech of the right hon. Gentleman, would render impossible the peaceable solution of the question he desired to see. On the other hand, he said that not to consent to the Motion did not preclude him from desiring to carry on the war with vigour. There was no measure that could be proposed which he would not consent to, if the negotiations failed, in order to enable Her Majesty's Government to carry on the war with vigour; but if the Motion was carried, he feared the effect would be to weaken our power, not only in this, but in foreign countries. And it might lead Austria and Prussia to say, England was not united, because for party purposes the opponents of Government were willing to pass a Motion which would have the effect of weakening the power of Government. For those reasons he could not support the Motion.

Mr. ROBERT PHILLIMORE said, that it was his intention to vote for the Amendment of the hon. Baronet his hon. Friend the Member for the University of Oxford, and he was anxious to be allowed to explain the reasons for seconding a vote which he was well aware would be unpopular. He was one of those who had always been of opinion that this country had never embarked in a war which, in its origin, was more just, more necessary, or more honourable to her, than the one in which she was at present engaged. The hon. Member for Lambeth had said that because he was for a vigorous prosecution of the war, he desired not to be represented as being averse to peace; and so, on his part, he (Mr. R. Phillimore) claimed not to be represented, because he thought that propositions for peace ought to be entertained, as being averse, until peace was made, to a vigorous prosecution of the war. He (Mr. R. Phillimore) did not agree with the noble Marquess (the Marquess of Granby) who had spoken last, that Russia had from the first intended to deal fairly with Turkey. It seemed to him impossible to make that supposition consist with the conversation about the disposing of the sick man's inheritance while he was yet alive, and while, indeed, he had showed that, like the sick man in Horace, he was capable of expelling his physician—

> "Ut lethargicus hic, cum
> Fit pugil, et medicum urget."

He had, however, conceived that the war was urged by Great Britain for well-defined and certain objects. The question for the consideration of the House was whether these objects had not been in a great measure obtained, or whether, at least, the refusal on the part of Russia to accept the terms offered by the allies respecting what was called the third point, justified the breaking off the Conference at Vienna. Now, if it should appear, upon examination, that such was the case, then he protested altogether, and with all the force of which he was capable, against the continuance of the war upon the grounds which he had heard without the walls of this House, and, he regretted to say, within these walls this evening. The impression which he had derived from the speeches of the right hon. Gentleman the Member for Bucks, and from his hon. Friend the Member for Dorsetshire, was, that they were prepared to disregard the original object of the war, and to carry it on for reasons, and upon grounds which, in the outset, had never been contemplated. It had been begun to secure the independence of an ally, to preserve the liberties of Europe; it was to be continued for the glory of England, and the humiliation of Russia. He denounced that doctrine as unchristian, unlawful, and contrary to the first principles of international justice. Never mind, it was said, whether Turkey be secure or not, England will lose her character if she does not win a victory. She has suffered disgrace—such was the expression he had actually heard in this House—she must retrieve herself, or she would descend from her proud position among nations. To this he had two answers. In the first place, the statement was altogether unfounded—the facts belied it. Our navy had swept the commercial marine of Russia from every sea on which it had ever ridden, and had only not destroyed her fleet because it had been impossible to find it. Our army, now encamped in the enemy's country, had achieved exploits of valour not surpassed in their previous history, and had never met their enemy in battle without obtaining over him a signal victory. It was untrue, in fact, then, to say that the war must be continued for the purpose of re-establishing the reputation of this country. But, were it otherwise—had we not sustained our ancient renown, and yet had obtained from Russia concessions upon those points which secured the independence of our ally, and for the attainment of which war alone had been resorted to—even were this so, he emphatically denied that such a state of things justified a further prosecution of the war; he said, without the slightest hesitation, that to continue the shedding of blood for the purpose of adding another laurel to the already glorious brow of England was unjust, indefensible, and unrighteous. The House really appeared to have forgotten the causes for which the war had been originally undertaken; but let it consider what had been obtained from, and what had been refused by, Russia. No one knew better than the right hon. Member for Bucks the importance of the concessions which he had thought proper to pass over so lightly in his dexterous speech. Mr. R. Phillimore then proceeded to point out the value of the concession with respect to the Danubian Principalities, and said that a denial of the value of these concessions could only be founded upon an entire ignorance of the history of Turkey. Of the advances of Russia from the Neva to the Pruth in the period between 1711 and 1800, and of the treaties—especially those of Balta Liman—by which Russia had practically secured to herself, before the breaking out of the present war, an authority in those provinces, with respect to the election of the Hospodars, the representative assemblies which govern had, in fact, a predominance in those Principalities fatal to their national liberties. Mr. R. Phillimore then commented upon the character and history of these provinces and their inhabitants, observing that they had appeared destined by Providence to bar the progress of the Scythian upon Constantinople. The first fruit of this war was, that Russia had abandoned her exclusive privilege, and had consented to place these provinces under the joint protectorate of the Christian Powers of Europe. Was that nothing? What should we have said to such a concession at any time before the commencement of this war? Then, with respect to the free navigation of the Danube, Mr. R. Phillimore reminded the House of the answer of Lord Palmerston to the Member for Northumberland two years ago; how Lord Palmerston had dwelt upon the advantages which would result to Europe and to this country from the opening of the Danube—how Russia, availing herself of the Treaty of Adrianople, always prevented the free navigation of the Danube by one artifice or another —and how it appeared impossible to compel Russia to adopt a more liberal course. Was it, again, nothing, he asked, that the opening of this great artery of Europe was now secured, and placed on the same footing as the Rhine, and under the guarantee of the Powers most interested in maintaining its free navigation? Let not the House forget what had been practically concluded as to the fourth point, for they all knew that though the point itself was not formally discussed, that Russia did not oppose the concession demanded by the Allies. What was that? No less than the placing of the Christian subjects of the Porte under the joint protectorate of the European Powers. What remained? The third point—the limitation of the preponderance of Russia in the Black Sea. Were the terms which the Allies had offered on this point indispensable? Were they such as ought to have been proposed? Were they such as we could expect Russia to assent to? Upon the answer much depended, for though he could not acquit Russia of having caused this war by her own wicked ambition—and she must have foreseen the terrible consequences of it—

"For never two such nations did contend
Without much fall of blood; whose guiltless drops
Are every one a woe, and sore complaint
'Gainst him whose wrongs give edge unto the sword
Which makes such waste in brief mortality"—

Yet, God forbid that we should now, by unjustly continuing a war lawfully begun, make ourselves for the first time participators in this guilt. Mr. Phillimore then proceeded to argue that the proposition of limiting her fleet to a definite number of ships ought never to have been made to Russia—that it was unworthy of this great country to have made it. He altogether dissented from the doctrine that it was our duty to propose terms of humiliation to Russia incompatible with her honour, which we would not accept ourselves, and which we should despise her for accepting. Should we submit to limit our fleets in the West Indies or at Malta at the suggestion of Russia that they were only kept there for the purpose of overawing other Powers? When, after a quarter of a century of war with France, provoked by her aggressions upon every country in Europe, we had subdued our enemy—when we were actually in possession of Paris, after a series of triumphs by land and sea—did we ever propose to her to limit her fleet in the Channel, from which we had actually been in just fear of the invasion of our shores? He thought the hon. Member for Bucks had unjustly censured the noble Lord the Member for London for expressing at the Conference his regard for the honour of Russia. He thought such conduct was in accordance with the wisest principle of our greatest statesmen, who had always laid it down as a maxim that in negotiating with a powerful State you were bound to avoid, as much as possible, all propositions offensive to her honour. This had been often said at the last Treaty of Vienna. Could anybody who had listened to the speeches of his hon. Friend the Member for Dorsetshire and of the right hon. Member for Bucks, say that he had the slightest idea upon what terms these gentlemen thought peace ought to be made? What was their avowed end for continuing the war? The honour and glory of England. He hoped he was not insensible to that appeal; but he looked, also, to the justice of England, and he saw in the maintenance of that attribute her true honour and glory, and thought it was never more incumbent upon her to observe that justice than when she was, as now—whatever might be said she was—triumphant both by sea and land.

MR. GLADSTONE:* Sir, although I believe I can adopt, without exception, all the sentiments and the arguments of my hon. and learned Friend (Mr. R. Phillimore) who has just addressed the House, yet, considering the very limited time which remains at our command before the Whitsuntide recess for the discussion of this question, a question as it is of the widest extent and of the deepest moment, it may be for the convenience of the House that I should at once follow my learned Friend in the debate, rather than wait until a later hour.

Now, Sir, whatever else may be thought of the state, and of the difficulties, of the subject before us, it will at least be admitted on all hands that we have a liberal bill of fare. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) has tendered to us a Motion which amounts firstly to a distinct and intelligible vote of want of confidence in the Government, and secondly to a somewhat indistinct and feeble declaration of our willingness to support Her Majesty in the prosecution of the war. Upon this Motion the right hon. Gentleman the Member for Portsmouth (Sir F. Baring) has moved an Amendment, which adverts to the negotiations at Vienna, but adverts to them in language which I for one do not profess to understand. My hon. Friend and colleague in the representation of the University of Oxford (Sir W. Heathcote) has proposed to amend this Amendment by the insertion of words which would give it a tendency decidedly pacific, without weakening the pledge to support the Crown in the actual prosecution of the war, and has supported his proposal by what appeared to me an admirably reasoned speech. Lastly, we have my hon. Friend the Member for Kidderminster (Mr. Lowe) who, feeling apparently much as I do with respect to the language of the Member for Portsmouth, completes the party by proposing to alter his Amendment in such a manner as to give it a decidedly warlike instead of a decidedly pacific aspect.

For my own part, Sir, I feel no difficulty in making my own choice among the numerous alternatives thus placed before us. The right hon. Member for Buckinghamshire calls on us to censure the Government because of its ambiguous language and uncertain conduct. I cannot obey his call, because it seems to me that, up to this time, and so far as we are yet informed, the ambiguity of language and the uncertainty of conduct which may be imputed to the Ministry are appearances mainly due to the peculiar state and conditions of the negotiation in which they are engaged; and that it would have been a violation of public duty on their part, if, in order to obviate a censure such as that proposed, they had hazarded any of the great interests committed to their charge, by seeking to supply us with full and clear explanations before the time had arrived at which, in their judgment, such explanations might be given with perfect safety. I am bound to add that, although I could conscientiously, as far as the mere words are concerned, join the right hon. Gentleman in lamenting some ambiguity of language and uncertainty of conduct on the part of the Government, no Member of which I may observe has yet spoken in this debate, and though I should wish to see a more decisive direction given to both their language and their conduct, yet it would not be the kind of impulse which the right hon. Gentleman desires to impart to them; because with reference to the negotiations at Vienna, he is satisfied that the proper time has come for this House to declare its opinion that the season for their prosecution has passed away, while I, on the other hand, feel that, according to the latest information before us, these negotiations have afforded, and if rightly handled, may yet afford us, probably, at least, if not certainly, an admirable opportunity for putting an end to the dangers, horrors, and miseries of war. At the same time, I must not quit the subject of the right hon. Gentleman's Motion without expressing, in the strongest terms, the gratification with which I have listened to several most important declarations that have fallen from his lips; declarations which, representing as he does no inconsiderable section of opinion in this House, may come to exercise hereafter a weighty and a highly beneficial influence on the course of our proceedings with respect to this great subject.

As respects the Amendment of the right hon. Gentleman the Member for Portsmouth, I confess it appears to me to be fairly open to the charge which the Member for Buckinghamshire brings against the Government, that of ambiguity. It expresses regret that the negotiations have not led to a termination of hostilities, but it leaves wholly untouched the real questions—namely, through whose fault it is that the case so stands, and whether we ought still to desire and recommend that they may be prosecuted with a view to bringing about that result. Considering, what no one will for a moment question, the frankness and straightforwardness of the character of the right hon. Gentleman, I could not for a moment suppose that he had framed his Amendment in the most loose and uncertain language in order to combine in a deceitful show of unity persons holding the most irreconcilable opinions; but if the Amendment had been framed with that object, it could not have been better calculated to attain it; and if it should be adopted by the House, such and such only will be its effect. In the speech indeed of the right hon. Gentleman —and I must here say that with his speech I have very little fault to find—he expressed his wish that the House should give utterance to its regret that the negotiations had not yet led to a termination of hostilities. Sir, I confess that the little monosyllable "yet" has for me a most harmonious and soothing effect, and, if the right hon. Gentleman will only transplant those three letters from his speech into his Motion, there will not be much cause of difference between us. But if he will not do so, I must object to his Amendment because its sense is equivocal; because it speaks of the negotiations and communications respecting peace as matters that have passed away, and because difficult or even impossible as I own I find it to attach a definite signification to the mere terms which he employs, yet I should look upon the act of its adoption by the House as a proceeding subject indeed to much doubt upon its construction, yet practically tending rather to permit an improper prolongation of the war than to promote the return of peace.

Next, I have to consider the Amendment of my hon. Friend the Member for Kidderminster (Mr. Lowe), and with respect to his proposal I must say, that it is at any rate clear and explicit, and that a clear and explicit declaration of its views is the only declaration that this House ought to make; assuming of course that the time has come when it is necessary that the sentiments of the House should be declared. It is well to postpone until the latest moment anything that savours of interference with the functions of the Executive Government. But whether it be in support of, or in opposition to, the course of the Government, you will only detract from your dignity, and diminish also your influence, if, from whatever cause, you consent in the vote to which you may come to use doubtful or hesitating language. I am glad, therefore, that my hon. Friend makes a proposal which is so perfectly clear and explicit; but on many other grounds I must object to his Motion. I object to it, firstly, because it purports to recite as a fact what I take to be no fact at all; for it asserts without qualification that Russia has refused to admit of any limitation of her naval force in the Black Sea. Now, even if I go too far in considering this to be untrue, it is at any rate highly disputable, and nothing that is disputable ought to be recited in a vote of this House as if it were indisputable. And I find that, on the 17th of April, Prince Gortchakoff stated to the conference, that "Russia would not consent to the strength of her navy being restricted to any fixed number either by treaty or in any other manner." I admit that that passage, if it stood alone, would fairly bear the construction which my hon. Friend has put upon it. But it does not stand alone. On the contrary, the same record informs us that, at the same conference, Prince Gortchakoff went on to say—

> "At the same time, he did not pretend to exclude peremptorily the consideration of every proposal tending to the point of limitation:"

which, standing thus in the English version, seems to be but a feeble rendering of the original French, which says—"*se rattachant au principe de la limitation.*" But, the Russian Plenipotentiary added—"He reserved to himself the right of refusing his adhesion."—[*Protocols of the Conferences at Vienna*, p. 54.]

It may be said that under cover of this very obvious and proper reservation, he intended to refuse any proposal that might be made involving limitation: but this, which we may suspect or may suppose, we are not entitled to assert; much less, then, are we entitled to say that Russia actually has refused to consent to limitation upon any terms. I therefore object to this Amendment as not consistent with the facts, and I must add, without entering upon other matters of exception, that I also object to it because, while removing the ambiguity of the Amendment which it amends, it substitutes a warlike, under circumstances which in my judgment call for a peaceful declaration.

It remains, therefore, for me to say that I shall support the Amendment of my hon. Friend (Sir W. Heathcote), as it expresses, and likewise expresses in the mildest and most prudent form, the just desire of this House to make the present negotiations, or communications, whichever they may be called, the means of leading to a settlement of this unhappy question.

And, Sir, I apprehend it is impossible to conceive a graver issue than that which is now raised. It is a grave issue for all

Gentlemen, without exception, who sit in this House. It is most of all grave, after the present Ministers of the Crown, for those who have recently stood in the position of responsible advisers of Her Majesty, and who were among the official authors of the present war. For them to give any opinion whatever in this House varying in any degree from that of the Executive Government on this question—to exhibit in the face of the world and of the country anything like divisions in the councils of this country—is a proceeding which, I am well aware, can only be justified by the strongest conviction, and by obligation of the highest order. But that which justifies in such a case also requires and constrains; and I do not for a moment hesitate, while I own my responsibility, to admit that I must either be engaging in the performance of a great duty or in the perpetration of a great crime, or, at the very least, in the commission of a great error.

Now, Sir, the proposition I am prepared to maintain is this—and strange enough I might expect that it would sound in the ears of hon. Gentlemen, if I were to take my impressions of the settled opinions of this House from the current language of society, or from the tone of the public press generally, which, on the whole, is probably at the present moment not an unfaithful mirror of the state of public opinion in regard to the war—the proposition I hold is this, that your war was just, that you have gained the objects of your war, and that if war was just while those objects were unattained, it becomes unjust if you continue to prosecute it after their attainment. I hold that you are now in danger of forfeiting and losing altogether the righteous and elevated character in which you have waged this war. I shall contend that England and France did not enter into it as particular Powers having only separate and particular interests to defend, and meeting on a footing of moral and, so to speak, juridical equality the Power against which they were to fight. While, perhaps, you think only of meeting the general opinion of the public, you are in danger of being forced altogether to descend from that lofty elevation at which you commenced this contest, and of having to take up a position both practically and morally isolated. Above all, my object in this discussion is to get at that which is the real knot of our debate; I want to show what it is that, lying under the surface, is really in our minds and in our hearts—why it is, that having what, *primâ facie*, amounts to an offer of peace, we are not going to accept it. Is it a question of terms, or is it not a question of terms? Is it a question of something broader, deeper, higher, and larger than any of the terms before us? If it is, indeed, no question of this or that stipulation, but of the adoption of a policy or the realisation of an idea, I want to know what that policy and what that idea are?

To me it seems that there are two courses that may be followed, either of which has precedents in history, and may under given suppositions be made good at least in abstract reasoning. One of them is, after having taken stipulations such as the circumstances may seem to require, to bind the Power with which you have been at war to their observance by treaty. The other is to destroy, if you can, the strength of that Power, to dismember its territory, and to grind it to pieces. Either of these plans is consistent and intelligible; but there is one plan, and I am afraid it is the plan that my hon. Friend the Member for Dorsetshire recommends—there is a plan that is neither consistent nor intelligible. That plan may be stated in words such as these—Do not dismember Russia; do not involve yourselves in territorial enterprise; do not attempt to tear that great empire to pieces, because it is an object beyond your power to attain. On the other hand, refuse to trust Russia—refuse to rely on treaty stipulations—but do what? Insult her. Offer her indignities; strike her in the face, and, having done so, then leave her with all her strength unimpaired to meditate and to watch for an opportunity of revenge. That is the policy of those who say, "We refuse to argue upon a mere question of particular terms given and refused, for the difference between them is scarcely perceptible; but what we are determined to have is a military success." This, Sir, is a rude outline of the views with which I shall support the Amendment of my hon. Friend.

And now, Sir, in the first place, let us look at the precise state of the facts before us. Four Points have been proposed as the bases of negotiation. The first of these relates to the Protectorate over the Principalities, and upon that subject I will not waste words after the statement of my hon. and learned Friend behind me (Mr.

Phillimore)—but I certainly should have thought it was plain on the very face of the case, that if there could me a mode of procedure happily adapted to meet the exigencies of this great question, it was to substitute for the exclusive rights of Russia, acquired to her by virtue of her aggressions, rights which she would really have to exercise only as duties, not alone, not of her own arbitrary will, but in conjunction with the other great Powers of Europe; and which, as far as the Danubian Principalities are concerned, would place something as like as circumstances will permit to a free and independent Power between the arms of Russia and the territories under the actual Government of Turkey.

We come next to the free navigation of the Danube, and the right hon. Gentleman the Member for Buckinghamshire has said to-night—I think in strange forgetfulness of what has passed on former occasions—that the first and second points were matters totally insignificant—matters about which Russia did not care, and concessions—I forget whether this sentiment was uttered by the right hon. Member or by another hon. Gentleman—concessions of no moment made by Russia, in order to secure the neutrality of Austria and Germany. Well, but, many months ago, was not Russia desirous of securing the neutrality of Austria and Germany? Was she not then, has she not all along been anxious to bid high for that neutrality; and yet, until a very recent date, did she not refuse you the slightest concession on either of these points? And what is the view of the right hon. Gentleman? Surely, he is the last man who has a right to attach a character of insignificance to the concessions of Russia in opening the mouth of the Danube; because I remember, in an able speech made by the right hon. Gentleman before the war actually began, and at a time when for the most part we contented ourselves with the discussion of much more limited views, that the right hon. Gentleman pointed to the liberation of the mouth of the Danbe as one among the great but remote and little foreseen results that might follow upon bringing the war to a satisfactory conclusion.

MR. DISRAELI; I did not treat the concession as insignificant, but I only said that I did not think there was any difficulty in it.

MR. GLADSTONE: I accept, not only with willingness but with pleasure, the explanation of the right hon. Gentleman, and I understand from him now that it is not disputed that this point was a point of capital importance. It stands, then, that upon the first two of the Four Points you had in view as the necessary bases of negotiation, your demands were actually conceded.

And what, Sir, shall we say next, with regard to the fourth point? Has that been agreed to or not? In point of fact, we cannot say that it has been conceded, or that it has not; for this plain reason—that it has not been discussed. It was proposed by Russia, and urged by Austria, that this fourth point should be discussed pending the settlement of the third, but the Western Powers objected to enter into the discussion. What was the reason of this refusal? Did they object to enter into the discussion because they thought it would be so thorny and difficult that it would tend to frustrate the entire purpose of the conferences; or did they object because they had good reason to believe that the point would be conceded, and because they apprehended that they would find Russia—to whom, if such were her intentions, I give no other credit than that of great sagacity and a well-considered calculation of her own interests—ready to keep up with, and, perhaps, to outstrip, them in what they might desire with respect to the fourth point? I assume, then, without fear of raising a disputable question, that, with regard to the fourth point, which involves the rights of the Greek Christians, the original cause of the war, we, the Members of the House of Commons, are not under the impression that it is to be considered as being at this moment the cause of difficulties or of the prolongation of the war.

I now come to the third point, and that divides itself into two questions for consideration—namely, the territorial guarantee to be given to Turkey, and the preponderance of Russia in the Black Sea. I set aside the question of the territorial guarantee to be given to Turkey, because the negotiators have arrived at an agreement on the subject with regard to the terms on which this question might be adjusted. Therefore, in point of fact, the only question that remains unsettled is the question of the preponderance of Russia in the Black Sea. It has been admitted on all sides that this preponderance is to cease. The principle, then, is not in dispute, but the form in which it is to be applied. The allied Powers proposed a particular method of putting an end to that preponderance, and Russia proposed another method. Her proposal being judged unsatisfactory by England, France, and Austria, she proposed a second method of putting an end to that preponderance; and the question of the difference between these various methods of putting an end to the preponderance of Russia in the Black Sea is the question, and in truth the only question, which is now properly before the House, if we are to vote on the transactions as we find them.

My hon. Friend, indeed, the Member for Dorsetshire does not confine himself to the point at issue, or to opposing the Motion of my hon. Friend and colleague; his objections do not in truth apply to it, more than they do to the entire policy, so far as we know it, of Her Majesty's Government. Now, Her Majesty's Government have not told us that military success is necessary, and that the question is not a question of terms. They have not told us that the fall of Sebastopol is necessary for peace; naturally enough, because the destruction of Sebastopol has never been so much as mentioned in the negotiations. And let me remind the House that, whatever hon. Gentlemen may individually think, their private opinions cannot affect our position as a Power actually engaged in negotiations, nor can we in reference to these negotiations annul the effect of the declarations which have been made and of the principles which have been laid down in the course of them. At Vienna, we have been dealing with this question as a question of terms; I am therefore entitled to assume that it is such, and as such I shall therefore now proceed to consider it.

I regret deeply what seems to me to have been the premature departure of my noble Friend the Member for London from the conferences. It was, as it appears to me, owing to a conflict of duties, which belonged severally to the two distinct spheres which he occupied, and which were manifestly incompatible with each other. At the same time I the cherish hope that that circumstance, together with the departure of M. Drouyn de Lhuys, as it had the effect of practically disabling the conference from action before the last proposition of Russia was laid before it, will leave Her Majesty's Government more free to deal with the question in a spirit at once wise and comprehensive than if they had already given a binding answer to the proposal on the spur of the moment.

While I shall argue that this proposal ought to have been entertained as a point of departure, I am not about to disavow or to shrink from the responsibilities connected with the origin of the war. In my opinion it is difficult to overstate the weight of those responsibilities. The amount of physical and moral evil brought about by a war of this character, and the amount of moral and physical good intercepted and prevented by it, are on the one side and on the other so gigantic that it is impossible to exaggerate that responsibility. Nevertheless, I confess it appeared to me at the time, and it still appears to me, that we had in this instance, a cause of war, not only in itself just, but also sufficient to warrant our embarking in it. I will endeavour to explain shortly what this cause of war in my view was. How does the position of Russia in reference to Turkey differ from many of those critical and dangerous cases of neighbourhood among States, where it happens that a very strong Power is placed in immediate contiguity with a weak one? Russia had contrived to make her advances alternately by treaty and by violence, so that every step she took was founded on and related to some previous step; and when each new act of violence was committed it was difficult to exhibit it to the world in that light, as it had acquired the character of an approximation to a right; or, at least, of something that was easily to be confounded with a right. In this way Russia established throughout a long course of time relations between herself and the Ottoman empire, which more and more threatened the independence and integrity of that Power. And, perhaps, as I have just used a phrase which is at the present day constantly employed, but little examined or understood, I ought here simply to state that without any reference to the internal state or institutions of Turkey, I conceive we are endeavouring to maintain its integrity and independence simply as against foreign, and of course in particular as against Russian aggression.

Now, Sir, the noble Lord the Secretary of State for the Colonies has been greatly blamed for a passage in a despatch which he wrote as Foreign Minister in 1853, and in which he admitted that the treaty of Kainardji gave to the Emperor of Russia a right or claim to interference in the internal affairs of the Turkish Empire—an interference having reference to the religious concerns of a number approaching 12,000,000 of Turkish subjects. It appears to me that he has been very unjustly blamed on that score. It is not to be denied, in my opinion—if plain words can convey a plain meaning—that, however justly you may say that the treaty of Kainardji is dangerous, there can be no doubt that it really imports what my noble Friend admitted. When two Powers enter into an engagement together, and one of them promises by treaty to protect the Christian religion and the Christian churches within its boundaries, it is liable to the other Power for the fulfilment of the engagement. I do not mean to say that it is liable in all modes and in all circumstances; but the general principle of liability cannot be got rid of—and I understand that it was the general principle alone that my noble Friend ever intended to admit. It is quite clear that the treaty of Kainardji was a most dangerous treaty in this particular, for the Emperor of Russia was placed by it in a condition, with some colour, and perhaps, more than colour, of right, to build on it a claim to intervention in the internal concerns of the Turkish empire. In 1853 a material extension was attempted to be given, by what was called in the protocols an erroneous interpretation, to that treaty; and it was sought to confirm, by definitions and developments, which really amounted to the acquisition of new privileges, the perilous hold which the Emperor of Russia had obtained over Turkey. Was it material in the interest of European peace to prevent these aggressions? and was it possible to prevent them, if we allowed one extension after another of these menacing rights, or claims put forward as rights, to be accomplished by the Emperor of Russia? In consequence of the previous results of her diplomacy, Russia was enabled to ask for more than a neighbour ought to obtain by diplomacy from a separate Power; and she was likewise in a condition to resort to the use of material force, and to enter upon a particular portion of the Turkish territory without being liable to a charge of violence and wrong, in the same sense and degree as if she had not been shielded and masked by the peculiar nature of her treaty relations with Turkey. Of this fact there can be no doubt. The numerous instances of the occupation of the Principalities by Russia at different times, and for different causes, with or without the partial assent of Turkey, do not prove the right of Russia in that respect, but they do prove the anomalous character of the Emperor of Russia's treaty rights over the Principalities and the cover which he thus obtained for acts of wrongful force, while his diplomatic interference was covered by the treaty of Kainardji. I recur then to my inquiry: were these aggressions of Russia compatible with the security of Europe? That was the point raised in the time of the late Government by the great Eastern question.

Next let me consider what were the objects originally contemplated by way of defence and security for Turkey against Russia, for we thought it too much to attempt the total eradication of the evil by diplomatic means, and for a long time the efforts of the Four Great Powers were confined merely to narrowing its limits, and effectually hemming it in. It is very well to say at this time of day that we ought to have sent a fleet into the Black Sea at the time when the Emperor of Russia occupied the Principalities. This is one of the delusions which arise from a total forgetfulness, under circumstances of present excitement, of the former state of things. I do not hesitate to say, that in June, 1853, no Government, and not merely the one to which I belonged, would have ventured to take a step so rash and reckless with respect to the state of opinions, even in our own country. But was the state of opinion in England all that we had to take into view? If we had at that time thought of such a scheme, we must at once have given up all idea of the co-operation of Austria, of Prussia, or of France. It was wholly out of the question then to proceed by the method which some are now so prompt to set up as having been the only proper one. Well, then, Sir, in concert with all the great Powers we negotiated. And what were the points then chiefly in discussion? They were these:—The Emperor of Russia asked for a certain amount, not only of ratification, but of extension for the general right granted by the treaty of Kainardji. The Porte, on the other hand, was ready, up to a certain point, both to recognise and to define that right; and the questions at that time chiefly in debate were, whether the temporal as well as the spiritual privileges of the Greek Christians were to be guaranteed; whether the Greek Christians were to enjoy all the privileges granted to other Christians being Ottoman subjects, or all the privileges granted to any Christians, even although foreigners within the Ottoman Empire; and, lastly, whether this should be guaranteed by a separate engagement with Russia, or by a general engagement with the Five Powers. I am not very far from the mark, if I even say that in 1853, these questions were the only questions in dispute between the allied Powers and the Russian Government, and I most certainly shall not be contradicted if I add that every one of these objects has now long ago and completely vanished from view. There is now no question of a separate treaty, no question of the temporal privileges of Christian subjects of the Porte, and no question of claiming anything for the Greeks except what may be enjoyed by other Christians being Ottoman subjects. I beg the House to record these the first assemblage of results obtained in this controversy.

I will not detain the House with the particulars of the long, intricate, and wearisome negotiations; but I will pass at once to the critical and decisive point. After much that was unsatisfactory in the conduct of Turkey as well as of Russia, before the close of the year 1853, a change took place in the posture of affairs. Under the presiding influence of Lord Stratford a plan was adopted at Constantinople, which obtained the preference over another plan, simultaneously framed at Vienna, and became the actual basis of the proposal formally made to the Emperor of Russia. By that proposal the Four Powers agreed to a full and perfect concession of all that Russia had any right to demand. It stipulated that the evacuation of the Principalities was to take place as rapidly as possible; that the ancient treaties dissolved at the moment by war, including the treaties of Kainardji and Adrianople, were to be renewed; and the third term was, that the Sultan of Turkey should communicate not to Russia alone, but to each of the Five Great Powers, the firman which it was to issue, and which was to guarantee to the Greek Christians of Turkey all the privileges enjoyed by other non-Mussulman subjects of the Porte. I am quite sure there are many who must listen to this statement with surprise; I am certain it comes upon many as a revelation when they hear stated, what nevertheless is unquestionable, that these, and these only, were the matters then disputed, and that with these concessions the Governments of France, England, and Turkey, would at that time have been well contented. So far we have floated down the stream, such has been the rapid train of events, so remote is our position at this moment from what it then was, that now, under the circumstances of an European war, we even forget what were the points in which we were at that time interested; there seems to be a change in the scale and measure of our judgment, and we are too ready, I think, to adopt ideas wholly novel and dangerous, with regard to the settlement of this question. Well, these were the terms proposed in the end of the year 1853. I might, I am quite sure, appeal to Her Majesty's Government, who are in possession of the knowledge which at that time I shared with them, to bear me out when I state that these terms, so professed before Europe, so published to the world, might, if it were prudent to carry still further the disclosures of the Government to Parliament, receive the most important and conclusive confirmation from documents which passed between the Powers engaged in this great struggle and between their agents. I might support by the most weighty testimonies the statement I now make, but I will not pause to do so.

Well, Sir, what was the manner in which these proposals were received by Russia? And here, fortunately, it is not necessary to do more than state the heads of what occurred in the shortest manner to the House. The terms I have now read, after transmission from Constantinople, were embodied in a protocol signed at Vienna, and bearing date the 13th of January, 1854. This protocol was met, not by a direct answer on the part of Russia, but by the mission of Count Orloff, who, on his arrival at Vienna, submitted the counter-demands of the Emperor of Russia. And now, having enabled you to appreciate the demands made by the allied Powers, let us proceed to observe what is not less remarkable—the tone then held, and the terms then required by Russia—and with these in your view you will have another fixed point from which you will be able to judge whether it is true, as some have said, that the objects of this war remain as yet wholly unattained, that you have had no success in your operations, and that if you retire now from the prosecution of the war you retire as a baffled, a humbled, and a degraded nation. These which I am about to state are the terms of Russia submitted on the 2nd of February, 1854, and I think I may say this was the proceeding on the part of Russia upon which the resolution was taken by France and England, and taken under the direct recommendation of Austria and Prussia, to send that summons to the Emperor for the evacuation of the Principalities, which, if unheeded, was to be immediately followed, and which, as it proved, actually was followed, by a declaration of war.

There were, as I have said, three propositions offered to the Emperor of Russia, and these were his demands in reply:—In the first place, it was to be a *condition essentielle et irrévocable* that any negotiation which was to take place on the subject matter then at issue should not be at Vienna, but at a different place, and that it should be conducted, not between the five or six Powers concerned, but between Russia and Turkey alone. And what was the place where it was to be conducted? A choice was given to Turkey; the choice between conducting that negotiation either at St. Petersburg, under the frown of the Emperor, or else conducting it at the head-quarters of the Russian army. That was the very first condition, announced, too, as a *condition essentielle et irrévocable.* The second condition was the confirmation full and entire of the old treaties from Kainardji onwards, including all the stipulations which affected the Principalities and Servia. The third was a definition of the protectorate over the Greek Christians; the fourth was the evacuation of the Principalities; the fifth, the restoration of the *status quo* in the Principalities; and the sixth, that Turkey should make a new set of restrictive arrangements with respect to the reception of refugees and strangers within her territory. These were the absolute demands constituting the ultimatum of Russia before the war. Was there or was there not cause for war in these demands? The old claims which threatened the independence of the Turkish empire were maintained and extended; to them were added other larger and more galling demands, for new and odious restrictions were to be placed upon the free action of the Turkish Government in respect to the reception within the Ottoman empire of those who might be fugitives from other countries. Such was our position before the war, and such were the terms which at that time Russia rigidly demanded; terms pregnant with danger to the security of Europe, for they enlarged the claims and riveted the grasp of Russia upon Turkey, and greatly aggravated the dangers of a position already menacing enough.

I need now only dwell upon what may be called the salient points of after occurrences. When the war broke out, by degrees our objects were considerably enlarged. Under the circumstances of this case, I am perfectly ready to avow my responsibility in what then took place, and to maintain the justice, propriety, and wisdom, of that enlargement; but, I apprehend, I shall be borne out by ordinary observation in saying that a nation does not, as a general rule, when it draws the sword, resolve to enlarge the demands it has made before. Take, for instance, the case of the revolutionary war in 1793. It commenced purporting to be on defensive grounds, and Mr. Pitt, after the war was begun, did not declare that, though it had been commenced on defensive grounds, he would then pursue it until the restoration of the Bourbons was secured. On the contrary, the war continued to be pursued on these defensive grounds until the colossal power of Napoleon had given to it a character altogether new, and had involved this country in a struggle for nothing less than its independent existence against a force which threatened to swallow up the whole of European Christendom, and which left you no choice but to put down a power that could exist on no terms compatible with our security. Such is the general rule. But in this case we extended our demands after the outbreak of the war. Accordingly a letter was written by Lord Clarendon on the 22nd of July, in which, instead of continuing to recognise the *status quo*, he used these words—

> "Her Majesty's Government have no hesitation in stating the guarantees which, in their opinion, and that of the French Government, are essential to secure the tranquillity of Europe from future disturbances. These guarantees are naturally suggested by the dangers to guard against which they are required. Thus, Russia has taken advantage of the exclusive right which she had acquired, by treaty, to watch over the relations of Wallachia and Moldavia with the suzerain power, to enter those provinces as if they were part of her own territory. Again, the privileged frontier of Russia in the Black Sea has enabled her to establish in those waters a naval power which, in the absence of any counter-balancing force, is a standing menace to the Ottoman empire. The uncontrolled possession by Russia of the principal mouth of the Danube has created obstacles to the navigation of that great river which seriously affect the general commerce of Europe. Finally, the stipulations of the Treaty of Koutchouk-Kainardji

relative to the protection of the Christians have become, by a wrongful interpretation, the principal cause of the present struggle. Upon all these points the *status quo ante bellum* must undergo important modifications."

Now, the House will see that in this communication three new heads of demand, relating to the Principalities, to the attitude of Russia in the Black Sea, and to the Danube, are added to the original question of the Greek Christians, and that the statement I have read substantially opens out into the Four Points which were the bases of the recent negotiations. It was, however, by several progressive steps that they assumed their final form. I need not now trouble the House with quotations upon that subject. I have shown the first stage in which they appear in the diplomatic correspondence; and now how does it appear that we have stood in respect to this important change in the objects of the war? Before the war broke out it was thought wise—and the House generally, I think, appeared disposed to acquiesce in the policy—to content ourselves with endeavouring to limit and restrain within bounds the dangerous rights asserted by Russia. After the war, however, our language was changed, and it became this—" We will not be content with limiting and restraining these rights, but will abolish them altogether. The treaties are gone; we have a right to require that they shall not be renewed, and we will demand those further concessions which seem to be necessary for the permanent peace of Europe." It seems to me that that was a wise proceeding. It rested upon the principle that these treaty-rights or treaty-claims were a cover and a cloak for both fraud and violence, that by abolishing them you got rid of that cover and cloak, and, instead of leaving to Russia the power of working out in the dark, and with the protection of colourable pleas, any schemes of self-aggrandisement at the expense of Turkey, you put her in the same position in which any other strong Power is put with regard to a weaker neighbour—namely, that you give her two alternatives—either on the one hand to discharge the duties of loyal and peaceful neighbourship, or on the other to resort to open violence, but that there should no longer be a middle system of complex relations, under which hostile aggression might wear the mask of right, and Russia with peace and moderation on her lips might securely pursue the accomplishment of sinister designs. The changes made in our demands were justified, I think, by this important principle.

But, again, it is not our own position only that we must consider; we must take also into view the position of Russia, if we wish to arrive at a sound judgment upon this question. I have shown you the six demands of Russia in February, 1854. What has since been the conduct of that then haughty Power? When the first sketch of the Four Points was sent to Russia, in August of last year, permission was given to Count Buol, on the part of Austria, to refer them to St. Petersburg. Lord Clarendon writes on the 15th of August that he does not object to their transmission to St. Petersburg, upon the clear understanding, first that we were not parties to the proceeding, and, secondly, that an armistice should not take place until preliminaries of peace were signed. How were they received at St. Petersburg in August last?

And here, Sir, I must touch for a moment on a most important, but collateral question. I am not now about to enter into any detailed argument in reference to the expedition to Sebastopol, but I do not shrink from my full share of responsibility in regard to that expedition. I admit the gravity of the question. I hope the time will come for its full discussion, and I am ready to defend the policy of the Government, but in the meantime I would ask of those who say with a certain outward show of reason that that expedition has been rash and ill-considered, and that it has entirely failed—I would call upon them to observe the facts I am now going to lay before them—to note the language of Russia in August, 1854, before the expedition to the Crimea, and to note the acts and language of that same Power in December, 1854, after that expedition. I, holding that military expeditions in time of war are not to be regarded as ends, but as means for the attainment of ends, am ready to defend the expedition to the Crimea, nay, more, I am ready to defend it, not upon the grounds of antecedent reason only, but I do not hesitate to say, even by its results.

On the 26th of August, 1854, the Russian reply was received to the communication of Count Buol, and what was that reply? It was a reply which I will not quote *in extenso*, but the effect of it was that the Four Points were terms to which Russia could not consent except at the end of a desperate struggle and a long series of defeats. That was the language of Russia in August, 1854. You will say that these are proofs of her temerity, her arrogance, and her aggressive spirit; and I agree with the reproof; in my opinion, it is impossible to censure too severely the tone and policy of that Court in the year 1854; but it is the marked change in that policy, and the adoption of a different language and a different spirit—it is the disposition which she has more recently shown to meet you, if you will not fly from her advances and refuse to meet her—these are the facts which I want to verify; and depend upon it if we do not verify them now, and adopt the conclusions which ought to arise out of their verification, we may yet have to do so hereafter, under circumstances, too, probably, of a far less favourable nature. Well, Sir, the answer of Russia in the month of August, 1854, to the four proposals, was an answer of prompt, decided, and even haughty rejection. In December, 1854, only four months after that answer, and nothing in the meantime having intervened, that I am aware of, that could act on the mind of the Emperor of Russia except the expedition to the Crimea, the battle of Alma, the battle of Inkerman, and the general circumstances of that memorable campaign—in December, 1854, the Emperor promised an unreserved acceptance of those very terms which in the preceding August he had somewhat contemptuously and contumeliously rejected. It was upon the 7th of January that the Russian plenipotentiary announced to the three Ministers of the allied Courts at Vienna that he was authorised to declare that the Emperor of Russia had unreservedly accepted the four bases of negotiation in the terms laid down by the British and French Governments. That is the state of the facts so far; and although I have drawn largely upon the patience of hon. Members, I hope they will see that I have endeavoured to lay these facts before them in such a way as that they may assist our discussions, for it is impossible to overrate the gravity and solemnity of the question that they raise.

And now, Sir, I think it only remains for me to consider the one main point with respect to the terms asked by us, and refused by Russia, because I am proceeding upon the assumption that, as we are a Power engaged in solemn negotiations, we are bound—whatever the feelings of some among us may be—to treat the negotiation seriously, and to regard the question simply as a question of terms. So viewing it then, how do we stand? You have got your first point, you have got your second point, you expect and believe that, whenever you choose, you may get your fourth point, and you have got the first moiety of the third point; but you are quarrelling about the last moiety. What is it, then, that forms the subject of our quarrel? We are quarrelling because the Western Powers, in conjunction with and supported by Austria—and I have not the least wish to weaken the force and value of that support—have proposed to Russia that she shall come under an European engagement to limit the number of her ships in the Black Sea. Now that proposal is no part of the essence of the third point—let that be borne clearly in mind. The third point lays down a principle, but it leaves entirely open the mode of its application, and even states broadly a reason why the mode of application could not but be left open. The principle which it lays down is that the preponderance of Russia in the Black Sea shall cease. It requires that in some manner a relation shall be established between the naval force of Russia in the Black Sea and other naval forces, which shall be such as not only to diminish, but to destroy, Russian preponderance. The mode of applying the principle, however, is perfectly open, and, therefore, I understated my own case when I said that you were quarrelling for half of the third point—in fact, you are not doing so, but in reality upon the mode of construing one portion of the third point. Now let us look closely at the two modes of construing that moiety of the third point; for that is the most grave and serious question upon which, reduced apparently within such narrow dimensions, nothing less depends than the effusion wholesale of blood and treasure, and the happiness or misery of multitudes of men.

Russia has given to us a certain proposal, I mean her second, not her first; she speaks in substance as follows:—"Let the law of Europe, with regard to closing the Black Sea, remain as it is in all respects but one; and let that one be that Turkey, instead of having no discretion whatever with reference to the Dardanelles and the Bosphorus, shall be perfect mistress in the case, and shall have absolute discretion to open them or close them precisely as she chooses from time to time, according to her own estimate of what her safety upon any occasion may require."

That is the Russian proposal—a proposal capable, of course, of discussion and improvement; a proposal which Austria says we ought not to have rejected, but to have discussed with a view to a settlement. What is the other? It is that the Russian fleet shall be cut down to four sail of the line in the Black Sea; that the Turkish fleet shall be limited to four sail of the line inside the Black Sea, but that Turkey may have outside as many as she chooses; that the other Powers shall be at liberty to have two sail of the line each within the limits of the Black Sea; and, in fact, that there shall be established something like an ostensible or pretended equality of force, although, I fear, that it might prove to be nothing more than pretended. Now, I begin by making a preliminary statement. I think that it is obviously desirable to establish an arrangement with respect to the naval power in the Black Sea, and I do not shrink from my share of responsibility in the language of Lord Clarendon, which I quoted just now, when he said that, in his opinion, the military and naval establishments of Russia, in the absence of any counterbalancing force, must be looked upon as a standing menace to Turkey. But, upon the other hand—for though gusts of passion may sometimes find their way here, yet I well know that an appeal can always be made with safety to the calm and dispassionate reflection of the House—upon the other hand, I think that we must all perceive that this question of the Black Sea is one of great and, in fact, of insurmountable difficulty. It is not, I think, in the wit of man—at least, I have heard of no suggestion which has proceeded from the wit of man, and which furnishes a perfectly satisfactory arrangement with respect to the Black Sea. If the Black Sea were a perfectly open sea, like the Mediterranean, you would know what to do. If it were a perfectly close water, like the American lakes, then, also, you would know what to do. You need have had no difficulty if you had been dealing with Powers that shared the possession of the coasts of this sea had it been entirely shut in, and not accessible to vessels of great draught of water; but, unless we could, by some miracle of engineering skill, contrive to convert the straits of the Black Sea into a mere canal, which can be navigated by small vessels only, we cannot completely dispose of the political difficulty upon that side; and, upon the other side, I fully grant that to treat the Black Sea as an open sea, in consequence of its accessibility to vessels of all draughts, would be equally dangerous, because of the situation of Constantinople upon the shores of the Straits, because of the weakness of the Turkish Government, and its inability to maintain its position by its own resources, and because of the importance to Europe of preventing aggressions upon the Ottoman Empire. That is, I hope, a fair statement of the case, and it is manifestly one surrounded with difficulties. You may adopt one suggestion or another, but I do not think that any suggestion can be made which is not open to a very great deal of objection, and with respect to which you will not be compelled to admit that it affords but an imperfect remedy for the past, imperfect justice as between the parties, and an imperfect security or guarantee for the future.

Thus, Sir, we have to take our choice between several plans, all of which are imperfect. Sir, so far as Parliament is aware, my right hon. Friends near me, together with myself, left office pledged to nothing except to the principle of destroying Russian preponderance; but, for my part—and I am sure that in this point I speak the sentiments of my right hon. Friends who sit near me—I do not for a moment shrink from avowing the fact that our responsibility proceeds beyond the strict letter of the papers which have been presented to Parliament, and that, whether right or wrong, we are responsible, in conjunction with my noble Friend at the head of the Government and our other colleagues under the Earl of Aberdeen, for having proposed to Russia a limitation of her fleet in the Black Sea. Now, Sir, if I am asked what I think of that plan, I shall say, that I always thought it a defective plan, but that I became a party to proposing it because I was aware of no other. In becoming parties to the proposal of that plan, however, I apprehend that we did not preclude ourselves from profiting by experience, and by the discussions into which we were about to enter, and that it was perfectly free to us in common with our colleagues, had we continued in the Government, either to persevere in that plan of limitation, or to adopt any other plan which in the course of the negotiations we might think equally good, or preferable, for accomplishing the end we had in view, and bringing about a satisfactory peace. Now, what has been the reception of the plan of limitation in this House upon the very first night on which it has been discussed? I am bound to say that I think the Government will feel that its reception here has been most unfavourable. I have heard several Gentlemen rise in this House to defend the war. My hon. and chivalrous Friend the Member for Dorsetshire (Mr. Ker Seymer) I am sure is ready to go all lengths in this sense, and others have spoken in terms similar to his; but it is a most extraordinary fact, that I have not yet heard one Member of the House say, "I am determined to continue the war if the limitation is refused; I am prepared to make peace if the limitation is granted." I may be wrong, but I do not believe that in this crowded House there are twenty Gentlemen who are ready to hold that language. There are many who think that you ought to ask a great deal more than a limitation, or a closing or opening of the Straits, or anything else of the sort, but that is not the question raised in the conferences—that is not the ground upon which you stand before Europe in the responsible position of carrying on a war. The ground upon which you stand, that is, upon which your Government and your negotiator have placed you, before Europe is this; that you are ready to make every concession which ought to be made, and to refuse everything which ought not to be accepted, and that the dividing line ought, in your judgment, to be between limitation of the Russian fleet to a certain number of vessels on the one hand, and the discretional power of opening the Straits upon the other. If the House of Commons gives a vote in the sense of the right hon. Member for Portsmouth, and adopts the Motion which he proposes, I say that that, unless in so far as it may be qualified by the rejection of the Amendment of the Member for Kidderminster, is the legitimate Parliamentary sense of the vote, because when we vote upon papers before us, which have been presented to us by the Crown, we cannot escape the responsibility of the knowledge which those papers convey to us. If the Government had chosen to keep those papers in their own possession, our hands might have been free, and we might have retained our private convictions; but we have now become cognisant of the fact that conferences were held, that they were pursued to a certain point, that no insuperable difficulty arose except one, that that one was limitation upon the one hand, and the discretional power of Turkey over the Straits upon the other—that upon that point, and that point alone, the conferences are in danger of becoming a total failure, and that that is the issue upon which, for this great juncture, everything depends.

The right hon. Gentleman the Member for Buckinghamshire has recorded upon this subject declarations which, in my judgment, are most important; and, if I refer to them, it is with no invidious motive, but because I think that they are as historical facts worthy to be recorded, that they will be heard of in future discussions, and that, considering that he may well be presumed to speak for others besides himself—they may probably exercise a sensible influence hereafter upon the course of affairs. What was the language of the right hon. Gentleman with regard to the doctrine of limitation? It was that of unmeasured condemnation. He found fault with my noble Friend for having recognised the honour of Russia as something which it was well to keep in view, if not as a primary, still as a secondary consideration; and then he said that, after thus recognising the honour of Russia—which was a superfluous, and indeed spurious, act of benevolence—"you proceeded to propose to her terms that were nothing less than most outrageous;" and he then went on in language varied and diversified, but no less strong, to say that these were terms which the noble Lord ought to have known "it was impossible for Russia to accede to." The chastisement of the right hon. Gentleman is certainly severe—I think he denounced the plan of limitation in terms which are too strong, but I own I feel myself in some degree justly reproved. The more I have considered the plan of limitation, the more I feel the enormous difficulties of carrying it into anything like real or full effect, the more I despair of the ends at which limitation aims being gained by forcing it upon Russia, and the more I feel the extreme indignity which, if so forced, it inflicts upon her; and there is no policy, I think, which is so false and dangerous as to inflict upon Russia indignity without taking away strength.

Let us suppose for argument's sake that we had obtained limitation, although at this time appearances here and elsewhere are such as to make it very questionable whether it will be attained; but if it were, what, what good or what evil, should we have accomplished? We should, in the first place, have recorded against the Russian Government, in the face of the Russian people, a standing insult to that Government—a standing deprivation of its own natural powers of defence—the first and most essential powers which belong to a Government as such. Sir, I must confess I feel that it is impossible for us to insist upon treating the Black Sea as if it were a lake. Suppose France had a quarrel with Russia, suppose England had a quarrel with Russia, and the Baltic were frozen, so that we could not carry on operations in that quarter, do you think we should not find our way through the Straits into the Black Sea, in order to get at Odessa and destroy it, or for any other purpose of injury which we thought fit? [An Opposition MEMBER: "Why, have we not done so already?"] I really want a reply to this question. How am I to answer the Russian when he says to me, "Turkey, by your own confession, is weak; she has not sufficient power to close the Straits without foreign assistance; and how, therefore, is it to be supposed, if it suits your purpose at any time, or you think you have a legitimate cause of quarrel with, and you obtain admission into the Black Sea—as you would by force or otherwise—that Russia is to consent to meet you there under a treaty stipulation only to keep up four ships of the line? It may be said that war would dissolve this stipulation; but would war create for us upon the instant twenty ships of the line? Although I should have rejoiced if, therefore, acceptances of limitation by Russia had given us peace, I must own it is a proposition which I scruple to enforce at the point of the sword.

Nor has any satisfactory answer been made at the conferences to the argument of the Russian Plenipotentiaries, who showed that in one and the same breath they were required to guarantee the integrity of Turkey, and to limit to four ships of the line the means of affording her naval aid. Russia, however, has made known to us another arrangement; and perhaps it may be asked, why did you not yourselves propose that other arrangement to Russia? Speaking for myself, I can give a frank answer to that question—because that other arrangement is one so entirely in favour of Turkey, it so manifestly relaxes the law of Europe in her favour, giving her a control practically absolute over the Straits, and allowing her a perfect command of them for any purpose relating to her security, that I think any Power which had proposed that arrangement to Russia would have been liable to be met by unanswerable objections to it, founded upon its patent and singular inequality. But I own that those objections lose very much of their force the moment that plan is adopted and proposed by Russia herself. If Russia chooses to propose that plan as the best mode of settling the differences which exist, then arise these two questions—first of all, is there, or is there not, any reason to believe that the Russian plan may be upon the whole even a better basis than the plan proposed in opposition to it? and, secondly, if it is not the better but the worse basis, is there such a difference between it and our plan as to justify us in the position which we may soon hold in the eyes of Europe—that of a Power which has broken off negotiations for peace because the principle of limitation was refused to us, and nothing but the principle of a discretionary power over the Straits, vested in Turkey, proposed in its stead? I can have no hesitation as to the answer to be made to those questions, and if I understand aright the language of the right hon. Gentleman opposite, he can have as little. He has denounced this principle of limitation in the strongest terms, as the ground of the very difficulties which all must see in the liabilities it offers to evasion, in its effectiveness, and in the derogatory character which an independent Power is perhaps justified in attaching to it. Again, I hope the House will bear this in mind, that the Russian agents have in these conferences pointed out, and this with no small appearance of fairness, that the plan of limitation, if Russia had only aggressive objects in view, would fall in better with those aggressive objects than the discretionary powers which she would confer on Turkey. At page 88 of these papers, I find that M. de Titoff remarked that "this double object," (namely, putting an end to the maritime preponderance of Russia in the Black Sea, and strengthening the independence and power of Turkey) "seemed to him better secured by the Russian project, than by the principle of limitation maintained by the opposite party; so that Russia, if she had the ambitious plans which are imputed to her would even have reason to prefer a certain limitation resulting practically" (perhaps it ought rather to be rendered, resulting independently of express stipulation), "from the state of things, to a combination which opens the Black Sea to foreign fleets as soon as the Sublime Porte should consider herself menaced." This is a sentiment well deserving of consideration upon its own merits, and with regard to which, without being able to give a positive opinion on it, I am disposed to think —though in some degree modifying a former opinion in that respect—that there is, at least, very much to be said in its behalf.

That then, Sir, is the state of the question with regard to the negotiations—that is the state of the question, if it be a question of terms at all. But is it a question of terms? I certainly have seen words imputed to my noble Friend at the head of the Government, according to which, if they had been rigorously interpreted, it is not a question of terms at all, and that, I believe, is the sentiment of some Gentlemen in this House who think that these negotiations have been wrong from the first, and who are too glad to find an opportunity of escape from them. But I maintain that, whatever individuals may think, it is a question of terms for England; and that if this House were to give a vote which by implication would declare that it is not a question of terms, then, after what has taken place at Vienna, it would go far to involve the country in a breach of faith before the eyes of Europe. Again, suppose it is not a question of terms; what are you to do? This is a most grave and serious question. This is the first time that the House of Commons has been called upon to express a solemn judgment upon the rights of the great cause of peace or war, and therefore I say it is of the most vital importance that you should consider what course you are to adopt if you decide that this is not a question of particular terms. In that case you must devise a policy afresh. Are you to resort to the extreme designs which have been recommended in one quarter or another? Are you to think of dismembering Russia? The first objection to that is, that it is impossible. I would only add one word to the strong language used by the right hon. Gentleman opposite on this point. Not only do I think that the hair of the youngest Member among us would become grey before the termination of such an undertaking, but I believe that the consequences of such a scheme would recoil on those who framed it, and that it would be more likely to end in the discomfiture and ruin of the empires concerned in the prosecution of it, than in that of the empire against which it was directed, for human extravagance has ever a tendency to generate violent reaction. Will you have recourse, then, to a war of nationalities? Is that to be the policy to be adopted? The first observation to be made upon that scheme is, that if you intend to make a war of nationalities it will be well for you to consider whether you will not have to make that war alone. I apprehend that Austria is not very likely to enter with you into a war of nationalities. That proposition, at least, is one which requires very little argument to sustain it. Neither the internal composition of the Austrian Empire nor its external relations render it in the slightest degree probable that she will embark in any such struggle. Then, is France likely to enter into such a war? I may be wrong, but I contend with respect to France as confidently as with respect to Austria, that she will not—that in her present position she cannot — enter into a war of nationalities. And if any man in this House entertains an opposite opinion, I ask him how that war of nationalities is to operate within the precincts of the city of Rome? Can you have any war of nationalities which shall not embrace Italy? Can France, I will not say, but would France, enter into that war of nationalities? Sir, I will not attempt at this moment to enter upon the questions connected with the present state of Italy, and especially with the present condition of the States of the Church, but I must confess I view the present condition of those States with the deepest grief and shame. I will, however, say this, the condition of that country offers a pretty plain proof that you build your expectations upon sand and not upon a rock if you conceive that France is likely to engage with you in a war of nationalities. A war of dismemberment, then, you cannot entertain—the war of nationalities you must pursue, if you pursue it at all, entirely alone. Therefore, you will not pursue it at all. What, after this, remains? It is not a question of terms, we are told by some. Recollect, Russia has completely altered her tone; she has given up everything which twelve months ago she refused; she was then totally and grossly wrong; with great sagacity and with great wisdom, of course, I shall assume from no motives of enthusiastic generosity or self-sacrifice, but from the sound application of the principles of common sense, and in this case, I hope, also of our common Christianity, she has surrendered all her dangerous and inadmissible claims. ["No, no!" from several Members.] I cannot contend with opposition of that kind; I am physically incapable of doing so; but I beg it to be understood that I mean she has abandoned the untenable claims which she at first put forward, and this, after the facts I have stated and the quotations I have made, is a proposition not to be denied. From the whole of these pretensions she has now receded, and she has thus at least gone far towards putting herself in the right.

So much then, Sir, as to the terms of negotiation between this country and Russia. To me, I confess, it appears that if we now continue the war, the objects for which we so continue it are upon our own showing inadequate, and must therefore fail to justify our proceeding in such a course. But then I hear one Gentleman say that if we stay our hand we shall lose our *prestige;* and another, that Russia is only playing a game of brag, and that if she has conceded so much under the pressure we have already applied, she will under further pressure make further concessions; and another, that war is after all only a trial of strength; and others, in language alike untrue and unwarrantable, that it is necessary we should keep Europe involved in the present war with a view to the security of British power in India. Sir, I confess I have a mode of looking at these questions which is altogether different. I believe that, in war, as well as in peace, the greatest matter is that you should be just; and I frankly own that I shudder and tremble when I hear Gentlemen of humanity and of high principle and character say that more blood must be shed—more human souls must be dismissed from the light of day—more desolation must be carried throughout Christian families and Christian lands in order to satisfy the demands of military fame. But, Sir, do those demands, even if admitted to be paramount, exact so cruel a sacrifice? Is it really true that England stands in the face of the world at this moment as a degraded nation? I ask you in what war it has ever happened that the successes of your troops were so uniform and so brilliant? It seems never to have mattered in what they were put to the proof, whether it was in the nightly sortie or in the casual skirmish—whether it was in scaling heights that were defended—or in defending heights that were attacked—or whether it was in rushing, under an unhappy error of command, upon clear and inevitable death—in every case the gallant and indomitable spirit displayed has been the same—in every case they not only have proved that they are worthy of the race to which they belong, but have shown that never before did the flame of martial valour burn among our gallant soldiers either brighter or more pure than now. I do not deny that in certain respects there has been matter for regret. I do not deny that ideas have gone abroad on the continent of Europe—a portion of which may have had foundation—that some of the civil departments connected with the army are in a most defective state—that we have gone into the war less provided and prepared than other nations that had more than ourselves made the arts and means of war their study during peace, and that, consequently, many important and essential services have been less efficiently performed than they should and might have been. But if there has been truth in these ideas there also has been greater and more prevailing falsehood. They have mainly had the exaggerated representations made in this country and in this House as their foundation. What were we told, Sir, in the month of February? I referred before to the words which were then employed by different speakers. One hon. Gentleman said that your army had perished; another said that your army was destroyed; and—the ample vocabulary not being yet exhausted—a third proclaimed that your army was annihilated. These statements, incessantly made, repeated through the newspapers, obtaining credit by force of iteration, and carrying likewise the semblance of authority from being uttered within the walls of this House, were of course believed abroad; and the discredit which has fallen upon England on the Continent, as far as it exists, is at this moment little else than the echo and the reflected image of our own exaggerations. Just to show practically the channel in which these things run, I may mention that I have lately read with great interest the debates that occurred in the Sardinian Chamber upon the question of the subsidy—or rather the loan, I am happy to say, and not the subsidy—from England. In the course of these debates great objection was taken by a considerable section of the members of the Sardinian Chamber to entering into a treaty with this country; and one ground of the objection actually was that England was in so wretched a condition in respect to its military affairs that the Sardinian troops could not be safely trusted in our company, for it was stated (so ran the report of the discussion) in all the English journals, that even the nominal force of the British army was reduced to 12,000 men, and that only 2,000 out of that number were really effective. How, then, can you wonder at such discredit falling upon this country elsewhere when it has grown out of these statements, which we all remember perfectly well to have heard made in this House? But whatever we may think or say of discredit such as this, do not let us avenge it upon human kind; do not let us wipe it out in blood; let us rather seek to dispel the falsehood by sending abroad what is more true. These misrepresentations are but as insects that live for a day and then disappear; truer notions already prevail. In the month of January I ventured myself to make a statement in this House founded upon returns relating to the force of the Crimean army, which even at that dark era was over 28,000 men. I did not speak of it as though it were an army in the full health and spirits of its first embarkation from England, but as the actual amount of force not being in hospital and being in the discharge of military duties. And as I said just now that I did not believe that there were more than twenty Members in this House, if so many, who would attach much value to the questions raised between the limitation of the Russian fleet, and the modified opening of the Straits, in connection with the continuance of the war; so I much doubt whether more than twenty hon. Members, if so many, credited at the time the statement which I made about the force of the army. But that subject came in its due course before the Select Committee, and no doubt in respect to it stands recorded in the evidence; it rested upon detailed and indisputable figures, and this misapprehension ranks along with all the others which have rapidly disappeared. In truth, as regards military glory, this I, at least, venture to say, that there is no example—go to what period of history you will—in which your army has more nobly performed its duty, or has given more convincing testimony to all those who have been cognisant of the facts, that it is as ready as ever, and also as able as ever, either to defend your shores or to carry your flag wherever honour can be won. But, if I am still to be told that we are to prolong this war for glory, let me put to you one test in respect to this doctrine, because, after all, this is the real difficulty that we are contending with. It is not the argument in this case that is the difficulty, neither is it the difference between the various plans that are proposed for a specific solution. It is the appeal to feeling, to passion, and to pride. It is, that we cannot now afford to make peace—we must first have a success. The original questions in controversy have been banished out of sight, or, at least, they are now so remote as to be no more than specks in the distance; all the terms that we demanded have, since the war began, been substantially conceded, unless we are to stand upon the at best trivial and paltry difference between the plan of limitation and the plan of a discretion reposed in Turkey to open the Straits when she may think herself menaced. It is no longer a matter of terms; this is the language which we have seen held openly in the public journals, and which I was sorry to find held openly to-night by my hon. Friend the Member for Dorsetshire, that it has become simply a question of the necessity for a military success. I grant that my hon. Friend did not appear to embrace this idea simply; he rather put it in this shape, that we must obtain a success in order that we may secure better terms; but that is not the public and popular sentiment; the popular feeling is, that as to terms there is no great matter at issue, but that what you want is more military success. Now, I venture to say with deep respect, and without imputing any motives to hon. Gentlemen who allow such a sentiment to find place within their breasts, that, if they will put down passion and look at that sentiment with the calm eye of reason, they will see that it is not only indefensible—it is hideous, it is anti-Christian, it is immoral, it is inhuman; and you have no right to make war simply for what you call success. If, when you have obtained the objects of the war, you continue it in order to obtain military glory—observe the broad distinction that subsists between the objects of the war and success in your military operations—if you persist in the war for the sake of mere military glory, I say you tempt the justice of Him in whose hands the fates of armies are as absolutely lodged as the fate of the infant slumbering in its cradle; you tempt Him to launch upon you His wrath; and if this be courage, I, for one, have no courage to enter upon such a course. I believe it to be alike guilty and unwise; but let me without more delay bring it to the test. I ask, are there any Governments in or out of Europe that would be—I will not say courageous enough, but rash enough, to issue a manifesto framed on this principle—that "whereas we, the Governments of France and England, in the year 1853, proposed to Russia certain terms of accommodation, and whereas upon the breaking out of war we extended those terms and included in them everything that we thought necessary and useful to guarantee the future peace of Europe; and whereas those terms have now been substantially conceded, but the issue of a military operation undertaken in the Crimea still remains doubtful, and it is necessary for us that we should have more military glory before we will accept the terms which we have believed and have solemnly declared to be sufficient; therefore, be it known to all men that we will continue the war until we have obtained what we may think sufficient for us of military glory." The moral sense of mankind would not permit the promulgation by authority of such a doctrine; and yet we suffer the idea that we must not avow to lurk within us, and suffer ourselves to be governed by it.

My noble Friend the Secretary of State for the Colonies (Lord J. Russell) has been censured for the doctrine he laid down at the conferences with respect to the honour of Russia; but it appears to me that he deserves credit rather than blame for his declaration. Had my noble Friend said that the honour of Russia was to be your primary object, or that of anybody except the Russian negotiators, I grant he would have been open to censure; but he said, on the contrary, that the security of Europe was to be the primary and paramount object, and that, subject to that consideration, the terms most in conformity with the honour of Russia would be the best terms of arrangement. I heartily approve and subscribe to that doctrine; but, depend upon it, whether you approve it or not, from that doctrine you cannot escape. My noble Friend spoke those memorable words, as the organ of England, before assembled Europe; they were regarded as declaring the principle of your proceedings in negotiating for peace; and by those words, and by their legitimate consequences, you will have ultimately to abide. And now, Sir, I will venture to quote one authority which always commands respect in this House, on the subject of the necessity of a success. Do not let it be forgotten that I distinguish most broadly between the necessity of success in military operations and the obtaining those objects for which you entered upon the war. Military operations are not the objects of war; they are its means and instruments. Now, I have been fortunate enough to see a letter of the Duke of Wellington, in which he expresses pretty intelligibly his opinion on the doctrine of the necessity of success in war after its objects are attained. I will not quote names or dates; but the letter had reference to the commander of a military expedition of which the objects had been gained, but who contemplated further operations because he thought it necessary for the honour of his country that he should have a success. The Duke of Wellington used these emphatic words:—

> "The idea of the general is that of the newspapers of his country, and that is what I apprehend in all these concerns. Complete success in the attainment of the object will not satisfy that people. Somebody must be humiliated. I cannot bear to be a party to such transactions."

Such were the sentiments of the Duke of Wellington: and I yet hope there are among us many who with him will say that they cannot bear to be parties to such transactions.

Now, Sir, I have said it appeared to me that you were in danger not only of placing yourselves in the position of being wrong after you had been right, but of forfeiting the high and special character in which you commenced this war. I think I am justified in asserting that we did not commence this war as mere antagonists of Russia, and, as in ordinary cases, upon a footing of equality with our foe. It was not merely a case in which upon the one side stood a single Power, and on the other side two Powers; it was not a mere combination of numbers against a single empire. The combination represented a principle. It represented that which I may almost call a sort of European law which has prevailed, and has been variously administered, sometimes with advantage, often with great credit and advantage, since the peace of 1815; under which the great Powers of Europe, or some among them, have regulated many minor and local differences, and have frequently preserved the general peace from serious dangers. We entered into this quarrel in combination with France, with Prussia, and with Austria; and I will venture to say that two years ago there was very little difference in the political position of

France, of Great Britain, of Austria, and of Prussia, with respect to the question at issue between Turkey and Russia. By degrees France and Great Britain got in advance; Austria—I do not speak in the way of censure or complaint, for her position was peculiar—lagged somewhat behind; Prussia lagged yet more; but it is important, and it has now become also curious, to remember that so lately as in the spring of 1854 Prussia distinctly contemplated the contingency of aggressive operations against Russia, and on behalf of Turkey. I want to bring it back to the mind of the House how completely this was, not an arbitrary combination, but a representation of the great European combination of Powers, acting against Russia, to vindicate and enforce against her the public law of Europe. It was the summons of France and England to Russia that immediately led to war. That summons was sent in, it is true, only by France and England, but it was sent upon the recommendation of Austria, and was expressly supported at St. Petersburg both by Austria and Prussia. In a protocol agreed upon at Vienna on the 9th of April, 1854, that support is distinctly recorded. In a short time afterwards, a treaty was contracted between Austria and Prussia, which provided for a mutual offensive and defensive alliance in the event—first, of the incorporation of the Principalities with Russia; and, secondly, of an attack on, or the passage of the Balkan by Russia. The passage of the Balkan now seems a visionary event, its possibility is so remote. Then it was far otherwise, it was a near and pressing danger; and you had a treaty between Austria and Prussia providing for their taking part in the offensive proceedings against Russia in the event of the passage of the Balkan. The consequence of this was, that on the 22nd of July, 1854, Lord Clarendon, when writing to Lord Westmorland a despatch which, I think, was probably intended to find its way to the eyes of the Russian Government, felt himself justly entitled to hold this lofty language:—"The opinion of Europe has been pronounced in favour of the course pursued by England and France, and it is needless that they should defend themselves against the accusations of Russia." Now, Sir, I am afraid, that if we withdraw from negotiation, if we continue war upon grounds in which no other Power except France alone participates, we shall find that the moral authority of our position is greatly weakened and undermined. Besides moral authority, we have to consider material aid. There are some Gentlemen who think we have derived no benefit whatever from Austria in this struggle, but to them I must say, that I am not at all prepared to see with satisfaction the expectant attitude which Austria has hitherto, and, as I think, not dishonourably maintained, with her hand upon the hilt of her sword, with above 300,000 men ranged along her Russian and Polish frontiers and in the Principalities, exchanged for a state of things in which Austria, being dissociated from our objects and purposes, and Russia having made the concessions which Austria thinks vital and necessary, she would become by degrees a mere neutral, and even something less than a merely neutral Power, and would be gradually estranged from the movements of England and France. I apprehend there is not the least doubt that while these 300,000 Austrian troops have been thus placed, something like an equal number of Russians have been detained in a corresponding attitude in their own country; and I think it an event not to be contemplated with any satisfaction that that large proportion of the military force of Russia should be liberated from the present manner of their employment to engage in operations against France and England in the Crimea. But great as will be the material loss which in this way we may suffer, far greater, in my judgment, will be the moral disadvantage if we shall unhappily find that we have lost our title to be the assertors of the public justice of Europe, have descended to a level with our antagonists, and have become involved in an isolated war.

But, then, have the objects of the war been obtained? To those who say they have not, I venture to reply by a challenge. I ask them to show me a case in modern European history in which the political objects of a war have been so completely gained, and in so short a time, without the entire military prostration of the adverse party. You may find cases in which wars have been short and sharp. We may, for instance, take the cases of Spain at the commencement of the revolutionary war, and Prussia in its course, and we may find numerous cases in which, by the complete victory of one Power, and the certain prostration of its antagonist, the objects of a war have been gained with great rapidity. In the present instance, I think I have shown that those objects have been gained, although it has been without the military prostration of Russia. You have gained immense advantages against Russia; but those advantages and your victories—brilliant as they have been, yet have not placed her in such a state of military prostration as to cover her with disgrace; nor do I think that even now you will venture to assume, if you cast the die, that success will be the certain issue of you perseverance. But, I ask, if you attain that success, will you be nearer to your object? Suppose the Russians attempt another Inkerman; suppose in that attempt they fail, as they failed before; suppose 10,000 more Russian troops are laid low by the side of their departed companions; or suppose any still more signal event should occur, do you believe, do you feel entitled to be certain, that the Russian Government either would or could offer you better terms? I may be wrong, but my conscientious belief is that such events might in all likelihood immensely increase their difficulties. It is quite evident that there is no country in which the action of the Government is more dependent upon what may be called national feeling—and such national feeling is ever strongest when it is allied with religious zeal—than Russia. Now, do you seriously believe that we can intimidate and drive Russia into peace upon any terms we may choose to dictate by killing 10,000, or 20,000, or 30,000 more of her troops, or by taking Sebastopol? Do you think a nation whose enthusiasm was not only not extinguished, but was raised to the highest pitch by the flames of Moscow, when 1,000,000 of men, under, perhaps, the greatest general of modern times, occupied their country, are to be driven into shameful or disastrous terms of peace by mere military successes—be they what they may—gained in the remotest corner of their territory? I confess it seems to me that the present state of things has been providentially adapted to the attainment of peace. If you were to suffer a disaster—which, God forbid—you would find your difficulties increased in making reasonable terms. The spirit of the people would rise against you, and your difficulties would be increased. If, on the other hand, Russia were to suffer such disasters, it is no strained supposition to imagine that the difficulties of her Government might, in like manner, be augmented, and that that which you maintain to be a necessary condition of peace would, if attained, place you infinitely further from the attainment of your object. Now, Sir, for one, I feel with the greatest force the pressure of all those moral considerations which are involved in the unnecessary continuance of the war. The hon. Gentleman the Member for Manchester, on an occasion which is, doubtless, fresh in the memory of this House, when, like my right hon. Friends near me, I sat on the Treasury bench, made a solemn appeal to us with a force of which no man could be insensible, and with an earnestness which did him the highest honour, and charged us with the guilt of shedding blood in an unnecessary war. I did not wince under that charge, for, whether right or wrong in my conviction, I believed that that war was not unnecessary; that it was one of the class of wars which are carried on at a distance in order that we may not have to wage them nearer home. We made war in the Black Sea, at the extremity of Europe, in order that we might not have to make it in the heart of Europe—as the most celebrated orator of Greece, or perhaps of any country, urged upon the Athenian people that they should make war in Thessaly in order that they might not have to carry it on in Attica. But when I see that Russia has conceded the substance of what was asked—that we are breaking up that association of Powers which gave us at once dignity, security, and strength—when I see the scales of justice so tremulously balanced as though they even verged towards placing those in the wrong who had been in the right, and, perhaps, likewise those in the right who had been grossly in the wrong, I feel deeply the responsibility which I should incur if I did not beseech the House to pause in the course that is opened before them. We have seen with our own eyes, but a few days ago, and with the deepest interest, some of the fainter traces of the desolation of war written upon the forms of those heroic men who received from the hands of majesty itself not the reward, indeed, but yet the acknowledgment of their glorious deeds. We rejoice to see that many of those noble forms were again erect, and that they had regained the elastic step of health and youth. But what shall we say of the thousands of our countrymen who sleep beside the waters of the Bosphorus and under the rocks of Balaklava? What are we to say of our gallant allies, side by side, with whom we have been fighting these battles, and whose losses there is every reason to believe have been fearfully severe?

If, for our own share, we have been deprived of the precious lives of from 12,000 to 15,000 of our countrymen—if, of the brave sons of France double that number, or more than double, have fallen by war and by the diseases in its train—if we reckon the havoc made among the poor Turks, again we rise in the fearful scale, for of them a far greater multitude have sunk, little heeded, into their homely graves. I saw, not long ago, in the public prints, a detailed account, which had all the indications of correctness, and, according to which, the loss of life in the Turkish army since the war broke out had been 120,000. [A VOICE: The Russians.] No, Sir, that was the work of war among the Turks. Nor is there for me any consolation whatever in the yet more dismal tale which has been told us, that against the 50,000 French and English, and the 120,000 Turks, not fewer than 250,000 Russians have been numbered among the dead. The terrible sum total must by this date have come near to half a million; so that by the havoc of this war, for the time that it has lasted, the lives of almost 1,000 of our fellow-men have been extinguished daily. If, indeed, we are making war for a just and sufficient cause, for a cause that will bear examination in our hearts and in our consciences, in the face of man and before the eye of God, we must bear the hard necessity, nor need we shrink even from the terrible slaughter it involves; but if this be not so, if, from whatever cause, you allow this war to be prolonged for no object at all, or for secondary and petty objects, or for any purposes, however brilliant they may seem, which we dare not avow in a solemn public declaration or make known through the Government, the organ of the country, and dare scarcely avow even in the freedom of conversation with our fellow-men, let us, while there is time, do all that in us lies, by taking an initial step, towards putting an end to the desolation of this awful scourge; let us, by the adoption of terms so just and plain, so moderate and circumspect as those which are proposed to us by my hon. Friend, do what for the moment depends upon us towards giving back to Christendom the hope, at least, of happiness and repose.

LORD JOHN RUSSELL: Sir, although there are many parts of the speech of my right hon. Friend in which I cannot possibly concur, yet I willingly yield to him the acknowledgment that he has discussed the question in a manner worthy of himself and of this House; that he has considered that which was of most importance—the continuance or the cessation of this war; that he has fairly brought before us the arguments which weigh upon his mind, and led him to the conclusion to which he had arrived—a conclusion to which, if convinced by his argument, any Member of this House or any one in this country might subscribe. So far the spirit of my right hon. Friend's speech has been totally different from that of the right hon. Gentleman opposite, who seemed to lose sight entirely of the great question which ought to occupy us; who gave us no clear and intelligible account why he would continue the war—who used, to borrow a phrase of his own, the most "ambiguous language" on the subject, and who entertained us for two hours and a half with party attacks and ingenious sarcasms. But, Sir, before I speak of the right hon. Gentleman's speech, and attempt to defend myself from the attacks which he has made upon my conduct as a Member of the Government, I must revert, while they are fresh in my memory, to some of the arguments and topics urged by my right hon. Friend who has just sat down. My right hon. Friend says most truly that the terms already assented to by Russia go far beyond those which were originally asked by the allies. I am surprised, however, that this very obvious consideration did not present itself to my right hon. Friend, that, if such be the blessed state of peace that Sovereigns and people are most unwilling to exchange it for a state of war, that which will give an immediate remedy for an immediate danger suffices them to maintain that state. But when once the rubicon has been passed —when once you have been compelled to resort to war—when once two Powers are engaged in conflict, then it becomes you to consider not what would have been sufficient before the contest commenced, but to consider how you can obtain a peace which has in it the elements of safety and of duration. I cannot, therefore, attach the value which my right hon. Friend attaches to the change which has taken place in the terms of peace; and I say so because I think that it is in consequence of Russia having felt the power of the allied belligerents—the pressure of Austria concentrating her forces and threatening hostilities until Russia gave way—and the influence of the expedition to the Crimea, that she has given way. But the question is, whether or not, the immediate danger is warded off—whether you are to seek security for the future, and, if so, in what that security shall consist. There is one danger with regard to the Principalities. The first point proposed in adequate terms to dispose of that danger. The second point has not reference to any immediate danger to the Principalities from Russia, or any immediate protection to Turkey. But the third point did contain a declaration that it was necessary to revise the treaty of 1841—in the first place with a view to attach Turkey to the balance of power, and, in the next place, to put an end to the preponderance of Russia in the Black Sea. Now, my right hon. Friend thinks he sees in the propositions of Russia a fulfilment of that condition. But on hearing the propositions made by the Plenipotentiary of Russia, I cannot see how any one should think that the fulfilment is contained in those propositions. The danger is that Russia, having a preponderance in the Black Sea—having twenty sail of the line in her harbour at Sebastopol—may, as has been shown by a scientific and military authority—by Marshal Marmont and others—take advantage of the possession of that fleet and get possession of the Bosphorus, or land an army in its immediate vicinity. Now, what does Russia say to that? Russia says that she will consent that the fleets of other Powers may come into the Black Sea, provided always that the fleets of Russia may at any time pass through the Bosphorus. What would be the consequence of accepting such a condition? The fleets of England and France would seldom go into the Bosphorus, and not in any considerable force in time of peace; but these twenty sail of the line might at any time present themselves at Constantinople, before the gates of the Sultan's palace, and impose upon him what terms they please; that which was forbidden by the treaty of 1841 would then become possible and easy to Russia—and this is what the Russian Plenipotentiaries call a compliance with the terms proposed! Then, after I had left Vienna, another proposal was made, in which my right hon. Friend seems to see a security; and it was this—to leave the treaty of 1841 as it now stands, the Sultan declaring, as he has a right to declare, that he wishes to maintain the principle of closing the Straits, but that if Turkey was menaced, she might call the fleet of her allies to her assistance. I own I can see but very little, very scanty security in that proposal. Does any one deny that, leaving the treaty of 1841 as it was before the commencement of the war, in case of a menace of invasion, of violence on the part of Russia, the Sultan would have the right which every independent Sovereign can exercise of calling his allies to his assistance, and to that point where they could most easily assist him. Marshal Marmont observes, and I think very justly, that in this case everything consists in priority; and the fleets of the allies being at a distance, and a large fleet of the Russians in the near neighbourhood, it is probable that the menace would be carried into execution before the Sultan could call the fleets of his allies to his assistance. If we had consented to such terms, I think it would have been right to say—we do not propose the fulfilment of that part of the third point. It is said that the third point is fulfilled. I think that to have said that the third point was fulfilled by the acceptance of a proposal so nugatory and meagre as either the first or second of the alternatives offered by Russia would have been an attempt to deceive Europe in a manner quite unworthy of two such nations as England and France. It would have been far better to have said at once, "We are unable to put at end to the preponderance of Russia in the Black Sea—it must be built up again as soon as Russia can launch a fresh fleet; and, therefore, that part of the security we wished for must be abandoned." But, then, consider that this scheme against the preponderance of Russia in the Black Sea is one of the main securities which, having gone to war for, we have attempted to obtain. That to Turkey, of Russian preponderance in the Black Sea, is next to the danger of Russia occupying the Principalities and a march through the Balkan; and to finish the war without any security against that danger would indeed be to confess that we had been defeated. My right hon. Friend dwelt much upon the doctrine that you must have military successes independently of all terms of peace. I agree generally in what my right hon. Friend has stated upon that subject, and I doubt whether any one will assert that independently of all terms of peace, and independently of the security of Turkey, it was necessary to gain military successes. I quite agree with my right hon. Friend that never has the valour of the English soldier been brighter; never has the power of endurance, the hardihood, and the fortitude of the British soldier stood so high as it has done during the present war—and, therefore, it would not be for military success that I would continue the war. But if the objects are not effected by which we can be certain of having securities for peace—if the want of success at Sebastopol should lead to our failure in obtaining a secure peace, the danger to Turkey for the future would be greatly aggravated. If it should be said that not only had England and France relinquished the terms they had advanced—and terms which Austria had said were just and fair, while she said that the Russian propositions did not at all comply with them—but in addition to that had withdrawn 150,000 or 200,000 men from the Crimea, without success, that would be a great addition, not only to the preponderance of Russia in the Black Sea, but to the preponderance of Russia all over the world. If you had that which all men would acknowledge to be a security for peace and a safeguard for Turkey—I am not now arguing as to the terms of that security—you might then with all honour withdraw from the Crimea; but if, in addition to a failure in your terms of peace you admitted a failure of military success, and withdrew your armies, then Russia would immensely increase her power over the civilised world.

And now, Sir, having said this much with regard to the later topics in the speech of my right hon. Friend, I come to the question of the negotiations with which I was charged at Vienna. But let me state, in the first place, that although I thought success in that negotiation came within the range of possibility, that at no time was I sanguine that success was probable. I can assure the right hon. Gentleman that I felt I had no habits of diplomacy, and that being more accustomed to Parliamentary life than to intercourse with those who carry on negotiations, I felt that I was not the fittest person to undertake the duty of Plenipotentiary. But when Lord Clarendon told me that he wished me to undertake that mission—and my noble Friend (Lord Palmerston) likewise concurred in that wish—and when I found that Her Majesty had been pleased to express her approbation of such an appointment, I felt I could not honourably decline it, especially when it was said that peace was possible, and that strengthening our alliance with Austria was within the range of possibility. The right hon. Gentleman (Mr. Disraeli) says I ought to have begun with the third point. That was not a question for me to decide; I was only acting as one of the servants of the two Governments of France and Great Britain. France, Great Britain and Austria had maturely considered the question; and when I was in Paris I was informed by a despatch from my noble Friend the Secretary of State for Foreign Affairs that the Governments had resolved that the points should be taken in the order in which they stood. It was, therefore, my first duty to consider of the first point and the question of the Principalities. I believe that the concessions that have been made by Russia with regard to these Principalities are of the greatest importance. The right hon. Gentleman confounding two things which are essentially distinct, speaks of the protection of the Christians, to which I had referred in a despatch when I was Secretary of State for Foreign Affairs, and in which it was stated that it was prescribed to the Emperor of Russia as a duty, and that it had been sanctioned by treaty as such. Now there can be no doubt whatever that, with regard to Wallachia and Moldavia, not only by the Treaty of Kainardji, but by other treaties—by the Treaties of Bucharest and Adrianople—the Emperor of Russia had an engagement from the Sultan to protect the Christian subjects in the Principalities; and if a congregation were subject to outrage, murder, or pillage, I conceive it was the duty of the Emperor of Russia to ask for some redress for such grievances. I know that, without any such treaty, our Ambassador at Constantinople, on receiving an account from a consul that a Christian church had been destroyed, or a Christian murdered, thinks it his duty to bring the fact under the notice of the Sultan, and generally obtains redress. But the treaties to which I allude are express upon that point, and it is impossible for me, or for any man, to deny that Russia had those rights by treaties. But the right hon. Gentleman confounded these treaties with the proposals that were made by Prince Menchikoff, and asked how I could make such a dangerous admission as that there was this right of protection, and at the same time protest against it in the case of Prince Menchikoff? Why, the right of protecting those churches has been clearly sanctioned over and over again by treaties; but what Prince Menchikoff demanded was a claim of protection going beyond those treaties, and arose, as is very justly said in one of Lord Clarendon's despatches and in one of the "Four Points," from an erroneous interpretation of the Treaty of Kainardji. I am the more confirmed that it arose from an erroneous interpretation of that treaty when I recollect a fact that occurred during the negotiations between Sir Hamilton Seymour and the late Emperor Nicholas. Sir H. Seymour said to the Emperor, "Have the goodness to point out on what part of the treaty of Kainardji the right you claim is founded;" and his Imperial Majesty said—as an Imperial Majesty is likely to say—"I will not point out to you the particular article of the treaty; go to Count Nesselrode, and he will point out the article of the treaty." Sir Hamilton Seymour, as he was bid, went to Count Nesselrode, and said, "Will your Excellency have the goodness to point out to me the particular part of the treaty of Kainardji on which your master's claim is founded." Count Nesselrode said, "I am not very conversant with those treaties; but Baron Brunow is conversant with them; tell your Government to apply to him, and he will point out the part of the treaty which gives the Emperor the right he claims." But as Baron Brunow never attempted the task, I conclude that it was not any part of the treaty of Kainardji that gave such a power to the Emperor. The right hon. Gentleman therefore makes utter confusion, when he confounds the claim which was then put forward, with the undoubted rights claimed by the Emperor of Russia for the protection of the Christians in Moldavia and Wallachia.

Now, Sir, with regard to the Four Points. I will not at this late hour enter into any kind of disquisition about the navigation of the Danube; but I may say, that on that point likewise we have gained pretty considerable advantage. But we have to consider the whole question, and a most important question it is, which has occupied us for these two years past, and which I think may occupy the Parliament of this country even for future generations—namely, whether it is not necessary to put some bounds to the progress of Russia, and in what manner that object is to be effected. Far be it from me to say that I could pretend, from any reflections or lights of my own, to solve that great problem. I consulted others not only in England and France—not only the Members of my own Government and the Members of the French Government—and I may venture to say, since he did me the honour to admit me to an audience, the Emperor of the French—but likewise several statesmen of the Continent of Europe, not engaged with either Power, but whose well known wisdom and authority, and whose long experience in political matters entitle their opinions to the utmost attention. Now what is the position of Russia? It might not be such as would have justified us in making war, or have excited us to make it; but, being at war, it behoves us all—and my right hon. Friend the Member for the University of Oxford as much as any man—most seriously to consider. Russia has, since the commencement of the century, increased her power more than any other Power of Europe. She has upwards of 60,000,000 of inhabitants, and has an army of 800,000 men—I speak of a time of peace, and before the outbreak of the war. After a considerable struggle, and much resistance by Lord Castlereagh, the representative of this country, and by Prince Talleyrand, the representative of France, she was allowed to acquire, and retains, Poland. The only limitation was, that Poland was united to Russia by a constitution; but that link, which gave to Poland a separate representation, a separate army, and as it were a separate existence—was totally broken, and a new and hard fetter of iron was employed to bind her to Russia after the insurrection of 1831. In Poland she has erected six or seven fortresses, of at least equal strength with Sebastopol. She has conciliated the peasantry to a very great extent by a policy artfully adapted for that purpose. At the same time the young men of Poland of rank and intelligence, who might be filled with historic recollections and patriotic ardour, and who might be suspected of an inclination some day to rise up against the policy of Russia, are carefully marked and selected, and sent to a distance in the interior provinces of Russia, there to meet with no sympathy, where their names are unknown, and their fate is forgotten by all except the relatives and friends they have left behind. In the Baltic we find from the discoveries made last year—since the commencement of the war—that a great plan of fortifications had been undertaken, which Sir Charles Napier sent home, and which he said would, if undertaken, have given Russia a complete predominance over the Baltic; because, when those fortifications were completed, neither Denmark, nor

Sweden, nor any other Power, could have held up a finger against Russia in the Baltic. In Germany she has connected herself with many of the smaller Princes by marriage. Many of the Princes of Germany, I am sorry to say, live in great fear of what they think is the revolutionary disposition of their subjects, and they rely upon their armed forces for protection. But what are those armed forces? The officers of those forces are seduced and corrupted by the Russian Court. Rewards, orders, and distinctions are distributed amongst them—even the receipt of money to pay debts will be accepted by them, and that money is liberally given by the Russian Court; so that Germany, which ought to be the seat of independence—Germany, which should stand forward for the protection of Europe against Russia—has been for years undermined in its vital strength and independence by Russian arts and Russian means.

Well, Sir, I have not hitherto spoken of the immediate danger with which we have had to deal. The immediate danger with which we have had to deal was this—that after a long course of violence and aggression, Russia had signed a treaty at Adrianople which gave her new powers, and confirmed many of the old. The dangers arising from that treaty to Turkey are admirably pointed out in the despatch of Lord Aberdeen; but neither Lord Aberdeen nor the Duke of Wellington, who was at the head of the Ministry at the time, thought it right to go to war on account of those dangers. I believe they acted wisely in so abstaining. But now that we are at war we are not to forget the lesson Lord Aberdeen gave, or keep out of sight the dangers that were pointed out in that despatch. Russia had therefore great means of influence in Turkey—such means of influence that, I believe, if she had been wise and prudent, it was quite sufficient to enable her to gain a permanent control over the councils of the Sultan. But in an hour of imprudence—I will not say more of the great Sovereign that ruled her—he is dead, and the time for severe comment is passed by—she insisted upon what Turkey thought a degradation; she made an aggression, and Turkey resolved to resist, and judging from the offers of sympathy and support she had received from France and Great Britain that she would be supported in the struggle, she had recourse to arms in her defence. Lord Stratford de Redcliffe, a man well acquainted with the whole subject, had some time before said, "I think the time is come when Turkey's position must be entirely changed. Either she will fall into a state of total dependence upon Russia, or she must get rid of those manacles and shackles with which for years past she has been fettered." We had to choose, then, between leaving her completely under the sway of Russia as a subject, or endeavouring to raise her to something higher. As I have already stated, we chose the latter part of the alternative, and it became us therefore first to consider the immediate danger. The immediate danger was warded off. The gallant defence of Silistria is still remembered with pride; but had it not been for the presence of the allied forces, it would have been renewed in the same manner that the struggle of 1828 was renewed in 1829, and the Russian forces would have been at the Balkan. But the presence of the allied forces prevented that danger, and the Russians retired across the Danube. Austria then said that unless the Principalities were evacuated she should declare war with Russia, and upon her forces being assembled Russia evacuated them. Now, it was because these Principalities were placed under the safeguard of Austria, because any attempt to invade Turkey or to cross the Balkan and reach Constantinople was thus prevented, that we felt ourselves enabled to send to the Crimea the expedition which, like my right hon. Friend (Mr. Gladstone), I still think we were right in sending, but the discussion of which I will, like him, reserve for some future occasion. There is, however, this fact, that in consequence of the pressure at Sebastopol the Russian fleet has been sunk by the Russians themselves; it is no longer the eighteen or nineteen sail of the line that menaced Constantinople and were the constant terror of the Sultan's Government. The question then upon the third point was this, how we could diminish the power of Russia and put an end to her preponderance in the Black Sea. I am not at all ashamed of the manner in which I agreed with Count Buol to invite the Russian Plenipotentiaries to take what is termed the initiative of the proposition for effecting that object. Count Buol represented to us that it might be hurtful to the dignity of Russia to have terms imposed upon her for the limitation of her power in the Black Sea; but that in consideration of the security of Europe she might make a proposition to that effect to Turkey; and he asked us, the Plenipotentiaries of France and England, not to bring forward our propositions until he had made the proposal. He made the proposal, and I followed it up—answering for England, and not for Russia, as the right hon. Gentleman (Mr. Disraeli) supposes—with these words—

> "In the eyes of England and of her allies, the best and only admissible conditions of peace would be those which, being most in harmony with the honour of Russia, should at the same time be sufficient for the security of Europe, and for preventing the return of complications such as that the settlement of which is now in question."

I wish to ask, provided the security of Europe was attained and the return of what is called a complication, what is in fact dreadful war, was prevented, was it not desirable that the terms should be compatible with the honour of Russia, and should be such as to make her satisfied with the arrangement? Therefore I am quite willing to abide, and I believe my colleagues are ready to abide by that declaration which I then made. The answer to that proposition of Count Buol was a considerable time in arriving—eighteen days elapsed before it reached the conference, and I believe that the Russian Government were about a week in deliberation, between the time of receiving the proposition and adopting their answer. That answer was to the effect that the Russian Plenipotentiaries were desired not to make any propositions; and we are told in the Russian circular just issued that that was in conformity with the instructions which had been given by the Emperor Nicholas. I think that was a very unwise decision. I have always understood that Russians of great sagacity and experience in public affairs always considered that the Emperor Nicholas paid too much attention to his marine, and that his fleets at Sebastopol and Cronstadt, though they might make a parade in time of peace, would not be able to compete with those of the maritime Powers in time of war. I believe that to be a very sound opinion, and therefore I thought it possible that they would have made this concession, thus giving up something the cession of which would not really diminish the power of Russia as a great Power—though it would diminish her power in the Black Sea—and that the Russian Plenipotentiaries might have said that they were instructed to propose that there should be only a limited force of each nation in the Black Sea, and that the rule of closing the Bosphorus should be maintained, so that there should be no danger to Russia from that quarter. I hear it said that if the force of Russia in the Black Sea were limited, the fleets of England and France might come in at any time and insult the coasts of Russia in the Black Sea. How would she be worse off then than she has been in the present war, when we have seen that her fleet has been no security at all? What has been the use of the eighteen or nineteen sail of the line which Russia possessed at Sebastopol? They cannot be restored for some years, and when they are restored what security can Russia have greater than that which she had two years ago? The fact was that they were no security at all, for no sooner have the fleets of England and France appeared in the Black Sea than her ships have skulked into Sebastopol, and several of them have been destroyed. I told one of those persons to whom I have alluded, whose name I must not mention, that we intended to propose the limitation of the Russian fleet, but that I was told Russia would object to it. He said, "If that is so, it is a proof that she means aggression." I thought that observation perfectly just. I cannot conceive why Russia should hesitate to make peace in order that she may have eighteen or twenty sail of the line at Sebastopol, unless she meditates some future aggression upon Turkey; and that I now believe, still more than I did last year, still more than I did before I went to Vienna, to be in the contemplation of Russia. The Russian point of view is that Turkey cannot endure, that she must decay, and that her fall cannot be long delayed. This view was borrowed from the late Emperor, whose abilities and powers naturally made him an object of veneration to the Russians. They believe that when Turkey breaks up, England and France will hasten to seize Constantinople, and thus menace her empire, and thus feel it necessary to be beforehand with these Powers, and make herself mistress of that commanding position. Put it, however, which way you will—as an act either of aggression or of self-defence—it comes to the same thing, that it is the intention of Russia at some future time—and, it may be, in no remote future—to possess herself of Constantinople. Now, Sir, believing that to be the case, are the Governments of France and England to close with the proposition of Russia, that they should have no security except that, in case of menace, the Sultan might call up the fleets of his allies? I admit all the imperfections of the security we have proposed; but let the right hon. Gentleman (Mr. Gladstone) and the House recollect that we are, by a stipulation with Austria and by our then position in the war, precluded from asking for any territorial cession from Russia. No doubt, the return of some of the provinces which Russia has wrested from Turkey would be a better security, and a material guarantee, than the limitation of the fleet; but it is certain that if we had proposed such a course, Austria would have opposed it, and the Russian Plenipotentiaries would have left the conference. We were, therefore, compelled to resort to other securities; and, after all that I have heard against that project of limitation, in the position of affairs in which we were placed, I see no better security than that limitation, or the plan to which Russia was still more opposed—that of making the Black Sea a commercial sea altogether, and not admitting any ships of war in that sea. Such, therefore, is my defence with reference to this point. The right hon. Gentleman (Mr. Disraeli)—and his language seemed to me to be extremely ambiguous—said, "What does it signify whether Russia has four or eight ships, more or less?" And then he went on to say, "You ought, in fact, to carry on the war defensively; you ought to defend Turkey when Russia is prepared to attack her." Now, this brings us to one of two conclusions—the right hon. Gentleman has not told us which—either that we must be there perpetually to defend Turkey, and thus to make an eternal war, or, having defended Turkey against the immediate aggression, and Russia having consented to say, for the hundredth time, that she will respect the integrity and independence of Turkey, that we should withdraw our forces and make peace, having no security whatever beyond those to which Russia had already consented. That is the plan of my right hon. Friend the Member for the University of Oxford. But my right hon. Friend fairly and manfully avowed that plan. He brought it before the House of Commons of England, and declared that these were terms upon which he thought that we should be secure. The right hon. Gentleman (Mr. Disraeli), however said, "Put an end"—not to war, but—"to the negotiations;" therefore, at once proposing that we should have no success in war, no security for peace, and, at the same time, proposing the continuance of the war. Can anything be more inconsistent or more extravagant than such a proposal? Now, it has been said that Austria has not given us all the support which she might do. As far as the support to be given in conferences is concerned, she has fully given us that support; and, with regard to this last proposition of calling up the forces of the allies when Turkey should be in danger, she said "that is no security—that is leaving the preponderance of Russia unlimited till the moment when the danger becomes intolerable." I must say, Sir, I do not expect, however, that Austria is prepared, in the present state of the question, to take an immediate part in the war against Russia. I believe that she would have consulted her own interest and dignity better if she had some time ago joined us in that war; but at the same time there are considerable motives — there are very powerful motives — to influence her in maintaining peace with Russia. In the first place, she has not her capital in the situation of either London or Paris, which are free from any danger of incursion by the Russian army. She has no fortresses in Gallicia to prevent the Russian army, if it should gain but one victory, marching at once to Vienna. She has no secure alliance on this subject with Prussia, and this I hold to be one of the main motives which have deterred her from taking an active part in the war. Prussia, her great rival, not only opposes her on this question, but is constantly canvassing the smaller States of Germany against her upon the question, so that the Austrian Government feel that, unless they can show that there is some predominant and necessary motive to induce her to go to war, she would not be justified in calling upon the population of Germany to support her in it. I tell this openly to the House, because I think that not only ought justice to be done to Austria, but, likewise, because I do not wish to hold out any hope that she will take an immediate part in the war. I do think, however, that her position is such—that her treaty engagements with us are such, that, if the war continues, she will find it necessary, in order to meet and vanquish that preponderance of Russia to take part in the war. But of this I feel sure, that the part Austria has played in not taking a share of the spoils of Turkey, which Russia had confidently expected, and in joining us in all measures and proposals we have thought necessary, will never be forgiven by Russia; and, therefore, that her only safety is in building up such alliances as shall secure Turkey and Europe against the aggression of Russia. Sir, for that reason I shall be ready to vote against the Motion of the right hon. Gentleman the Member for Buckinghamshire. This, Sir, is a great national question—perhaps the greatest national question that has ever engaged the counsels of the House or called forth the resources of the country—and yet the right hon. Gentleman seeks to degrade it into not merely a party question—for a party question may be a very great question—but into a very limited and narrow party question with respect to particular conduct at a particular moment, and particular language held in debates in this House. I never knew a great national question—perhaps one of the greatest national questions which has ever been debated in this House—which has ever engaged the councils of this House—which has ever called for the exercise of the arms of this country—and probably so great a question never has been so degraded as this has been by the language of the right hon. Gentleman. The right hon. Gentleman alluded to the mistrust which he says prevails in the present Government. I do not deny—I wish I could deny—that there is great foundation for his observation. But I do not believe any cure will be found in the substitution of the right hon. Gentleman for my noble Friend and those who sit on this side of the House. I do not believe that mistrust will be removed, or that general satisfaction and confidence will take the place of uneasiness and anxiety by such a change. I hear much said of administrative reform, and I think it an object in itself most desirable. But I want to know why it should be presumed that there are other men, either those who are well known on the opposite side of the House, or some others who are totally unknown, who would carry out administrative reform better than those who are at present in the possession of power? I believe that we can hardly have a better measure than that which has been proposed by my noble Friend Lord Panmure on the subject of reform in the army departments. It is with respect to the army department establishment that defects have been discovered. They were felt at the breaking out of the war. My noble Friend proposes to place all the civil branches of the army under the superintendence of a single Secretary of State. I believe that having one man's eye to watch and one man's hands to guide will lead to the improved working of the whole machinery of the department, and we shall be in a way to remedy the evils which have been complained of. But, as to other improvements, I own I do not find—although much may be said—that there is any special accusations as to other departments. I do not find, with regard to the Finance, with regard to the Home Department, or with regard to that department over which I have the honour to preside, that there has been any complaint made of inefficiency. I believe, therefore, the right hon. Gentleman, while he has not well founded his proposal as regards the particular question, has not better founded it with regard to the remedy he proposes for what he calls general disgust. I am convinced the party which sits opposite would not gain in credit by having it said, as it would surely be said, that, on a great crisis of the fortunes of the country, the great Conservative party, which for upwards of a year had with the greatest patriotism come forward in support of the Crown and to maintain the honour of the country by every vote it was in their power to give—after little more than a year had tired of the exercise of that virtue, and sought an opportunity for slipping into office in place of those who now fill the offices; and, having lost an occasion which seemed to them to be an inviting one, coming from what is termed an independent Member, comes forward with a Motion of their own to gain the prize for which they were so anxious. I believe the right hon. Gentleman, and those who act with him, would gain no credit by such a step. Whatever may be the division in this House, I think this has been a false move on the part of the hon. Gentleman opposite. If he can censure any act of ours, if he can put his finger on any one act of the Government, and censure that act, of course we are open to that censure—liable to any criticism which the House may think fit to make; but to bring forward vague words merely to catch up what seems to be a feeling of the moment, and which may not last above a day or two, to be so impatient as not to wait even over the Whitsuntide holidays to know if negotiations are concluded, is a falling off in that patriotism and virtue which I must say hon. Gentlemen opposite have hitherto evinced, and I think they will add nothing to their fame or reputation by the course they are now taking.

Mr. WHITESIDE moved the adjournment of the debate.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, May 25, 1855.

Minutes.] Public Bills.—1ª Roman Catholic Charities; Royal London Militia; Education of Poor Children; Brighton Incorporation.

3ª Registration of Births, &c. (Scotland).

Royal Assent.—Income Tax; Customs Duties; Spirit, &c. Duties (Excise); Militia (Ireland); Intestacy (Scotland); Affirmations (Scotland); Alterations in Pleadings; Parliamentary Representation (Scotland) Act Amendment.

THE CHURCH IN CANADA.

The Bishop of OXFORD *moved*—

> "That an humble Address be presented to Her Majesty, for Copy of an Address presented to Her Majesty by the House of Assembly and Legislative Council of Canada, praying for the Removal of Disadvantages to which the Church in Canada is subject, and to enable it to elect its own Bishops; and for any Answer which may have been given thereto."

The right rev. Prelate said, that an Act had passed the Canadian Legislature, and had been accepted by the Parliament of this country, one clause of which would effect an entire separation between the Established Church and the State in Canada, and it was in consequence of the adoption of that Act that the Address for which he moved was agreed to by the two Chambers of the Canadian Legislature. The Address prayed that, inasmuch as the connection between Church and State had thus been declared to be dissolved, those accidents which had hitherto followed that connection might also be removed. If any answer had been returned to that Address he hoped it would be also communicated to their Lordships. He would only say, in moving for the Address, that he thought this was not an uninstructive movement to the people of this country also. Many people were apt to forget that the union between Church and State implied co-relatives to either—certain support from the State, and a certain renunciation by the Church, of what would properly be the natural liberties of the Church. He, for one, believed that the Church and State greatly profited by the relations existing between them, and he believed that the Church was kept, in many instances, from sectional feeling and sectional action by its connection with the State, and that the supremacy of the Crown exercised influences highly beneficial to the Church of the land as well as to the State of the land. Believing this himself, and yet seeing that the daily current of legislation tended to remove from the Church the support in every respect which it had hitherto received from the State, he thought it might not be uninstructive to consider that these two things were co-relative, and that if the State gave up all assistance and support to the Church it was not to be contended that the State could exercise the same authority as when supported by the Church.

Earl GRANVILLE said, there was no objection whatever on the part of the Government to produce the papers moved for by the right rev. Prelate. No answer had yet been sent—only a mere acknowledgment.

The Earl of DERBY said, he had listened with great satisfaction to the remarks of the right rev. Prelate, and he fully concurred with him in all he said as to the advantage of the connection of the Church with the State, as well as in the deduction that this Address would prove not uninstructive on that subject to people in this country. But he could not forget that it was to a measure to which that right rev. Prelate gave his most cordial support—the Clergy Reserves Bill—that the present desire to separate Church and State in Canada was owing; that measure having given the Colonial Legislature full power and freedom to dissever the endowments of the Church in Canada. He (the Earl of Derby) was happy to feel himself free from all responsibility of the sanction of that measure, which was the first step in bringing about the separation between Church and State.

The Bishop of OXFORD said, that any future notice he might take of the subject would, of course, depend upon the answer that might be returned to the Address. In reply to the courteous remark of the noble Earl, whose agreement with him (the Bishop of Oxford) on this occasion was to him a matter of great satisfaction, he would point out to the House where, in his judgment, the noble Earl had misconceived what he (the Bishop of

Oxford) had agreed to, and what he had not agreed to, on the occasion to which reference had been made. What he had agreed to, and what he was still prepared to agree to, was this, that Canada and this country should keep their terms, and that this country should not make engagements with its Colonies and then break them. He had not given any assent, direct or indirect, to the clergy reserves being taken from the Church. On the contrary, he had stated in his place in Parliament that he conceived that such a spoliation of the Church, if it was ever effected by the Canadian Legislature, would not only be unlawful for them to effect, but would be an act of the grossest folly. As this country had intrusted to the Colony the power of legislating for themselves, he had thought that the power and its responsibilities ought to be wholly left in their hands.

THE EARL OF DERBY said, there was an inaccuracy in the statement of the right rev. Prelate. It was true that we had committed ourselves by giving the Colony the power of legislating for itself; but that power was subject to certain reservations, which bore directly on claims preferred by the body of which the right rev. Prelate was a member. The Act to which the right rev. Prelate referred broke down those reservations, and enabled the Legislature of Canada to deal with the endowments of the Church.

THE BISHOP OF OXFORD remarked that the whole question turned upon whether this was a reserved point or not. His belief was, that it was a point concluded already by Parliament.

THE EARL OF DERBY: If there were no reserves, where was the necessity of an Act of Parliament.

Motion *agreed to.*

THE NEGOTIATIONS AT VIENNA.

EARL GREY:* My Lords, I must solicit from your Lordships this evening a more than usual share of your indulgence, for I can very unaffectedly assure you that I feel oppressed, not only by the magnitude, but also by the painful nature of the task I have undertaken, in giving notice of the Motion I am about to make. It is a painful task, because I am aware that I can look for the support and sympathy of very few of your Lordships in submitting to you this Motion, and that I shall incur the condemnation of many both within and without these walls, for whose judgment I have great respect, and whose good opinion I highly value; and it is painful to me also to ask this House to concur in a vote, which involves censure upon a Government, among the Members of which there are many for whom I entertain a sincere regard, and more than one of my best and oldest friends. From these considerations I would gladly have abstained from bringing this question before you, but motives still more powerful impel me to proceed.

I cannot, my Lords, look upon the calamities of the war in which Europe is now involved without a feeling of horror it is impossible for me to describe. My noble Friend on the bench above (Lord Lansdowne) informed the House only a few evenings ago, that it appeared from information which had reached the Government, and in the accuracy of which they had reason to trust, that nearly 250,000 Russian soldiers had perished by the sword, or by disease, since the war began. I lately saw in the newspapers a calculation which seemed to be founded on sufficient data, that the loss of the Turkish armies, from the same causes, had not been less than 120,000 men. We know that the losses of our own and of the French armies have also been very heavy, and if to the losses of all these armies we add the number of inhabitants of the provinces which have been the seat of war, who have fallen victims to want, disease, or violence, in consequence of the war, we can hardly reckon the total number of lives it has already cost at less than 500,000, though we are but in its second year. 500,000 human beings in that short space of time already sacrificed to the grim idol of war! Think of the amount of suffering which these figures represent. Not the sufferings of the victims only—though it is frightful to contemplate, what they have too often had to endure from wounds and sickness before they found rest in death—but the pain and misery of the multitudes of sick and wounded who still survive, and the grief and anxiety of the friends and relations of the fallen. Recollect that of the 500,000 who have perished, whether our fellow-subjects or those of other nations, there are few who have not left some near and dear to them to deplore their loss.

Nor is this all, in estimating the baneful effects of the war upon the happiness of mankind, I doubt whether the waste of life is what is worst. You have to consider the provinces which have been devastated and thrown back for years in civilisation and improvement—the progress of industry and commerce throughout the world arrested or retarded (since there is not a nation, however distant, that does not feel more or less the effects of this calamitous struggle) above all, you must remember the moral evils occasioned by war, which proverbially rouses into activity all the worst passions of human nature. How many in all the contending armies must have been demoralised and unfitted for the pursuits of peace, by the fierce contest in which they are engaged, and what a fruitful source of misery to themselves and to the world will this become when peace shall be restored. Nor can even the mere expenditure of money in the war be regarded as a slight evil. Our own share of that expenditure before the close of the second year of the war, will certainly not fall short of 50,000,000*l.* How enormous is this sum, and how many objects of the highest importance to the welfare of the people have been postponed for years and years for one-tenth or one-twentieth part of the amount! Consider what good might have been done with this sum, if, instead of being applied to purposes of destruction, it had been used for the permanent advantage of the country. This great city might have been relieved from the disgrace and danger of its present sanitary condition, and the crying evil of the want of means of education for the poorer classes might have been remedied by a splendid permanent endowment, and a large sum would still have remained for other purposes of the same kind. When I reflected, my Lords, on the magnitude of the evils which have been brought upon our own country, upon Europe, and upon the world, by the war in which we are involved, and when I satisfied myself on carefully studying the papers relating to the recent Conferences at Vienna, which Her Majesty has ordered to be laid before us, that an opportunity has been thrown away, which, if judiciously improved, would have afforded a fair prospect of averting these calamities, I could not reconcile it to my conscience, to abstain from raising my voice, feeble as it may be, in protest against the course which has been followed by Her Majesty's Government, and which has deprived us of the hope of terminating the war.

I have by no means, my Lords, changed the opinion which I have more than once expressed to your Lordships against the policy of the war—on the contrary, the progress of events, and the additional information I have obtained, have only tended to confirm that opinion; but for the present I waive this question, and I will assume, for the sake of argument, that the policy which has been followed was right; that we were called upon to support Turkey in her quarrel with Russia, and I am prepared to contend, that even on this assumption, Her Majesty's Government were wrong in rejecting, or rather, I ought to say, in refusing to entertain, the proposals made by Russia in the recent negotiations. I do not contend—it is quite unnecessary for me to do so—that these proposals ought to have been accepted precisely in the form in which they were made, I only maintain, with the Austrian Plenipotentiaries, that they afforded fair ground for discussion, a sketch — this was the expression made use of—which might have been worked out into a satisfactory settlement of the questions at issue. This is the opinion I ask you to express to Her Majesty by an humble Adress, and I apprehend, that if I could convince you that the opinion itself is sound, it would clearly be not only the right, but the bounden duty of your Lordships, to inform the Crown of the conclusion to which you had come, and respectfully to submit to Her Majesty, that, in your judgment, she was ill-advised by her confidential servants, when it was resolved to reject the overtures made by Russia, in so peremptory a manner. I do not propose to go further in the Address that I shall move, than to express the opinion of the House, that an error has been committed in breaking off the negotiations on the grounds set forth by the British Plenipotentiaries. I do not presume to suggest what steps ought now to be taken to repair the effects of that mistake. I know that, after the conferences have been closed, or, what is much the same, adjourned *sine die*, to reopen the negotiation is a matter of much delicacy. I am aware that we have allies whom we must consult, and with whom we are bound to act; but if anything so improbable should happen, as that Her Majesty's Government should be induced by your Lordships' advice, to adopt the conclusion that it is desirable to renew the negotiations on the basis of the Russian offers, I cannot doubt that they would know well in what manner to proceed with that view, nor do I think that they would encounter any great difficulties on the part of our allies. Unless the public are greatly misinformed, and unless the appearances from which we may form a judgment on this point are very deceptive, it was the opinion of Her Majesty's Government against entertaining the Russian proposals, which mainly contributed to turn the counsels of France in the same direction, and if the views of Her Majesty's Ministers were to become more pacific, it is in the highest degree improbable that their efforts to recommend a corresponding policy to the French Government would fail.

Having thus explained the object of my Motion, it is fit that before I go further, I should add a few words to the reply which I gave on Tuesday to the question put to me by the noble and learned Lord opposite (Lord Lyndhurst), as to whether I should postpone my Motion in consequence of what had taken place the previous evening in the House of Commons. I said, in answer to this question, that I saw no grounds for my altering the course I had determined to take, but that if any reason for my doing so could be adduced, I was ready to consider it. I meant by this, as your Lordships must, doubtless, have understood, that if Her Majesty's Ministers were prepared to state, on their responsibility, that they apprehended injury to the public service from the discussion which I meant to bring on, I was ready to listen to such a suggestion, and I should certainly at once have postponed my Motion had they asked me to do so on that ground. But, as they have not taken this step—as my own opinion is that it is most desirable that a discussion should take place without delay—and as I can see no possible injury that it can do, when we gather from the replies of Her Majesty's Ministers to the questions that have been addressed to them, that there are no negotiations now in progress which afford any rational ground for hoping that they may lead to peace, I have thought it right to persevere in the course which I had previously determined to take. I am the more encouraged to believe that no injury can arise from my proceeding with this Motion, because I intend, in submitting it to you, carefully to abstain from giving any opinion or making any remarks on the future; I shall confine myself to the past, and I hope other noble Lords will observe the same reserve. The views of Her Majesty's Government, as to the offers made by Russia, in the late negotiations are fully explained in the papers on our table, I cannot therefore see what inconvenience can arise from their being called upon to defend the decision they have already adopted; if, however, there are any points on which I may touch, on which my noble Friend the Secretary of State may think that he cannot follow me without inconvenience, I can only say that, so far as I am concerned, I shall be perfectly satisfied with his simple statement to that effect.

But to return from this digression: I am sure your Lordships must all remember that, when we were entering upon the war, all views of selfish advantage and of aggrandizement on the part of the allies were most earnestly disclaimed. We were assured that it was a strictly defensive war; we were told that Russia, in requiring from the Sultan a formal promise to protect his subjects of the Greek Church, made a demand inconsistent with the independence of Turkey, and that in attempting to enforce this demand by the occupation of the Principalities, she committed an act of aggression which it was our duty and interest to assist the Turks in repelling. This was the language held by Her Majesty's Government at the beginning of the war in both Houses of Parliament, and the same views were still more formally recorded almost immediately afterwards in the protocol of the conference, held at Vienna on the 9th of April, 1854 [*Eastern Papers*, Part viii., p. 2], which referred to the evacuation of the Danubian Principalities, and the abandonment of her claim to the exclusive protection of the Greek Christians in the Turkish Empire, as the objects to be obtained from Russia, without mentioning any other concessions to be required from her. Such having been the avowed objects of the war, I would ask your Lordships whether they have not long since been obtained, and far more than obtained. Russia has, many months ago, been compelled to evacuate the Danubian Principalities, she has long since withdrawn her demand that the Porte should recognise her right to protect the Greek Christians in the Turkish dominions, and is willing that the civil and religious rights of the Christian subjects of Turkey should be left to the safeguard of the European powers. All offensive military operations of Russia against Turkey have also been long discontinued, and the war is, on her part, become purely defensive, and she is now engaged in a manful and resolute defence of an important part of her own territories from invasion by the combined armies of England, France, Sardinia, and Turkey.

The original dispute which led to the war, has therefore been decided entirely in your favour, but you declared, as you were entitled to do, that having been compelled to engage in war, you would no longer be satisfied with the terms which you would have been content to accept before the commencement of hostilities, and would endeavour to obtain security for the future by requiring additional concessions. Accordingly the Powers deliberated together, and agreed upon certain arrangements to be proposed to Russia as the groundwork of negotiations for peace. In the first instance, Russia rejected the proposal thus made to her, but ultimately agreed to accept it, and the recent Conferences at Vienna were held for the purpose of ascertaining whether Russia and the allied Powers could agree on the means of carrying into effect the four heads of an arrangement—known as the "Four Points"—which had been communicated to the former on the 28th of December last. When the conferences opened, the first two heads of the proposed arrangement were easily settled. Russia consented to abandon the claim she had under former treaties to protect the Danubian Principalities, and that they should in future continue subject to the Porte, but enjoy an independent and national administration under the guarantee of the European Powers. This was a concession of no trifling importance on the part of Russia, which you did not think of asking at the beginning of the war, but which I willingly admit to have been now very properly demanded, as tending materially to diminish the danger of future wars. Russia, upon this point, seems to have met the allies as fairly as possible, and to have agreed to an arrangement with which no fault can be found. The same may be said of the second point by which the freedom of the navigation of the Danube was satisfactorily provided for.

The third head of the proposal was that which it was always felt would lead to the greatest difficulty. The memorandum delivered to Prince Gortchakoff on the 28th of Dec. 1854, stated, as the third point insisted upon by the allies, that—

> "The revision of the treaty of July 13, 1841, must have for its object to connect the existence of the Ottoman Empire more completely with the European equilibrium, and to put an end to the preponderance of Russia in the Black Sea."—[*Eastern Papers,* Part xiii. p. 2.]

This was a demand of which nothing was heard until some months after the declaration of war. The first allusion I can trace to the necessity of obtaining anything of the kind, is in certain speeches delivered in the House of Commons on the occasion of a vote of credit being asked for the war, on the 24th of July last. Upon the first part of this point no serious difficulty arose, and an article was agreed upon declaring that the high contracting parties—

> "Engage themselves severally to respect the independence and territorial integrity of the Ottoman Empire, guarantee together the strict observance of this engagement, and will in consequence consider every act or event which should be of a nature to infringe on it as a question of European interest." [*Eastern Papers,* Part xiii. p. 64.

To which a second article was added, providing—

> "That if a misunderstanding should arise between the Porte and one of the contracting parties, these two States before having recourse to the employment of force, should place the other Powers in a position to anticipate this extreme course by pacific means."

On these two articles which were intended to carry into effect the first part of the third point, no difficulty whatever arose, except with regard to a reservation made by the Russian Plenipotentiaries, that they were not to be considered, by agreeing to them, as engaging their Government to take up arms for Turkey, whenever she might be attacked in any part of her dominions. The other Powers recorded their regret at this reserve, but I must say I think without sufficient reason.

Russia did not object to bind herself in the strictest manner to respect the independence and territorial integrity of Turkey, and also to abstain from using force in any misunderstanding she may hereafter have with the Porte, without giving to the other Powers of Europe a previous opportunity of endeavouring to settle the dispute by pacific means; nor did she object to the other parties, binding themselves to defend Turkey by arms from any attack, if they thought proper to do so; she only declined to contract a similar engagement herself, saying with unanswerable force, that the blood of Russia belongs to Russia, and ought to be shed only for

Russian interests. The Russian Plenipotentiaries, in my opinion, exercised in this a wise discretion, which I wish that our own had imitated. Unlimited engagements to defend other countries by arms in all cases that may arise, and, therefore in circumstances which cannot be foreseen, are, in my opinion, always imprudent and dangerous. But it is more especially so to enter into such an engagement, in behalf of the Turkish Empire, composed as it is of such ill-joined materials, and menaced by such dangers from without and from within, that its ultimate dissolution is a matter of certainty, and a question only of time. Hence I consider the qualification attached by the Russian plenipotentiaries to their guarantee of the Ottoman Empire to have been, not only reasonable, but called for by the most ordinary prudence; it is, I hope, most improbable, but it is certainly possible, that at some future time the English Government may direct an attack from India on the remote eastern extremity of the Ottoman Empire, and it is quite as possible, that France may invade Tunis from Algeria—Russia most justly objected to being bound in such a case to make war with either of these powerful nations; and I own, it gives me far more confidence in the sincerity of her Plenipotentiaries, to find them thus guarding their assent to what was proposed to them, than if they had agreed, with what would have been a suspicious readiness to all that was suggested.

Still the assent of Russia to what was proposed on the first part of the third point was accepted in the form in which it was offered, though the other Powers recorded their regret that it should have been thus qualified. Unfortunately the attempts to come to an understanding on the second part of this head of the arrangement, relating to what is called the preponderance of Russia in the Black Sea, were not equally successful. I will not trouble your Lordships by following the discussion upon this point through its various stages, it is sufficient to mention that it was brought at last to the following result. England and France, on the one side, would be content with nothing but a limitation of the naval force, which Russia should be allowed to keep up in the Black Sea, while Russia, on the other hand, though she refused to agree to this limitation, was ready to listen to any other proposal which might be made, and in the mean time suggested that the object in view would be gained if, in addition to the articles already agreed to, the treaty of 1841 were altered, by providing that, while the general rule established by that treaty of closing the Straits leading to the Black Sea against the ships of war of all nations, should be adhered to, the Sultan should, in future, be at liberty to admit the ships of any of his allies to these waters, whenever he may consider himself to be menaced, instead of being required as formerly to wait until an actual declaration had taken place—Austria was of opinion that this proposal of Russia offered fair grounds for discussion, and might have led to some settlement of the question.

I believe, my Lords, I have stated correctly the manner in which, as we learn from the papers laid upon our table, the attempt to negotiate a peace has failed. I have now to call your attention to the reasons on which I found my opinion, that the Austrian view of the Russian proposals was correct, and that Her Majesty's Government have grievously erred in giving up the prospect of putting an end to the war, which their adopting that view would have afforded. When, in the language of diplomacy—unfortunately little like the language of common life, and common sense—it was required that the preponderance of Russia in the Black Sea should be put an end to, I presume what was meant was, that some arrangement should be made to prevent the Russian naval force from affording just grounds of apprehension to Turkey. So understood the demand was a fair one, which in any other sense it certainly would not have been. We have therefore to consider whether, on a fair comparison of the two plans for effecting this object, that suggested by the allies was so superior to what was proposed by Russia, and at the same time so free from just objection, that it was right inflexibly to adhere to it, and to treat its rejection as a sufficient ground for shutting the door against any further negotiation.

I have no hesitation in declaring that I think no sufficient answer was brought forward to the arguments urged by Prince Gortchakoff. When Russia consented to bind herself by a solemn engagement, to respect the independence and territorial integrity of the Turkish Empire, and not to use force in any quarrel she might have with the Porte, without first allowing the other Powers an opportunity of endeavouring to arrange the difference, so that the breach of this engagement would have given these Powers a just cause of war against her; and when she would further have agreed that the Straits being closed as a rule, the Sultan would have the power of calling in the fleets of his allies, whenever he might think himself threatened, it seems to me that even without anything more, (and Russia declared her willingness to consider any further precautions that could be suggested) much would thus have been done to prevent the Russian fleet from becoming the source of any real danger to Turkey. The importance of the alteration proposed in the treaty of 1841, when taken in connection with the two articles previously agreed upon, does not seem to me to have been duly appreciated. It is quite true as Prince Gortchakoff remarked, that the transport by sea of an army, capable of striking a sudden and fatal blow at the seat of Turkish power, would be no such easy affair. Considering the facilities that exist for fortifying the narrow passage of the Bosphorus, and defending the points where a landing could be effected to threaten Constantinople, considering the extent and population of the Ottoman Empire, and the great resources it possesses if properly made use of, you must have very little faith in all that has been so confidently asserted as to the improvement going on in the Turkish Government, and you must regard it as in a state of even more hopeless weakness than even I believe it to be, if you suppose that the Turks could not easily provide such means of defence as to make it impossible for Russia to venture an attack upon their capital without being obliged to employ in the enterprise a powerful fleet of transports capable of carrying a land army of not less than from 40,000 to 50,000 men, with an adequate proportion of artillery. But our recent experience sufficiently proves, that even with all the advantages of our large commercial marine, and our magnificent steamers, to collect the means of transport for such an army would be a work of much time and labour, a work which it would be utterly impossible to carry on in secret, and which would afford more than ample time for the allies of Turkey to come to her assistance. If you reflect upon the difficulties and dangers of such an enterprise, you can hardly doubt that it is one which Russia will never attempt, so long as she believes that the other Powers will abide by the treaty by which it is proposed that Turkey should be placed under the general guarantee of Europe. If, indeed, this treaty should fail, if from quarrels with each other, or from any other cause, the great Powers of Europe should decline to interfere in defence of the Ottoman Empire, or if one of them should join with Russia in any iniquitous scheme of spoliation, then, indeed, I grant that Turkey might well view the Russian fleet with alarm. But in that case do your Lordships consider that the limitation you proposed to place upon the amount of the Russian fleet in the Euxine would be of much service in preserving the Turkish Empire from danger? Can you really believe that if it should ever happen that Russia should be seriously bent on attempting the destruction of that Empire, at a moment when the state of Europe may be such as to prevent the Western Powers from coming to the rescue, the proposed limitation of the Russian naval force would have the slightest effect in preventing the subjugation of the Turks?

But there is another consideration not to be lost sight of, in judging of the value of that stipulation on the part of Russia, which you insisted upon, and for the sake of which alone we are now, as it appears, to continue to endure and to inflict upon our enemy all the calamities of war. Having obtained from Russia a promise not to appeal to arms in any future quarrel with the Porte, without a previous reference to the other Powers, having also obtained from her a solemn engagement to respect the independence and territorial integrity of the Turkish Empire, it is obvious that the Russian fleet in the Black Sea can be a source of danger to Turkey, and that a limitation of that fleet can be required, only on the supposition that Russia is so regardless of the obligation of treaties, that it is necessary to take some security against aggression on her part, which does not depend upon the good faith with which she observes her engagements. But if this is the ground upon which Her Majesty's Ministers have thought it right to insist upon obtaining this stipulation, if they have demanded it as a security against the dishonesty of Russia, and her disposition to break her engagements, I wonder that it should not have occurred to them that with this view, what they asked would have been utterly worthless. Suppose that a treaty had been concluded in the very words proposed by the Allies, binding Russia only to keep up in the Black Sea four line of battle ships and four frigates, with a proportionate number of lighter vessels and transports, is it possible to conceive any treaty which a dishonest Power would have less difficulty in evading? Of course, if Russia were to be at liberty to have four line of battle ships in the Euxine, this must be understood as meaning four ships fit to go to sea, those no longer seaworthy, and those building to replace the ships afloat as they were worn out, should not be reckoned. Would it then be difficult for a Power you assume to be dishonest, to have ships nominally dismantled as no longer fit for service, and ostensibly converted into hulks for convicts or stores, but really in a state of perfect efficiency, with all their rigging and equipments in a complete state of preparation and ready to be put on board at a moment's notice? Would it be difficult to have other ships in an equal state of readiness, but unlaunched, professing to be destined to replace the vessels afloat! and might not two or three crews be attached to each ship in commission, to be practised in succession, and to be placed on board the ships ready to receive them, whenever occasion for it should arise? The treaty, therefore, would have been very ineffective even as regards ships of the line. I would ask my noble and gallant Friend opposite (the Earl of Hardwicke), whether it is not true that, since the invention of steam, and the great improvement of naval gunnery, perhaps the most formidable of all descriptions of naval force (especially for the purpose you attribute to Russia of being in constant readiness to make a sudden descent on Constantinople), would consist of fast steam gunboats, each capable of carrying one or two heavy guns, and of embarking for a voyage of a couple of days 200 or 300 soldiers. A numerous flotilla of vessels of this description, which could take sailing transports in tow, and approach close to the shore to land their troops under the protection of their guns, would be by far the most dangerous force to Turkey that the Russians could possibly possess. But if the article drawn up by M. Drouyn de Lhuys, and insisted upon by the allies, had been assented to by Russia, it would not have presented the slightest obstacle to her multiplying vessels of this sort, to the utmost extent that her resources would permit. You cannot, of course, object to any possible extension of the Russian commercial marine; but, under the name of vessels for commercial purposes—as tugs, passage boats, or coasters, nominally the property of private merchants, but really belonging to the Russian Government—any number of steamers of this sort might have been built at Odessa, Taganrog, and the various other ports of the Black Sea and Sea of Azoff, to be brought whenever they were wanted to Sebastopol, and their guns and crews put on board. The facilities for evading such a treaty are obvious, and, from the nature of the Government, would be far greater for Russia than any other Power, since she possesses peculiar facilities for concealing her measures. It is true you proposed to stipulate also for the power of appointing consuls at the Russian ports in the Black Sea, but might not these consuls have been so surrounded by police as to be completely cut off from all means of obtaining information of what was going on in the very ports where they were stationed? Even if you succeeded in obtaining information convincing to your own mind, that Russia was violating the stipulations you had imposed upon her, how could you obtain proof of the fact which would enable you to obtain redress? Treaties, you must remember, can only be enforced by arms; and you can hardly doubt that Russia might violate such a promise as this, and that you might have the clearest moral certainty that she was doing so, without your being able to establish the fact in such a manner, as to enable you to make out a *casus belli* which would satisfy the world. My Lords, it appears to me that the precedent, not very happily quoted by the British Plenipotentiary, of the article of the Treaty of Utrecht, by which France was obliged to destroy the port and fortifications of Dunkirk, is a remarkable example of the inutility of imposing obligations of this kind upon a powerful nation. I am indebted to the historical knowledge of my noble Friend on the cross bench (Earl Stanhope) for the fact of which he has reminded me, that, in spite of the agreement that it should be destroyed, Dunkirk was in a state which allowed an expedition against this country to be fitted out there in the year 1744, and, in the appendix to the last volume of his History, he has published a curious letter, showing that this article of the treaty of Utrecht, and the presence of a British commissary at Dunkirk to watch over its fulfilment, was a constant source of irritation to France. Nor was it fulfilled in spite of the presence of a commissary. When objections were made in this House in the year 1783, to the peace then concluded, for not renewing this article of the peace of Utrecht, Lord Shelburne replied, that if he had been wrong in giving up this article, all preceding ministers had been wrong in neglecting to enforce it. My Lords, had the stipulation asked for by the allies been agreed to, it would have proved, like that relating to Dunkirk, a source of irritation to the State on which it was imposed, and useless to those that insisted upon it.

But while it would have been useless to the allies, it was open to just objection on the part of Russia. In the first place, she said that it was an insult to an independent nation, to be required thus to bind her hands with respect to the measures she might think fit to take in her own dominions. It appears to me that this is a reasonable objection, and I can call your Lordships' attention to high authority in favour of this opinion. In the year 1813, when the Emperor Napoleon was driven almost to extremity, (after his disastrous retreat from Moscow and loss of the battle of Leipsic, nearly the whole of Europe being united against him in arms,) and was treating for peace, the negotiation was conducted on the part of this country by my noble Friend (Lord Aberdeen), whose absence, as well as the indisposition by which it is occasioned, I greatly regret. At this time, though the difficulties of the French Emperor were so great, it was still proposed that he should retain what were called the natural limits of his empire. This raised the question, whether Antwerp should be included in his dominions; and upon this question, there is a remarkable letter to my noble Friend in the correspondence of Lord Castlereagh which has been lately published. In this letter, which is dated November 13, 1813, Lord Castlereagh, speaking of Antwerp, says, that—

> "To leave it in the hands of France is little short of imposing upon Great Britain the charge of a perpetual war establishment."

And returning to the subject in a postcript to the same letter, he adds—

> "The line of the Waal would reduce Holland to nothing, strip it of all its best defences, and leave Antwerp in the enemy's hands. You must, my dear Aberdeen, use all your influence with Metternich, to deliver us from this annoyance. We do not wish to impose any dishonourable condition upon France, which, limiting the number of her ships would be, but she must not be left in possession of this point."

Earl Grey

Thus, your Lordships will perceive that Lord Castlereagh (no mean judge) was of opinion, that to ask a Sovereign State to limit by treaty the amount of naval force she should be at liberty to keep up, would be to require from her what was so dishonourable, that it it was easier to demand from France the surrender of Antwerp, after all the vast sums that had been expended on its dockyards and arsenal, than to call upon her to limit the number of her ships of war. I think that the fact of such an opinion having been expressed by so high an authority as Lord Castlereagh, forty years before the present question arose, is a clear proof that it is not unnatural for Russia to regard the stipulation required from her, as one to which it would be a degradation to submit; and the more so, because it is obvious, as I have already shown, that there can be no reason whatever for demanding it, except your belief, that Russia's good faith is not to be relied upon, and that she will not observe the solemn engagements she has agreed to make. Therefore, in asking Russia to consent to a treaty containing this provision, you asked her to direct her Ambassador to sign an acknowledgment of her own want of faith.

Russia also said, and I think, with truth, that her naval force may, at some future period, be required for defence, and even for the defence of Turkey against one of her present allies. When this is treated as an idle pretence, I cannot forget that the differences which led to this unhappy war began with threats of the employment of a French fleet to coerce Turkey into making concessions which could not justly be required of her; and that to encourage Turkey to resist these threats was the first object of the warlike preparations of Russia. Nor ought it to be forgotten, that while the demand made upon Russia professed to follow the precedent of the treaty between this country and the United States, respecting the maintenance of a naval force on the great American lakes, and to impose a similar limitation of force on Turkey to that to which Russia was called upon to agree, the proposed arrangement was in reality altogether unlike the precedent quoted for it, and would have been very unequal in its operation on the two empires. The arrangement between this country and the United States, for limiting the amount of naval force which either nation should be at liberty to maintain on the great American lakes, was not imposed by one of these nations on the other as a condition of peace. It did not even form part of the treaty of peace, but was adopted for mutual convenience, by a separate treaty in April, 1817, more than two years after peace had been concluded. It contained also a provision, that either party should at any time be at liberty to put an end to the agreement on giving six months notice to the other, and, above all, it bore equally on both parties, since it was impossible for this country to bring up ships of war through the St. Lawrence into the lakes, and it could only increase its naval force there by building them on the spot. In all these respects, the arrangement you sought to impose upon Russia was as unlike as possible to the precedent quoted for it, and especially so as regards the inequality of its operation. Turkey, it is true, was to be nominally bound to keep her naval force in the Black Sea within the same limits as Russia, but I cannot find that any restriction whatever was to be placed on her force in the Archipelago, or even in the Sea of Marmora, so that she might have as many ships as she pleased in a place from whence they might at any time be brought in a few hours into the Black Sea, which, with the assent of Turkey, would have been equally accessible to the fleets of the allies. There was, therefore, no real reciprocity in the proposal, but a demand was made upon Russia, without any corresponding concession being offered to her.

There would be no difficulty in pointing out other objections to the stipulations required from Russia; but I abstain from taking up your Lordships' time by doing so, it is sufficient to have shown that she had grounds which were by no means unreasonable for her refusal, while there would have been no real advantage to the allies in obtaining what they asked. This I would submit to your Lordships that I have established, and if so, it surely follows that Her Majesty's Ministers have grievously erred, in throwing away the prospect of putting an end to the calamities of war, for the sake of a demand of such a character; they are, I think, the more to blame for having obstinately insisted upon it, and for having thereby, as it appears, closed the door for the present, to any further negotiations, because, unless the public are greatly misinformed, still larger concessions might have been obtained from Russia than those which are described as having been offered by her in the papers laid before us. Though these papers contain no account of any proceedings subsequent to the conferences of the 20th of April, it has been stated by Her Majesty's Ministers, that some further proposals have been made (verbally at least, if not formally and in writing) by Austria, to which there is reason to believe that the assent of Russia would not have been refused, if that of the allies had been given. Now, my Lords, with regard to this plan of accommodation, whatever it may have been, some remarkable facts have been made known, by two articles which have appeared in the *Independence Belge*. From these articles we learn that this plan of accommodation was considered so reasonable by M. Drouyn de Lhuys, that rather than be a party to rejecting it he resigned the high office of Minister for Foreign Affairs, which he held under the Emperor of the French. When I remember that M. Drouyn de Lhuys was not satisfied with what the Russian Plenipotentiaries offered in the conferences, and how little real difference there was in the terms proposed by the two parties even then, it appears to me quite impossible that a new offer going further than Russia had previously done in concession—which so distinguished a statesman as M. Drouyn de Lhuys thought ought to have been accepted—I cannot, I say, believe that an offer of this sort ought to have been peremptorily refused at the cost of continuing all the horrors of war. But there is something still more important; in the newspaper I have already mentioned, the *Independence Belge*, there is a letter from Paris in which the writer, after stating that the Emperor of the French had differed from M. Drouyn de Lhuys as to the proposal in question, proceeds to say—

> "I have not yet received any information to make me sufficiently acquainted with the conditions and terms of the Austrian proposition; but it is certain the English Government decided on rejecting it. The Emperor therefore had the same motives for refusing it—that is to say that it did not offer such a peace as would give sufficient guarantees to the Powers which had made so many sacrifices to defend and secure European right. His Majesty had, moreover, a desire to maintain in all its integrity and force the alliance with England, and the feeling of that Government on the question being already known had beyond any doubt a certain weight with him."

My Lords, this is a remarkable statement, but it derives its chief importance from the fact, that the letter containing it, was copied without comment or contradiction into the *Moniteur*. The insertion of such an article without contradiction in the *Moniteur*, though only in the non-official part of it—is to me a proof, only less conclusive than an official declaration to the same effect, that the Emperor of the French would not unwillingly have consented to the proposal, whatever it may have been, had the views of the British Government been equally pacific, so that the real responsibility for the continuance of the war rests upon Her Majesty's Ministers.

My Lords, I have endeavoured to show you that the point they insisted upon was one of too little real value to the allies, and that the difference between their demands and the concessions offered by Russia was much too slight to justify the course taken by the Government in breaking off the negotiations; but I am aware that it may be the opinion of some of your Lordships, that even if I should have succeeded in establishing this conclusion, it would not follow that I had made out the principal part of the proposition I intended to submit to you. There are, I fear, some who think that it is true, indeed, that the proposed limitation of the Russian fleet in the Black Sea would have been worth little or nothing, but that it is not thence to be inferred that peace might have been made, because Her Majesty's Government had already gone much too far in offering such terms as they did, to the acceptance of Russia. These terms have been condemned in unmeasured language, as humiliating and disgraceful to the country, and it has been loudly asserted, that we ought not to lay down our arms without having obtained complete security for the future, and without having effectually guarded against the resumption of Russian schemes of aggression against Turkey. This language has been held by many persons out of doors, but I should hope it will not be adopted by any of your Lordships, though I confess I have been a little alarmed by some things I have heard even within these walls. My Lords, it seems to me that those who entertain such views ought to descend from the region of vague generalities, and explain what they really mean. What is it we are to contend for, and what is the security we are to obtain from Russia, before we consent to relieve the world from all the evils of war? I have in vain endeavoured to obtain any clear answer to these questions. The only approach I can find to an explanation of what is meant by the language I have adverted to, is the declaration, that since it is unsafe to rely upon England and France being always able to act as cordially together as they do now in defence of Turkey, some means ought to be found for guarding her against the danger to which she would be exposed if deprived of such powerful protection. But if this is the security that is desired, I would ask how it is to be obtained by continuing the war? You have already rescued Turkey from all external dangers; those by which she is now threatened, and which no doubt will prove fatal to her before very many years pass away, arise only from her false religion, the barbarism of her people, and the inveterate corruption of her government. To prolong the war, far from diminishing these her real dangers, will only tend to aggravate them; already it has greatly hastened that rapid decline with which she is afflicted, and consumed no small part of her remaining resources.

Are we then, because Turkey is hopelessly weak, to continue the war until we have reduced Russia to a similar state of weakness? Are we to make the breaking up of the Russian empire the object of our efforts, and are we to endeavour to accomplish it, by undertaking the cause of what are called, in the jargon of the day, "the oppressed nationalities?" If this is to be the future object of the war, with what allies is it to be carried on? From Austria, the mistress of Italy (I might, I believe, add Hungary and more than one of her other provinces) over which her dominion certainly does not rest upon the affections of her subjects, you certainly cannot look for assistance—nay, you can hardly, in such a contest, expect even neutrality, either from her, or from Prussia, and I know not where in Europe you are to expect to find allies, except in the revolutionists of 1848. Will you, with that party for allies, enter upon a war in favour of the "oppressed nationalities," and at the same time on behalf of Turkey? Turkey, the ruthless oppressor of a large Christian population; Turkey, under whose barbarous and ignorant despotism, commerce and industry languish, and poverty and wretchedness cover the most fruitful region of the East. Turkey, under whose grinding tyranny millions of our fellow-Christians are groaning and writhing, with such impatience that even the sight of the overwhelming power of England and of France arrayed in support of their oppressors, has not been able to restrain them since this war began, from frantic and convulsive efforts to throw off the yoke, and can at this moment scarcely prevent the renewal of their struggle for freedom? Can any man seriously wish that in a war undertaken in defence of Turkey, you should appeal to the "oppressed nationalities," and take the revolutionists of Europe for your allies? My Lords, I entertain the most perfect confidence that there is no one of your Lordships who would be prepared to enter into a war, so insane in its character, and of which the consequences must be so frightful. Such a war, once begun, would kindle a flame, that would in all probability extend from end to end of Europe, and like the war of the French revolution, might again, for a quarter of a century, cover the continent with blood and ashes.

But I am aware, my Lords, that there are some persons, and I greatly fear some of your Lordships, who, though they would shrink from such a war as I have attempted to describe, yet contend that we ought not to lay down our arms till we have effected a great reduction of the power of Russia. But how is this to be accomplished? I do not know of any other mode by which you can reduce the power of a great empire, except by imposing upon her a considerable sacrifice of territory. But if this is to be our object, the character of the war will be entirely altered; we were assured at its commencement that it was strictly defensive; it will become one of simple aggression, the moment you determine that it is to be continued, until you can wrest from Russia such a portion of her present dominions, as seriously to diminish her power. I say, it will become a war of simple aggression, for though you may attempt to throw over it the thin disguise of being intended to protect you from future danger, this will not alter its real nature. To justify war, the dangers which it is meant to avert must be immediate and apparent, not reremote and doubtful; but it is idle to talk of our being threatened by any immediate and apparent danger, unless we can reduce the power of Russia; and to represent a war for the diminution of her territories as a defensive war, would be merely to use one of those flimsy pretences, for which ambition and the love of war are never at a loss to cover the iniquitous acts they suggest.

Remember also, that if the war is to be carried on with this object, its termination must be almost indefinitely remote, neither the Government nor the people of Russia would submit till the last extremity, to a peace imposing such conditions, as we are told by some persons that we ought to insist upon. Even if we should ultimately succeed in compelling her to accept a peace of that sort, we may find ourselves greatly mistaken, as to the advantage that will result from it. You could hardly expect it to be durable, since Russia would be little likely to submit to conditions she felt to be unjust and degrading to her, any longer than till she found a fitting opportunity of getting rid of them. It is also not a little doubtful whether the balance of power would be improved by reducing Russia to a state of weakness, and whether it would be for the real interest of either France or England, that she should cease to be one of the great Powers of the world. My Lords, if we are to continue the war, when we have actually gained all the points in dispute when it broke out, and when we have, within our reach, those farther objects which, in August and December last, we agreed with France and Austria that we ought to obtain—we are bound, at least, to come to a clear understanding as to the ends to which our efforts are now to be directed. But, instead of endeavouring to arrive at such an understanding—instead of laying before us a calm and reasoned explanation of the objects for which we are now to contend, and of the grounds upon which our seeking to obtain these objects by arms is justified, the partisans of the war content themselves with vague declamations, addressed to the passions of the people, and inflammatory appeals to their feelings.

I fear, my Lords, that these appeals have been too successful in rousing in the country an eager desire to persevere in the war, not from a sober conviction that it is necessary for the true interests of the nation, and that it may still be carried on without transgressing the limits of justice, but from a spirit of passionate and unreasoning animosity against Russia. The unmeasured imputations, and the virulent attacks on the conduct and character of the Russian Government and people, and on the late Emperor, which have been poured forth by the press day after day, and week after week, have roused this spirit among our countrymen, and I have observed with deep concern that it has been encouraged by what I am compelled to call the unjustifiable language which has been used by Members of Her Majesty's

Government, and especially by two noble Lords in the other House of Parliament, one of whom is now at the head of the Administration. Lord Palmerston declared that—

> "The Russian Government, by its various agents and by itself, exhausted every modification of untruth, beginning with concealment and equivocation, and ending with assertions of positive falsehood."—[3 *Hansard*, cxxx. 1033.]

Lord John Russell, in speaking of the Government, said—

> "That to its unprincipled and unjust aggression it added what he could not designate as otherwise than fraudulent in the manner in which it pursued its policy.—[3 *Hansard*, cxxx. 177.]

["Hear, hear!" *from the Treasury bench.*] I regret to perceive that the language I have quoted of the noble Lord at the head of the Government, and of the Secretary of State for the Colonies, is endorsed by Members of Her Majesty's Government in this House also. Believing, as I do, that these statements as to the conduct of Russia are coloured and exaggerated, and that they have mainly contributed to raise that feeling in the minds of the people which is at this moment, I am convinced, the principal obstacle to the conclusion of peace, I think it my duty to endeavour to prove to your Lordships that the language I have referred to is not justified by the facts of the case.

I apprehend, my Lords, that when "unprincipled and unjust aggression" is attributed to Russia, this is meant to apply to her demand that Turkey should enter into an engagement to respect the religious rights of those of its subjects who belong to the Greek Church, and should recognise the right of the Emperor of Russia, under the treaty of Kainardji, to watch over the manner in which this engagement was performed. It has been represented that in making this demand Russia endeavoured to usurp an authority over some millions of the subjects of the Sultan, which would virtually supersede his legitimate authority, and be fatal to the independence of the Ottoman Empire. The charge of fraud which is urged against Russia is founded on her supposed concealment of the extent of this claim, till a late period of the negotiations which preceded her rupture with Turkey. Such are the charges against Russia, which I trust my noble Friend, the Secretary of State for Foreign Affairs, will acknowledge that I have stated correctly; it seems to me that nothing is required to prove their injustice except a reference to a few acknowledged facts in the history of the quarrel. In making this reference I will endeavour to save your Lordships' time by touching only on the most important points, and by abstaining as much as possible from quotations from the voluminous papers on the table; but I hold in my hand extracts from those papers by which I shall be prepared to support, if necessary, every statement I shall make.

Your Lordships are aware that the disputes of the Greek and Roman Catholic Churches, with respect to what are called the Holy Places at Jerusalem, furnished the original cause of the quarrel between the Governments of Turkey and of Russia, which, at last, ended in the war in which we are involved. It is fortunately unnecessary that I should trouble your Lordships with any account of the miserable and paltry subjects of these disputes, which have led to such calamitous results; nothing can be more lamentable than to think that these wretched questions about a silver star, and the key of a church door should have been allowed to become the means of arraying Christian nations against each other for mutual slaughter. But it is most important to remember, that the opinion of Her Majesty's Government has been distinctly recorded, that in these disputes, wretched as they were, Russia and the Greek Church were clearly in the right, since the Sultan, through fear of France, and under the coercion of the French Ambassador, had infringed upon the just claims of the Greek Church, and in doing so, had violated his engagements to the Emperor of Russia, in a manner to which the latter could not be expected to submit, since he could not, as was acknowledged by my noble Friend, the Secretary of State—

> "Without a loss of moral influence throughout his own dominions, yield any of the privileges of the Greek Church to that of the Roman Catholics, of which the Emperor of the French claimed to be the protector."—[*Eastern Papers*, Part V, p. 23.]

It is also acknowledged by Her Majesty's Government, in all the earlier part of the correspondence, that, for a long time, the Emperor of Russia acted with great moderation and forbearance in the dispute thus forced upon him. But having failed to obtain the redress to which he considered himself entitled, he, at length, in the beginning of March, 1853, sent Prince Menchikoff as extraordinary Ambassador to Constantinople to demand it, in a manner which would make it unlikely that it should be refused. This embassy was supported by the assembling of troops on the Turkish frontier, which was announced to the British Government, with a distinct declaration that this display of force was intended to encourage the Turks not to allow themselves to be overawed by France on the question of the Holy Places, and to show them that the Emperor was determined to enforce a compliance with his just demands. We find this fact recorded in Sir Hamilton Seymour's despatches of the 8th and 13th of January, 1853, and in one from Count Nesselrode to Baron Brunow communicated to Lord John Russell on the 24th of the same month.

> Sir Hamilton Seymour to Lord John Russell.
> *Extract.*
>
> "St. Petersburgh, January 8, 1853.
>
> "As regards the present crisis, his Excellency expressed the hope and the belief that it would be brought to a conclusion by negotiation, but observed that it was necessary that the diplomacy of Russia should be supported (appuyé) by a demonstration of force. It would be required that the Porte should strictly fulfil its engagements towards the Greek Church and the Emperor; it would further be exacted that a corresponding compensation should be made to the Greek for any new concession made (I believe his Excellency said at the expense of the Emperor's co-religionists) to the Latin Church."—*Eastern Papers*, Part i. p. 57.

> Sir G. Hamilton Seymour to Lord John Russell.
> *Extract.*
>
> "St. Petersburgh, January 13, 1853.
>
> "Nevertheless that His Imperial Majesty's rights, secured to him and to the Greek Church, could not be withheld with impunity; but that he was prepared to seek satisfaction through diplomatic means."—P. 59.

> Count Nesselrode to Baron Brunow.
> *Translated Extract.*
>
> "St. Petersburgh, January 14, 1853.
>
> "The match is too unequal between us and the French Government, if, while the latter moves its squadrons about without opposition in all parts of the Mediterranean, and presents its least demand at the cannon's mouth, we allow the notion of our inability to defend them, and likewise to protect our own interests, indefinitely to take root in the minds of the Turks. The Emperor has, therefore, considered it necessary to adopt in the outset some precautionary measures, in order to support our negotiations, to neutralise the effect of M. Lavalette's threats, and to guard himself in any contingency which may arise against the attempts of a Government accustomed to act by surprises."—P. 63.

Later, on the 20th of April, 1853, we find it stated, that the Emperor himself informed Sir Hamilton Seymour that "he had no intention of being trifled with, and that if the Turks did not yield to reason, they would have to give way to the approach of danger."

> Sir Hamilton Seymour to the Earl of Clarendon.
> *Extract.*
>
> "St. Petersburgh, April 20, 1853.
>
> "His Majesty, after observing that according to the accounts just received (those of the 29th ultimo) little or no progress had been made towards an adjustment of difficulties at Constantinople, said, that as yet he had not moved a ship or a battalion; that he had not done so from motives of consideration for the Sultan, and from economical motives; but that he would repeat that he had no intention of being trifled with, and that if the Turks did not yield to reason, they would have to give way to an approach of danger."—*Eastern Papers*, Part v. p. 24.

In this conversation the Emperor referred to general ill-treatment of Christians in all parts of Turkey, as requiring his interference, and this is also very distinctly implied in a memorandum of Count Nesselrode's enclosed in it.

From the first, it was announced [see the despatches already quoted of Sir H. Seymour, of January 8th and 13th, 1853, and of Count Nesselrode of January, 24th] that Prince Menchikoff's mission had two objects in view—first, to require the Sultan strictly to fulfil his engagements to the Greek Church and to the Emperor; and, secondly, to obtain preparation for the offence of which the Porte had been guilty, together with security for the future.

The immediate question of the Holy Places was amicably arranged, as the French Government, in a spirit of moderation and fairness for which it is entitled to great praise, retreated from the ground unadvisedly taken by its diplomatic agents in the first instance, and consented to an equitable adjustment of the claims of the two churches. But, unhappily, this did not avert the mischief which arose from the original error. The Emperor of Russia's claim for reparation for the flagrant offence he had received, in a form to give security for the future against the repetition of any similar offence, still remained to be settled. In order to meet this object, Prince Menchikoff, in the first instance, proposed that the Porte should enter into a treaty with the Emperor, but, finding that this was resisted, after modifying his original demand more than once in order to obviate the objections that were raised, he at length, on the 20th of May, 1853, required, as the least concession he would accept, that the Turkish Minister should sign a note, of which a draft was transmitted to him, and by which he would have promised to the Greek Church and clergy, in the name of the Sultan, protection and the full enjoyment of all the rights and privileges to which they were entitled *ab antiquo*, together with an equal participation in the privileges granted to other Christians. The note further contained a promise that no change should be made in the arrangements relating to the Holy Places.

The Porte, acting under the advice and influence of Lord Stratford de Redcliffe, refused to sign this note. I say, my Lords, acting under the advice and influence of Lord Stratford, for this is a point of great importance, to which I shall have occasion hereafter to return. Upon the refusal of the Porte to comply with his final demand, Prince Menchikoff quitted Constantinople, which led, by a short and easy succession of events, to the occupation of the Principalities and ultimately to the war. My Lords, I am the last man to defend the occupation of the Principalities by Russia. I consider it to have been an act of unjustifiable aggression, by which she put herself in the wrong, having been up to that time, if not entirely in the right in the dispute which had arisen, yet, at all events, very much more so than her adversary.

It is the conduct of Russia, up to the time of Prince Menchikoff's withdrawing from Constantinople, which has been so greatly misrepresented; it is painted in colours as inaccurate as they are odious, when Prince Menchikoff's demand is represented as one put forward without any reasonable grounds, and supported only by an overbearing display of force and by fraud. My Lords, it could only have been regarded in this light from losing sight of some of the most important facts in these transactions. In the first place, it is most material to bear in mind, that the question of the Holy Places derived its whole importance from its connection with that rivalry between the Greek and Roman Catholic churches which has existed for a long series of years. No man can suppose that the French Emperor or the Emperor of Russia, would either of them have taken the slightest interest in the questions of the star, and the key, and the right of performing service at certain altars, except from their exciting so strongly the feelings of the members of these churches both in Turkey and elsewhere, in consequence of their ancient and bitter rivalry. France, and the other Catholic powers, supported the claims of the Roman Catholics, because their own subjects took an interest on this ground in the questions in dispute, and in like manner my noble Friend has acknowledged, in his despatch to which I have already referred, that the Emperor of Russia would have lost moral influence in his own dominions, had he failed to support the Greek Church. From the very first we find it stated, by the Emperor of Russia, that his motive for interfering was to protect the Greek Christians from the encroachments of the Roman Catholics. In Count Nesselrode's despatch of January 14th, [*Eastern Papers*, Part I. p. 63] he gives as the reason of the indignation of the Greek population at the making over the key of the church at Bethlehem, to the Latins, that this demonstrated their religious supremacy in the East; the very first note presented by Prince Menchikoff to the Porte, [*Eastern Papers*, Part I. p. 149] also stated in the clearest manner that the object of the Emperor was to protect the members of his own Church from the aggression which the Roman Catholics were constantly making, with the support of the European powers of their own communion. The same thing is mentioned in Lord Stratford's [p. 150] despatch of the 16th of April, 1853, as having been again repeated to him by the Russian Ambassador. An equally distinct explanation of the Emperor's intentions was conveyed by his letter [p. 191] sent to the Sultan by Prince Menchikoff which was communicated to the British Government.

As it thus clearly appears that the Emperor of Russia claimed the right of protecting the Greek Church, for the purpose of guarding its members from injustice committed by the Latins, under the protection of the Catholic Powers, and especially of France, it becomes necessary in order to judge how far he meant to push this claim, and what reason he had for doing so, to ascertain what was the extent of protection which France claimed in behalf of the Roman Catholics in Turkey and in what manner this claim affected the Greeks. Now, my Lords, although since these differences have led to such serious results, France has partially withdrawn her former claims, there can be no doubt that up to a very recent period, France insisted upon being recognised as the official protector of the Sultan's Roman Catholic subjects, and what is more, her right to do so, has been admitted by other Powers in a formal diplomatic document. Your Lordships will find in the Russian memorandum transmitted to Sir H. Seymour, in his despatch of the 17th of June, 1853, a quotation from the protocol of a conference on the affairs of Greece, held on the 3rd of February, 1830, in which it is recorded that the French Plenipotentiary represented to the conference that—

> "France has for many years been entitled to exercise in favour of the Catholics subject to the Sultan an especial protection."

He is then represented as having proceeded to say, that France will give up this claim, so far as relates to those of the Sultan's former subjects, who were now to become subjects of the new Christian State, in consideration of certain guarantees which Greece should be required to give, and the protocol upon this records, that—

> "The Plenipotentiaries of Great Britain and Russia appreciated the justice of this demand, and it was decided that the Catholic religion shall enjoy in the new State the free and public exercise of its worship." [P. 296.]

The claim thus formally asserted and recognized has been moreover continually exercised, and exercised, it is most material to remark, to the prejudice of the Greek Church. This has happened repeatedly, but I will quote only a single example, which I select both because it rests on very high authority, and because it illustrates in a striking manner, how it is, that the necessity for Russian interference has arisen out of that of France. My Lords, I hold in my hand a pamphlet which I wish that all your Lordships had read, from its great importance upon this subject. Its title is *The war, its Origin and its Consequences.* It is written by the Right Rev. Dr. Southgate, a bishop of the Protestant Episcopal Church in the United States, who for fourteen years resided in the Turkish dominions as a missionary. In this pamphlet I find Dr. Southgate states that in the year 1841, he was the guest for a few weeks of the Syrian Patriarch in his monastery on the confines of Mesopotamia. The Patriarch informed Dr. Southgate that a large amount of valuable church property had been seized by certain seceders from his own church, who had joined the Romish communion. The property was an endowment of the Syrian Church, and the titles by which it was held were as clear and strong as any titles to property can be imagined to be. Dr. Southgate undertook upon his return to Constantinople to assist the Syrian bishop, who represented the Patriarch, in urging the claims of the Syrian Church before the Porte, and what occurred is thus related by Dr. Southgate:—

> "The documents laid before it (the Porte) were too clear to admit a reasonable doubt, but still it hesitated to accord justice. We were convinced that some hostile influence was in operation. Upon inquiry, it was found that the French Ambassador was opposed to a settlement, and was using his influence at the Porte to prevent it. I advised the Bishop to protest against this interference of a foreign power in a question which concerned only two parties of the Sultan's subjects. He did so, and the reply was, that France was the acknowledged protector of the Eastern Christians, who owned spiritual allegiance to the Pope, or as the French Ambassador was pleased to express it, 'The Hereditary Protector of the Oriental Catholics.' In this character he had interfered in behalf of the Papal seceders from the Syrian Church. In this character, he was acknowledged by the Porte, through the whole of a controversy which lasted nearly two years: and in this character he finally succeeded, against the plainest dictates of justice and equity, in intimidating the Porte, so far as to prevent it from restoring the property."

It was then the encroachments of the Roman Catholics, which led to the claim put forward by Russia to protect the Greek Christians, and among all the extraordinary circumstances of this lamentable war, there is none to my mind more astonishing than that this country, which, only four years ago, was driven almost to frenzy by a very trumpery "Papal aggression," should be now carrying on a bloody war against a nation whose quarrel with Turkey arose from her resistance to a Papal aggression far more serious in its character than that of which we ourselves complained, so that it would hardly be an exaggeration to say that at this moment we are fighting in the cause of his holiness the Pope.

Under these circumstances, my Lords, I own I cannot see anything unreasonable in the conduct of Russia, when she asked —not to be placed on an equality with France—not to be recognised as the official protector of the Greek Christians, but simply that the Sultan should promise the Emperor of Russia to treat this class of his subjects with justice, and to respect their rights, so that if this promise were violated, the Emperor would be entitled to remonstrate. It appears to me, that it is contrary to every notion of what is just and reasonable to contend, that while France shall be at liberty to claim a right of protecting the Sultan's subjects of her own religion, and to exercise this right in a manner to work great injustice to the Greek Christians, the Russian Emperor shall not be permitted to claim, in a less objectionable form, and in a minor degree, a similar right in favour of the latter, who are of the same communion with himself, and with the bulk of his own subjects, who take a deep interest in their welfare. The only difference which has been alleged to exist between the two cases is, that France only interferes in behalf of thousands, while Russia would do so in favour of millions. Surely this is a circumstance that can make no difference in the principle, on which the right of protection is claimed, or in the justice of the demand.

The great argument that is relied upon in opposition to the Russian demand, is that the exercise by a foreign power of such a right of interfering between the Sultan and his subjects would be inconsistent with the due maintenance of his authority in his own dominions, and dangerous to his independence. I have no wish to deny that there is considerable force in this argument ; I readily admit that no European Government would, for a moment, submit to such an interference between itself and its subjects, as that which Russia wished to exercise in Turkey. But while I make this admission, allow me, at the same time, to remind you, that the Government of Turkey is so detestable, especially to its Christian subjects, that without the interference of the Christian nations to check its tyranny, it would become too great a nuisance to be endured by the civilised world. For this reason, the various European powers—and not the Europeans only, but even so distant a nation as the United States of America—have been compelled, from time to time, to interfere in Turkey, in matters which in any civilised country would be considered questions of purely internal administration, in which no foreign nation would be permitted to meddle.

By no country has this interference with the internal administration of Turkey, been carried to the same extent has by England, and I must entreat you to consider what has been your own conduct, before you raise this cry of unprincipled and unprovoked aggression against Russia, because she claimed a right to interfere in favour of the Sultan's subjects of her own religion. My Lords, the British Government has interfered in the internal administration of Turkey, not merely in behalf of those of the Sultan's subjects for whom we might be supposed to have a feeling of sympathy on the score of community of religion, but in matters affecting both Mahomedans and Christians. Your interference has been the chief means (I am not sure France did not assist you) of extorting from the Sultan the promulgation of the famous Tanzimat—a law, which I may observe in passing, I believe to have been most injudiciously forced upon the Turkish Government, as being utterly unsuitable to the state of society prevailing in that empire, so that it has naturally become a dead letter, except in those places where the Turkish authorities are under the immediate eye of some European diplomatist or consul. But this is by no means all ; you have actually compelled the Sultan to promulgate laws in direct opposition to the laws of the religion of which he is the chief, and on which his power mainly rests. He has been compelled to enact that Christian evidence shall be received on a footing of equality with that of Moslems ; but I believe where there is a considerable Mahomedan population, he has been utterly unable to enforce this law, and I am told that recently at Damascus the attempt to carry it into execution has entirely failed, the Cadi having declared, after great discontent and excitement had been shown by the population, that although he had the Sultan's firman before him, directing him to receive the evidence of Christians and of true believers on the same terms, he had the Koran before him also, which was of still higher authority, and from this he learnt, that in criminal cases the evidence of a Christian could not be received against a Mahomedan at all, and that in civil cases two Christian witnesses were only to be regarded as of equal authority with a single Moslem. The Sultan has also been compelled to repeal the law (which is also a law of his religion) that a Mahomedan convert to Christianity is to be punished with death, though in spite of this repeal, I believe the life of a man brought up as a Mahomedan, who avowed his conversion, when out of the reach of European protection, would be a very short one.

But, my Lords, what is most remarkable of all, is the mode which has been adopted of endeavouring to enforce obedience to those firmans for the alteration of the ancient laws of the Ottoman Empire, which have been extorted from the Turkish Government, by what is called (I suppose in irony) the "moral influence" of the European Powers. My Lords, I hold in my hand a circular, addressed by the British Ambassador, on the 20th of

November last, to Her Majesty's Consuls in Turkey, which has lately been laid upon your table, in answer to an Address moved by myself. I hope your Lordships have read this most remarkable document. It contains instructions to the British Consuls, more utterly inconsistent with the maintenance of the independent authority of the Sultan over his own subjects, than I could have believed it possible could have been issued by any Ambassador. After describing the various laws of what is called internal reform, which have within the last few months "emanated from the Turkish Government," the Ambassador informs the Consuls that—

> "As Her Majesty's Government have taken a deep interest in the adoption of these measures, they cannot but feel an earnest desire to have them carried seriously and permanently into effect."

The Ambassador then tells the Consuls that to this end their "watchful attention," and "the exercise of their unbiassed influence may be essentially conducive;" and in order that they may fully understand the extent of the interference expected from them, he proceeds to explain that—

> "The Turkish provincial authorities, on whom, in the first instance, devolves the faithful enforcement of the measures in question, have some traditional prejudices to overcome"—

Such, for instance, I suppose, as a respect for the authority of the Koran—

> "And many adverse interests to withstand in the execution of their duty. At a distance from the seat of Government, they naturally stand in need of support, admonition, and encouragement; nor in the present most intimate and cordial state of our relations with Turkey, can aids of this kind descend to them from a better source than from you and your colleagues elsewhere, animated, as no doubt you are, by the spirit of that alliance, which holds the two countries together in close co-operative union. I ought, however, to remind you that the most friendly interference in those matters which immediately concern the internal affairs of the empire"—

So your Lordships perceive that there is no disguise as to the Consuls being directed to interfere in the whole internal administration of the Turkish provinces—

> "Requires to be conducted with prudence, and a just respect for rights of sovereign or of local jurisdiction. Your vigilance may be exercised, your advice may be given, the language of remonstrance even may be used, without transgressing the limits of propriety, and in case of failure your representations to the Government at home, and also to the Embassy here, will afford that prospect of redress which, though more distant, may not on that account be of less certain effect."

Now, my Lords, I would ask you to consider what will be the situation of the Turkish Pachas if these instructions to the Consuls are carried into effect, and what real authority or moral influence will be left to them? Every Turkish subject who has a grievance against the local authorities, every man who may be punished for his crimes, however deservedly, but who can make out some plausible tale to prove himself to be the victim of oppression, will appeal to the British Consuls, and these functionaries—not invariably men of the best judgment, and thoroughly conversant with the laws, the character, and the language of the people over whom they are to exercise so much authority—will then proceed to review all the acts of the Sultan's officers in the administration of the provinces committed to their charge, and woe to the Pacha who fails to receive with becoming deference the decisions of the Consul. He will soon find that despatches, describing him as unfit for his office, to the all-powerful Ambassador have led to his recal. Under such a system the respect and obedience of the people will not long be yielded to the servant of their own sovereign, but it will be discovered that real power—unaccompanied by proper responsibility—belongs to the foreign Consul and to the Ambassador under whose authority he acts.

My Lords, I am persuaded that it is so impossible that any country should be well governed in this manner, and by such conflicting authorities, that I say deliberately, if you came to the conclusion that the oppression and corruption of the Turkish Government, if unchecked by European interference, would be so intolerable that you could not let the evil take its course, but were obliged to endeavour to arrest it, even by such means as I have described, then it would have been much better that you should have gone a little further, and should have avowedly deposed that Government you could no longer trust with the internal administration of its own dominions, and should have shared these dominions among the Christian Powers, or made such other provision as might have been found most advisable for their future government.

I say this would have been a better and a more honest course than that which you have taken; but, at all events, you must admit that your own measures involve a complete recognition of what I believe to be the indisputable fact, of the intolerable character of the internal administration of the Turkish provinces, and the oppression of the Christian subjects of the Porte, where they are left without the protection of some foreign power. And, in the face of this recognition, with what decency can you complain of Russia as guilty of a gross abuse of power towards a weaker neighbour, because she insists upon being allowed to exercise in favour of a class of the Sultan's subjects, in whom she takes a legitimate interest, an interference infinitely less violent, infinitely less inconsistent with the independent authority of the Porte, than that which you have yourselves assumed.

My Lords, I maintain, on these grounds, that the conduct of Russia, in making her original demand upon Turkey, does not deserve to be described as "an unprincipled and unjust aggression," still less can it be said that in doing so she was guilty of fraud. It is alleged that in announcing the mission of Prince Menchikoff, the Russian Government repeatedly assured the British Minister at St. Petersburg that it related only to the Holy Places, and that the intention of claiming a general right to protect the Sultan's subjects of the Greek Church was concealed. My Lords, I have already endeavoured to show you, that the question of the Holy Places itself was only considered of importance by Russia, as forming part of a more general question respecting the rights of the Greek Church, and the encroachments of the Roman Catholics; and that from the very first, the Russian Government used language which clearly showed, that in dealing with the minor question that of which it was a part was not to be lost sight of. I will not trouble you by again referring to despatches I have already quoted, but if your Lordships will examine them, you will perceive that the language of the Russian Government was such as I describe, and that not one word was ever used by it which can fairly be understood as limiting to Jerusalem the interference in behalf of the Greek Christians which it announced. But more than this; so far is it from being true that Russia concealed, in the first instance, the claim she put forward under the Treaty of Kainardji, to protect the Greek Church, that I find that so long ago as the 5th of December, 1852, Colonel Rose, then Chargé d'Affaires at Constantinople, reported to the noble Earl opposite (the Earl of Malmesbury), who at that time held the office of Secretary of State, that the Russian Minister in Turkey had formally made this very claim. Very soon afterwards Sir Hamilton Seymour, in his secret despatch of the 22nd of January, gave an account to Lord John Russell of an important conversation he had had with the Emperor himself, whom he describes as having, in the course of it, used this remarkable language—

> "Well, in that Empire (Turkey), there are several millions of Christians, whose interests I am called upon to watch over, while the right of doing so is secured to me by treaty."

Your Lordships will perceive that the Emperor speaks of several millions of Christians, obviously including all the Sultan's subjects of his own religion. But how did Lord J. Russell answer this despatch, having at the time before him Colonel Rose's despatch, received only a few weeks before, which reports the formal assertion of the very claim of Russia to exercise this protection of the Greek Church by virtue of the Treaty of Kainardji, which became afterwards the subject of the dispute that led to the war? My Lords, in his answer to Sir H. Seymour, Lord J. Russell, after saying that Her Majesty's Government thought it essential that the Sultan should be advised to treat his Christian subjects with equity, adds these most remarkable words—

> "The more the Turkish Government adopts the rule of impartial law and equal administration, the less will the Emperor of Russia find it necessary to apply that exceptional protection which His Imperial Majesty has found so burthensome and inconvenient, though, no doubt, prescribed by duty and sanctioned by treaty."

The despatch containing this passage Sir H. Seymour was instructed to place in the Emperor's hands; and how, after this, it is possible to contend that Russia fraudulently concealed the extent of the claim, I am unable to conjecture. Surely she might, with far more reason, assert that we not only knew, but recognised the validity of that claim, which we afterwards supported Turkey in resisting, even at the cost of war. There was, I believe, no intentional deception on either side, but a misunderstanding between the two Governments as to their mutual intentions, for which the blame, as it seems to me, rests at least as much with this country as with Russia.

But the chief ground on which the charge of fraud against the Russian Government has been supported, is the alleged endeavour of Prince Menchikoff to conceal the nature of the demands he was pressing upon the Turkish Government from Her Majesty's Ambassador at Constantinople. It has been asserted that while Prince Menchikoff was pressing these demands in the most urgent manner upon the Turkish Ministers, he at the same time required from them strict secrecy upon the subject (more especially from the British Embassy), and enforced this injunction by menaces. Reports to this effect were no doubt transmitted to my noble Friend the Secretary of State from the British Embassy at Constantinople, but upon a careful examination of these papers, I think your Lordships will be satisfied that the story is to be traced entirely to that unfortunate spirit of credulity and suspicion, which seems to be infectious among the diplomatists of all nations in Pera, and to make them ever ready to swallow the absurd tales which are continually current in that focus of political gossip and intrigue.

My Lords, at first my noble Friend the Secretary of State justly appreciated the value of the alarming reports transmitted to him from Constantinople; in an admirable despatch which he addressed to Lord Cowley on the 22nd of March, 1853, he gives an account of a conversation he had had with the French Ambassador, on the subject of the panic produced in the French and English embassies at Constantinople, by the arrival of Prince Menchikoff, and the demand which, under the influence of that panic, had been made for the support of the fleets of the two countries. In that conversation my noble Friend says—

> "I told his Excellency (Count Walewski) that when the intelligence from Constantinople was analysed, and divested of the colouring imparted to it by local excitement, there was but one fact to deal with, namely, that General Menchikoff, in pursuance of the orders of the Emperor of Russia, announced nearly two months ago, had declined to hold official intercourse with Fuad Effendi, because that Minister, in the opinion of His Imperial Majesty, had acted with bad faith to Russia. Fuad Effendi had accordingly resigned; but Prince Menchikoff had not required this, and he had declared that no disrespect was intended to the Sultan by the omission of the customary visit to his Minister." . . . . "I ventured to remark to his Excellency, that a policy of suspicion was neither wise nor safe, and often led to hasty determinations."

My Lords, if my noble Friend had continued to discriminate with the same sound judgment between what was really true in the accounts transmitted to him from Constantinople, and what was due to "the colouring imparted by local excitement;"—had he scrutinised the despatches of the Ambassador, with the same acumen he applied to those of the Chargé d'Affaires—and had he continued to be on his guard against being led into "a policy of suspicion," which he truly said, is "neither wise nor safe," we should have had no war with Russia, and we never should have been told that Prince Menchikoff had endeavoured to conceal the object of his mission, by threats directed against the Turkish Ministers if they revealed his demands. The only authority for this story is to be found in the untrustworthy, because utterly inconsistent and improbable statements, made by the Turkish ministers to the British diplomatists, and the manner in which it has been allowed to gain credit is so instructive with respect to the spirit in which our diplomacy at Constantinople has been conducted, that I must venture to trouble your Lordships with some details regarding it. In doing so, let me acknowledge the obligation I owe to a very elaborate analysis of the contents of the voluminous papers on this subject, which has been published by Mr. Macqueen. I take shame to myself, for having failed to detect last year some of the remarkable facts to be deduced from the despatches to which my attention has been directed by the book of Mr. Macqueen.

The first despatch bearing upon the subject which I find, is one from Colonel Rose (who was still acting as the representative of this country in the absence of Lord Stratford), dated the 24th of March, 1853. In this despatch Colonel Rose gives an account of an interview he had with Rifaat Pacha, the Secretary of State for Foreign Affairs, in which he had learned that the Turkish Minister had received his first visit from Prince Menchikoff on the 17th, when the Prince was described as having "confined himself to stating, in general terms, that his object was to settle not to embarrass matters." Rifaat Pacha is reported to have denied, on this occasion, that any "note verbale" had been delivered to him by the Russian Ambassador. In this despatch there is enclosed a report from M. Pisani of conversations with the Grand Vizier and Rifaat Pacha, in which they seem to have made much mystery as to the Russian proposals, speaking of them in vague, but, at the same time, alarming language. M. Pisani informs Colonel

Rose, that "His Highness [the Grand Vizier] requested me to say that so long as he continues to be at the head of the Ministry, you can reckon upon the non-accomplishment of the wishes of Russia; but, if he is dismissed from office, of course he does not know what line of policy might be adopted by his successor." In these words, my Lords, we have a clue to the whole affair. At that moment it suited the Turkish Ministers, in order to maintain their position amidst the intrigues of the Seraglio, to make the British Minister believe that the interests of his country were menaced by some dark designs of Russia, which could only be defeated by their own continuance in office. My Lords, I fear it is not quite peculiar to Turkey, that a Ministry, threatened by formidable rivals, should endeavour to create a belief in the representatives of foreign Powers, that their own retirement from office would be attended with danger.

On the 25th of March (the day after that on which his previous despatch was dated), Colonel Rose writes again, and encloses a memorandum from M. Pisani, giving an account of further conversations which Colonel Rose had held in his presence with the Turkish Ministers. In this memorandum, M. Pisani states that both Rifaat Pacha and the Grand Vizier had now informed Colonel Rose, that Prince Menchikoff had, on the 17th, delivered in a "note verbale," of which they gave the British Minister what purported to be a full summary, though being now in possession of the document itself, we can see that their account of its contents was very far from accurate, but was coloured in a manner to create the alarm which it was successful in exciting. Why the document itself was not shown, or even, as it appears, asked for by the British Minister is not explained. Colonel Rose, indeed, says in his despatch transmitting the above memorandum—

> "Your Lordship will see that, in spite of Prince Menchikoff's denunciations against the Turkish authorities, should they reveal his secret demands, they, in consideration of the danger which would ensue from a compliance with them, determined to make them known to Her Majesty's Government."

But, my Lords, notwithstanding this statement, it is perfectly clear that the Russian ambassador had no motive whatever for this concealment, since when the "note verbale" reached St. Petersburg, it was shown by Count Nesselrode to Sir H. Seymour, who said, no exception could be taken to the language of the document, and he only remarked on some ambiguity in one of the concluding paragraphs. It was subsequently communicated to my noble Friend himself, by Baron Brunow. My Lords, when you couple the fact that it thus clearly appears, that Prince Menchikoff could have no motive whatever for concealing this note, while the Turkish Ministers, in abstaining from showing the document itself, and stating that threats had been used to prevent their disclosing it, gave a coloured and distorted version of its contents, you can hardly doubt, that in this story about threats they were playing on the credulity of the British Minister, and that their true motive for not showing the paper itself was, that they were aware that had they done so, the alarm they were labouring so successfully to create with respect to it, would have been at once dispelled, and Colonel Rose would have perceived, like Sir H. Seymour, that this "note verbale," of which they made such a bugbear, was a very innocent document.

But something much more remarkable remains to be mentioned with respect to this "note verbale." After it had been communicated to Her Majesty's Government, and I suppose when it was felt that something like ridicule attached to the British Embassy at Constantinople, for having raised such an edifice of alarming reports on so slight a foundation; Lord Stratford de Redcliffe, in a despatch, dated the 27th of May, from which only a very short extract is given in the papers, says—

> "I think it my duty to record, that the 'note verbale,' presented to the Porte by Prince Menchikoff on the $\frac{4}{16}$ of March, and enclosed with Count Nesselrode's despatch to Baron Brunow on the $\frac{9}{21}$ ultimo, was never communicated to this embassy. I have questioned M. Pisani on the subject, and he assures me, that Rifaat Pacha would never be brought to admit its existence. That Minister was probably restrained from disclosing it by the Russian ambassador's threatening language."

Observe, my Lords, M. Pisani is here said by Lord Stratford, on the 27th of May, to have assured him, that Rifaat Pacha could never be brought to admit the existence of the note in question, yet just two months before, on the 25th of March, Colonel Rose had transmitted a memorandum, bearing the signature of M. Pisani himself, in which it is stated that Rifaat Pacha had not only admitted the existence of that note, but had given a full summary of its contents, which M. Pisani reports from the lips of the Turkish Minister.

My Lords, you must at once perceive that, if M. Pisani gave the assurance which Lord Stratford reports, and which, of course, I do not for a moment doubt that he did, it involves a contradiction of his previous written statement, which most seriously affects the character of an important member of the British legation at Constantinople. It is not a case which can possibly be explained by a fault of memory; the circumstance was one of too much importance to have been forgotten, nor would forgetfulness be any excuse for a mistake of so grave a kind. But the blame goes far higher than M. Pisani. How can Lord Stratford be justified for having made a deliberate statement to Her Majesty's Government, that Rifaat Pacha had concealed the existence of an important state paper, drawing therefrom the inference, that he had probably been deterred from disclosing it by the threats of the Russian ambassador, not merely without one tittle of evidence to show that any threats had been used, but without having taken the slightest pains to ascertain that the Turkish had ever made any secret at all (at least for more than a single day) of his having received the note in question?

I should have thought, my Lords, that when Lord Stratford resumed his post as Ambassador at Constantinople in the beginning of April 1853, considering the extreme gravity of the circumstances which he found there, his very first duty would have been to make himself thoroughly acquainted with what had taken place in his absence, by carefully reading the correspondence of the gentleman, who during that time had acted as Chargé d'Affaires. Had he done so, he would not have failed to remember the important despatch of Colonel Rose, enclosing the memorandum of M. Pisani, giving an account of the note delivered by the Russian Ambassador to the Turkish Government. But even if Lord Stratford had neglected this essential part of his duty, and was not aware of the existence of that despatch, still I say that he was not entitled to throw out so grave a charge against a Power at that time friendly to us, and with which it was of the highest importance that we should remain on friendly terms, without having first satisfied himself that the concealment he sought to account for by a supposition so injurious to Russia, had really taken place. Had he attempted to do this, and had he looked for five minutes into the archives of his office to see what had occurred with reference to this well known note of the 16th of March, he would have found M. Pisani's own report to Colonel Rose of Rifaat Pacha's conversation, giving an account of the delivery of this note and of its contents.

My Lords, when I find that in one instance a person filling the high and responsible situation of Lord Stratford, has brought forward a grave charge against a friendly power, so lightly (to use the mildest word), I am entitled to receive with the greatest caution, every other statement of the same kind which he makes;—I am entitled to consider him as one of those persons whose reports of the events passing before him are peculiarly liable to be tinged by that "colouring imparted to them by local excitement," against which my noble Friend the Secretary of State was in one instance (but unhappily not in this) so judiciously on his guard. But far from there being any corroborative evidence to support the statement, that threats were used to induce the Turkish Ministers to conceal the demands addressed to them by Prince Menchikoff, we find on the contrary that every circumstance combines to disprove it. The story rests entirely on accounts given by these Ministers of what had passed between themselves and the Ambassador, which, as I have already remarked, are obviously untrustworthy, and it is also utterly irreconcilable with facts as we learn from Lord Stratford's own despatches. From these it appears that immediately after his arrival at Constantinople, he was in possession of the details of the Russian demands, that within a fortnight he was in confidential communication with respect to them with Prince Menchikoff himself, and that the Prince actually read over to him the amended draft of the convention he was then proposing to Turkey.

With these facts before us it is impossible to give credit to the alleged attempt to conceal the proceedings of the Russian Ambassador by threats addressed to the Turkish Ministers; and, therefore, my Lords, I feel myself compelled, with great regret, to say that I think a heavy responsibility rests upon her Majesty's Ministers, for the statement to that effect which they introduced into a document of such solemn and awful importance as Her Majesty's declaration of war against Russia. I say a statement to this effect was introduced into the declaration of war; but as I should be sorry to run the slightest risk of being guilty of any misrepresentation, I had better read the very words to which I allude. The following, my Lords, is the passage I mean from the declaration of war, which the servants of the Crown advised Her Majesty to make, and which was published in the Gazette :—

> "But while the Russian Government repeatedly assured the Government of Her Majesty, that the mission of Prince Menchikoff to Constantinople was exclusively directed to the settlement of the question of the Holy Places at Jerusalem, Prince Menchikoff himself pressed upon the Porte other demands of a far more serious and important character, the nature of which he, in the first instance, endeavoured, as far as possible, to conceal from Her Majesty's Ambassador. And these demands, thus studiously concealed, affected not the privileges of the Greek Church at Jerusalem, but the position of many millions of Turkish subjects in their relations to their Sovereign the Sultan."

My Lords, I cannot find that what is here asserted is supported by one particle of trustworthy evidence; and I therefore deeply regret that such a statement should have been put forth to the country on such high authority; I cannot doubt that nothing has more contributed to excite that feeling against Russia, which is now the great obstacle to the conclusion of peace, than that the people should have thus been taught to believe that Russia, in these transactions, had acted with deep and premeditated falsehood. I utterly deny that there is any sufficient ground for this imputation. I am persuaded that the war has been produced, not by a want of good faith on the part of Russia, but, as I have already endeavoured to show you, by a misunderstanding between the two Governments, for which that of England was certainly not the least to blame, and still more, perhaps, by the manner in which the diplomacy of this country has been conducted at Constantinople. I do not see how any man can carefully read the papers, which have been laid before us, without coming to the conclusion, that if at any time between Lord Stratford's arrival at Constantinople and the departure of Prince Menchikoff—a period of four or five weeks—Lord Stratford had, either on his own responsibility, or in consequence of instructions which there was ample time for him to have received from England, stated plainly what was to be the conduct of the British Government on this subject; if there had only been a plain, an unambiguous declaration of the real intentions of Her Majesty's Government to the Russian Ambassador on the one side, and to the Porte on the other, all danger of war would have been averted.

Whether it had been determined to support Turkey in resisting the demands of Russia, or the reverse, mattered comparatively little, provided only you had decided in time on the one course or on the other, and had made your decision known to those whom it concerned. Had you determined not to support Turkey, and had you told her in plain language, that if she thought fit to reject the demands of Russia, she must do so at her own risk, and must not look to you for aid, it is clear that she would have given way at once, and the dispute would have been settled by her concession. If, on the other hand, you had resolved upon the opposite policy, and had made this known to Russia in proper time, that course would equally have prevented a rupture. It is certain that Russia was no less anxious to keep out of a war with England, than Turkey was to avoid entering into one single-handed with Russia. Nothing could more vitally affect the interests of Russia than a war with England, and it is impossible to read the papers with ordinary attention, and resist the conviction that the late Emperor entertained a most sincere and earnest desire to remain on good terms with us, and that he never would have pressed his demands on Turkey (by which in truth he would have gained very little that he did not already in fact possess, if he had had the least suspicion that by doing so he would become involved in a quarrel with this country. If, therefore, you had come to the conclusion that Russia asked more than Turkey could safely grant, and that it would be your duty to support the latter in her resistance, Lord Stratford should in the very beginning have informed Prince Menchikoff, in language which need not have been the less firm for being perfectly friendly in its tone, "Do not press those general claims of the protectorate of Russia over the Greek subjects of the Porte, because if you do, we shall be compelled to support the Sultan in his resistance, and we shall thus become involved in a quarrel with you, which we are most anxious to avoid."

My Lords, if this line had been taken, I am persuaded that Prince Menchikoff would not have pressed his demands in the manner he did. But instead of following this plain and straightforward course, Lord Stratford's whole language and conduct were such as to encourage Prince

Menchikoff in the belief that the British Government would not take up the cause of Turkey if she refused what was required from her. In one despatch we find Lord Stratford saying that in a conversation he had with Prince Menchikoff on his demands, they "both avoided entering into a discussion that might be irritating;" in another he says—

> "I did not conceal from him (Prince Menchikoff) my knowledge of his ulterior propositions, and my conviction that they would meet with serious opposition from the Porte, and be regarded with little favour by Powers even the most friendly to Russia."

And to the very eve of the Prince's departure from Constantinople not one word seems to have been said by the British Ambassador, which could be construed into a warning of any probability of England's seriously supporting Turkey in her resistance. I must say that this language and conduct on the part of the British Ambassador, coupled with the fact, which must have been known to Prince Menchikoff, that the Secretary of State in a despatch which he had himself ordered to be communicated to the Emperor, had distinctly recognised the Emperor's possession of a right, secured to him by treaty, to protect the Sultan's subjects belonging to the Greek Church, might well create a strong conviction, both on the part of Prince Menchikoff and of his master, that England had no intention of coming forward to support Turkey by arms, in refusing a formal acknowledgment of that right, which the British Government had distinctly admitted Russia to possess. This was the conclusion the Russian Ambassador as well as his Government could hardly avoid being led to by the course which was pursued, and the unhappy consequence was, that he committed himself more and more deeply to insist upon the claim he had made, till at last he found himself in a position, from which it appeared both to him and to his Imperial master, that he could not recede without sacrificing the dignity of Russia.

But while Russia was thus encouraged to persevere in her demands, by being led to believe that we should not aid Turkey if she refused to comply with them, Turkey was at the very same time encouraged and advised to persist in her denial. My Lords, I say Turkey was encouraged and advised to withhold what was asked from her, for though a formal memorandum, declining to advise the Sultan, was agreed to by the representatives of the Four Powers, and though there was a pretence of leaving the Porte to act upon its own unbiassed judgment, it was a pretence too shallow to impose upon a child. How was it possible that Turkey could decide according to her own judgment, when Lord Stratford himself has informed us that if Turkey were to be left to herself she would have no choice but to submit? Turkey being thus incapable of resistance, and fully conscious of her weakness, the whole responsibility for her decision rests with those who held out to her the prospect of support if she refused what was asked—that is, mainly with Lord Stratford, for the French Ambassador throughout played only a subordinate part. Lord Stratford's own despatches afford the most conclusive evidence how entirely the decision of the Turkish Government was prompted and encouraged by himself. On the 9th of May he reported that he had had an interview—it does not clearly appear on what day, but as far as I can gather it must have been on the 7th—with three of the Turkish Ministers, on which occasion we learn that Lord Stratford could not "in conscience" advise the acceptance of the Russian demands; that, as he was coming away, the Grand Vizier asked, "whether any reliance could be placed on the eventual approach of Her Majesty's squadron in the Mediterranean, to which a somewhat vague answer was returned, and probably, in consequence of this answer, Lord Stratford adds, that—

> "On comparing notes the next day with M. de la Cour, I found him under an impression that the Turkish Ministers were disposed to shrink from encountering the consequences of Prince Menchikoff's retirement in displeasure."

It appears, my Lords, that the manifestation of such a feeling alarmed Lord Stratford, for he immediately took the most effectual steps to counteract it. If my calculation is right it must have been on the 8th of May that he became acquainted with this opinion of M. de la Cour, as to the "disposition to shrink" of the Turkish Ministers, and we learn from his despatch of the 10th, that he had a private interview with the Sultan on the 9th, of which a most remarkable account is given. Lord Stratford tells us, he "endeavoured to give the Sultan a just idea of the degree of danger to which his empire was exposed," which from the context of the despatch clearly means the danger of acceding to the demands of Russia. Having thus succeeded in producing a proper effect on the mind of the poor Sultan, so far as alarming him with respect to the consequences of concession, it was necessary to encourage him not to yield to the more immediate terrors of Russian resentment—accordingly this encouragement was given in the manner thus described by the Ambassador—

> "I concluded," he says, "by apprising His Majesty of what I had reserved for his private ear, in order that his Ministers might take their decision without any bias from without—namely, that in the event of imminent danger, I was instructed to request the commander of Her Majesty's forces in the Mediterranean to hold his squadron in readiness."

Now, my Lords, is it not rather too great an experiment on the gravity of those whom he addressed—would it not be inexpressibly ludicrous, if it had not led to such tragical results, for Lord Stratford after this to talk of leaving the Turkish Ministers to "take their decision without any bias from without?" What does such language mean when he has himself told us of the utter helplessness of Turkey if left to herself, and of the "disposition of the Ministers to shrink" from encountering the consequences of Prince Menchikoff's displeasure, which no mere hints that the British fleet would come to their assistance could remove, so that he was at last obliged, in order to screw the courage of the Turks to the sticking place, to tell the Sultan in plain language that he had authority to summon the squadron for his protection, while he explained to him the dangers of the Russian proposals?

But, my Lords, I ask you, if the decision of the Turks was to be really prompted and encouraged by the British Ambassador, would it not have been more fitting the character of a great nation like this, to have openly assumed that responsibility which could not in fact be declined? If we had avowedly taken the responsibility for the Turkish decision, we should have been entitled to exercise an authority as to what that decision was to be, which would in all human probability have averted the war. We should have had a right to say to the Turks—"We know you cannot resist Russia by yourselves, but we will only give you our aid on condition that you will abide by our advice as to the concessions to which you will agree in order to avert a rupture." We should also have been enabled to go to Russia, and in the same spirit of straightforward and open dealing to have said to her—"You ask for more than we think Turkey can grant, and if you press these demands we shall find it necessary to support her in resisting them; but we are ready to enter fairly with you into an examination of how far Turkey ought to go in meeting your wishes, and if we can come to an understanding with you on the subject, we will then tell her plainly, that she must accept the terms so arranged, or resist them at her own peril." I am very far, my Lords, from imputing to Lord Stratford a desire to bring about the war; it would be difficult for me to believe any man capable of such wickedness; I have not the slightest doubt of the very earnest desire of Her Majesty's then Government to avert this great calamity, and yet I say that if the object in view had been to render war inevitable, it would have been impossible for human ingenuity to have devised a line of conduct better fitted to accomplish this purpose than that which was actually pursued. The adoption of so mistaken and so fatal a course may, I think, be accounted for, partly by that fear of responsibility which too often exercises a prejudicial influence on public affairs, and which seems in this case to have prevented Her Majesty's Ministers from adopting and steadily pursuing a sufficiently decided policy either of one kind or another; partly to that "local excitement" which appears to have blinded our Ambassador at Constantinople. Unfortunately, the Government at home either failed to detect this in his case, with the same wise discrimination they had shown in that of the gentleman who discharged his duties during his temporary absence, or if they did detect it, they wanted firmness to apply the proper remedy to the evil, by recalling him from his post.

My Lords, I have trespassed on your time far longer than I could have wished, but I have thought it necessary to enter into an examination of the transactions to which I have referred, and into details which I am aware must have been tedious, because although it is too late to correct the fatal error committed in the early stages of these proceedings, it is not too late, for your Lordships, and for the nation, seriously to consider the circumstances in which the war originated, in order to remove the undue prejudice which has been created against our enemy, and to moderate the passions which have been improperly excited against him by misrepresentation. I wish the country to see that it is by no means true that we have been so clearly and entirely in the right in this unhappy quarrel, or Russia so completely in the wrong as we have been in the habit of confidently (may I not say presumptuously?) assuming.

My Lords, it becomes nations not less than individuals, to show a spirit of fairness and moderation in the controversies in which they may be engaged, to be ready to believe that their adversaries are not always necessarily to blame, but that it is possible they may themselves sometimes be mistaken. In private life, wise men distrust their own judgment in quarrels in which they are themselves concerned—they know how difficult it is to prevent it from being warped by passion, and they endeavour to correct that tendency, by inquiring what is the opinion formed by judicious and impartial men on their own conduct, and that of their opponents. My Lords, it is not less the wisdom and the duty of nations to pursue a similar course; and I would earnestly entreat my countrymen, who have allowed themselves to be worked up into such a heat of passion against Russia, to inquire in what light this unhappy war, and the disputes which led to it, are viewed by disinterested spectators! If they will do so, they will not find that we are so uniformly considered to have been in the right as they suppose. I have already, my Lords, quoted a pamphlet on the origin of the war by Bishop Southgate, a prelate, whose judgment is entitled to the greatest weight, as well from his high character, and the position he occupies in the Protestant Episcopal Church of the United States, as from his intimate knowledge of Turkey, and of the religious questions which brought on the quarrel, in consequence of his long experience as a missionary. My Lords, Bishop Southgate, writing just before the war began, and while there was still a possibility that it might be averted, gives it as his deliberate opinion, that this country had been greatly misled, and that the demands of Russia upon Turkey were reasonable and just. This opinion ought to make the more impression upon us, because, far from being delivered in a spirit of hostility to this country, it is written in a tone of even affectionate anxiety, that we should not put ourselves in the wrong, and that the banner of England should not be displayed in support of an unjust cause.

Bishop Southgate thinks that Russia was in the right in the whole controversy, even to the breaking out of the war. In this opinion, though I receive it with the most respectful attention, I cannot agree—perhaps I may be biassed by my desire to think my own country in the right, (for though, perhaps, your Lordships may not believe it, this is a desire I very strongly feel)—but I so far concur with him, as to think, that up to the time of Prince Menchikoff's departure from Constantinople, Russia was in the right, and England greatly to blame for the course she pursued; from that time I think Russia put herself in the wrong, and that the occupation of the Principalities was an act of violence and injustice. But admitting Russia to have been then in the wrong, surely the fact that such a man as Bishop Southgate is of a different opinion, must be taken as proving, that she may not have been so wilfully and palpably in the wrong, as we have been in the habit of assuming, and that some allowance ought to be made for her conduct. There have been too many gross faults in our own conduct to give us a right to be very severe in criticising that of Russia. Was it unnatural that errors, and very serious errors, should be committed in the circumstances in which he was placed by such a man as the late Emperor Nicholas, and does he deserve for these errors the unmeasured vituperation of which he has been the object?

For my own part, I will not shrink from saying of him, that, with all his faults (and they were many), he was still a great man in whose character there was much to admire. I am persuaded that he was sincere and earnest in his devotion to the welfare of his people. No doubt he was often mistaken as to the means of promoting it, but he acted to the best of his judgment; the good of his subjects as he understood it, not his selfish gratification, nor any low or mean interest of his own, was the end to which all his exertions were directed, and for which he displayed such untiring energy, and underwent such unremitting labour, in governing the vast empire which Providence had placed under his rule. When I read the touching accounts which have been published of the last illness of the Emperor Nicholas—when I contemplate the spirit of Christian resignation with which he met approaching death, the calm and unaffected fortitude he displayed in that awful season, his thoughtfulness for his people, his family, and his attached followers, I cannot, I say, consider these things, without utterly disbelieving that a man, capable of so passing through the great and final trial of human nature, could be one whose character deserved to be described in the odious terms which have been applied to the Emperor Nicholas. Whatever were his faults, fraud and falsehood were not among them. He was, I think, overbearing, arbitrary, violent when his will was resisted; and is it wonderful that the man should have become so, who for near thirty years had ruled with unlimited power and almost unchecked success the vast dominions of Russia? Would he not have been something more than human if he had remained entirely proof against the trials and temptations of such a position? But I repeat, that his faults were those of a high and noble, not of a low and mean nature, like falsehood and fraud.

My Lords, I have thought it my duty to submit to you these views, as to the origin of the war and the conduct and character of our enemy, because, if they could gain acceptance with your Lordships and with the public, they could not fail to have some influence in mitigating that bitter spirit of hostility against Russia which has been manifested by our countrymen, and which, as I have already said, now forms, in my opinion, the chief obstacle to the conclusion of peace. Would, my Lords, that my feeble efforts could contribute, even in the slightest degree, to remove that obstacle and to promote the restoration of peace. To wage an unnecessary war, or to continue a war that may have been just because necessary at the outset, for one hour after it has ceased to be so, is the greatest sin which a nation can commit, and every individual member of the community, from the highest to the lowest, shares in that sin and partakes its fearful responsibility, if he fails to exert whatever influence he may possess in order to check, so far as in him lies, the violation of the laws of God, which, to persevere in such a war, involves. It is this feeling which induces me, my Lords, now to *move*—

"That an humble Address be presented to Her Majesty,

"To thank Her Majesty for having ordered the Protocols of the recent Negotiations at Vienna, to be laid before us:

"To inform Her Majesty that this House deeply deplores the Failure of the Attempt to put an End by these Negotiations to the Calamities of the War in which the Country is now engaged: And,

"To express our Opinion that the Proposals of Russia were such as to afford a fair Prospect of concluding a Peace by which all the original Objects of the War might have been gained, and by which Her Majesty and Her Allies might have obtained all the Advantages which can reasonably be demanded from Russia:"

THE EARL OF CLARENDON: My Lords, I have listened to my noble Friend with all the respect and attention which his knowledge and ability on this subject demand. His very long and able speech this evening has been characterised with his usual skill and earnestness of manner, and if my noble Friend should have failed in convincing your Lordships of the correctness of his views and the soundness of his reasoning, it will certainly not be on account of any want of conviction on his own part. I think, my Lords, that my noble Friend had no reason, because there was no necessity, to account for his motives for having addressed your Lordships on this subject. None of your Lordships will, I am sure, be disposed to dispute that they were honest and straightforward. I have no doubt that my noble Friend thought that he had a public service to perform; and he has accordingly this night performed that service. But, on the other hand, I may be permitted to say that his motion appears to me to be one the proposal of which cannot be viewed but as a matter of deep regret, and that it is my firm conviction that, neither in its form nor its substance, is it one that ought to be adopted, and that if agreed to by your Lordships, it will be productive of most serious mischiefs. My noble Friend has not succeeded in proving that which he has all along been endeavouring to prove—namely, that the present war is neither a just nor a necessary war. True it is, he has condemned the policy of the war, he has condemned the manner in which the war has been conducted, and he has condemned the negotiations and the manner in which they have been carried on. He has thrown great blame on the Plenipotentiaries of the allied Powers, he has applauded the moderation of the Russian Plenipotentiaries, and has affirmed that the offer which was made by them ought to have been accepted. For three hours and a half my noble Friend proceeded in one unbroken strain of admiration of the spotless policy and the admirable course which had been pursued by the Emperor of Russia; but not a word did he say in favour of Her Majesty's Government. But it should be remembered that all that the noble Earl has said in regard to the policy of Her Majesty's Government applied with equal force to the policy of the Government of France. Nothing has been done or undertaken, I may almost say, nor said nor written, since the commencement of the war, or even before its commencement, by the English Government which has not been in entire concurrence with the Government of France. The speech of my noble Friend, with all the authority of the name which he bears and with all the weight of his own character and position in this country, will be read with delight by all the partisans of Russia throughout Europe; and at the same time, not without regret by those who are allied with us in opposing that Power. I say that my noble Friend has, as far as in him lies, this night rendered signal service to the Emperor of Russia in aiding him in his war with the allies. He has done his utmost to encourage the Emperor of Russia to resist a compliance with those demands which England, France, and Austria consider just, and which it would have been honourable for him to accept; and, as far as in him lies, he would represent us to the world as being in a state of division and of weakness. But, I think, my noble Friend will be disappointed, and all those possible mischiefs which his speech might otherwise have done will be avoided by the result of this night's debate; for I trust your Lordships will this evening show by a large majority that you agree with me in that negative with which I propose to meet the Motion of my noble Friend, and that you will thereby prove to Russia that the opinions you have so often expressed in this House on the justice of the war have undergone no change and are not now wavering.

I will not cavil with my noble Friend as to the somewhat inopportune moment at which he has thought proper to bring on his motion. Not that I object to discussion on the subject of the war. On the contrary, I think it most safe and right that your Lordships should have the earliest opportunity, consistent with the public convenience, of expressing your opinions upon what has taken place. It is not that I expect any particular advantage to arise from those proposals that are at this moment under consideration, and which I have not considered of sufficient importance to ask my noble Friend to postpone his Motion; but it is for those objects which Her Majesty's Government have quite as much at heart as my noble Friend himself; it is for the interest of peace itself that I deprecate entering into a premature discussion. If we are to be called upon to enter into all the details of negotiations that are pending, to defend all our proceedings as we advance step by step, and to be required to state what are the grounds upon which alone we think peace should be made, I say that your Lordships may find yourselves, and the country may become pledged in a manner which may render all future negotiations still more difficult to be conducted to a satisfactory conclusion; and, as negotiations must necessarily precede peace, you may ultimately find that even peace itself may be rendered more difficult of attainment from such discussions. I think, therefore, it will be satisfactory to your Lordships if I now state that I intend to avail myself of the privilege which the noble Earl in the beginning of his speech conceded to me, and which was not to answer any part of my noble Friend's speech having reference to the Blue-book of last year. My noble Friend has, from all appearance, been studying that Blue-book. He has that advantage over me; for I am not sufficiently accurate in my recollection of its contents even to speak to some of the passages which were brought forward by my noble Friend, although they at the time appeared to me to admit of some explanation. But what I will enter into, and what I think of much more importance to the country, are the deductions which my noble Friend has made from that Blue-book, and by which he has attempted to prove that we are engaged in an unjust and an unnecessary war. To a question of war, as to all questions, there are two sides. The noble Earl has left us to infer that, as we in this war are entirely wrong, so Russia is entirely right. He has defended the demands of Prince Menchikoff, and has even defended Russia in her occupation of the Principalities, although he thought she acted rightly when she left them. Well, my Lords, my noble Friend drew a very affecting picture of the calamities of war, and he subsequently said that war was only to be justified in the very last extremity. I think it may be satisfactory to my noble Friend, and not altogether uninteresting to your Lordships, if I quote an authority, with a view to show that the war in which we are engaged is in strict conformity with the law of nations. I will quote a passage from one of the clearest writers and ablest expounders of the law of nations—Vattel:—

> "By the law of nations it is laid down as a principle that war is just and lawful which is to avenge or prevent injury."—"When once a State has given proofs of injustice, rapacity, pride, ambition, or any imperious thirst of rule, she becomes an object of suspicion to her neighbours, whose duty it is to stand on their guard against her. They may come upon her when she is at the moment of acquiring a formidable accession of power—may demand securities, and if she hesitates to give them, may prevent her designs by force of arms. Must we delay to avert our ruin until it becomes inevitable? If the appearances are so easily credited, it is the fault of that neighbour who has betrayed his ambition by several indications. Should that formidable Power betray an unjust and ambitious disposition by doing the least injustice to another, all nations may avail themselves of the occasion, and, by joining the injured party, thus form a coalition of strength, in order to humble that ambitious potentate, and disable him from so easily oppressing his neighbours, or keeping them in continual awe and fear—for an injury gives us a right to provide for our future safety by depriving the unjust oppressor of the means of injuring us; and it is lawful, and even praiseworthy, to assist those who are oppressed or unjustly attacked. When a neighbour in midst of a profound peace erects fortresses on our frontiers, equips a fleet, augments his troops, assembles a powerful army, fills his magazines—in a word, when he makes preparations for war, are we allowed to attack him with a view to prevent the danger with which we think ourselves threatened? The answer greatly depends on the manner and character of that neighbour. We must inquire into the reasons of those preparations, and bring him to an explanation. Such is the mode of proceeding in Europe, and if his sincerity be justly suspected, securities may be demanded of him; his refusal in that case would furnish ample indication of sinister designs, and a sufficient reason to justify us in anticipating them."

My Lords, I think that those words of Vattel are as applicable to the war we are now waging against Russia as if they had been written last week. But my noble Friend, in his eulogies upon Russia, and upon the forbearance which Russia has shown towards Turkey, has entirely omitted to refer to what has been the constant course of aggressive policy pursued by Russia towards Turkey. I will ask your Lordships' attention to a statement of the acquisitions of territory which Russia has wrung from Turkey since 1774:—

> "In 1774 the fortresses of Kertch and Yenicale, with their districts in the Crimea, Kinburn and its district, the desert between the Bug and the Dnieper, the town and district of Azoff, and the two Kabadins in Circassia, were ceded by Turkey to Russia by treaty. In 1783, the Crimea, the Island of Taman, and Cuban Tartary were annexed to the Russian Empire by a manifesto of the Empress Catherine. In 1784 Turkey acknowledged, by treaty, the River Cuban as the boundary of Russia. In 1792 the Fortress of Oczakow and the country between the Bug and the Dniester were ceded by Turkey to Russia by treaty. In 1812 a part of Moldavia; the fortresses of Chotchim and Benber, Bessarabia, with Ismail and Kilia; and the left bank of the Pruth, from its entrance into Moldavia, were ceded by Turkey to Russia by treaty. In 1829 a part of the pashalic of Akhaltzick, and all the littoral of the Black Sea, from the mouth of the Cuban to Port St. Nicholas, and the islands at the mouths of the Danube, were ceded by Turkey to Russia by treaty. In 1834 the Russian territories, from the port of St. Nicholas to the province of Georgia, were extended by treaty with Turkey."

This, then, is the Power which my noble Friend represents as having acted with so much forbearance towards Turkey. We all know, from the papers which have been laid before Paliament, what was the opinion of the late Emperor Nicholas with respect to the state of Turkey. We know that he considered nothing could save the "sick man;" and we also know that Prince Menchikoff's mission was to give the *coup de grace* to the "sick man," not by violence, as my noble Friend seems to suppose, but by slow poison. There can be no doubt the object of that mission was, by a misinterpretation of the Treaty of Kainardji, to secure another treaty, or an instrument of equally binding force, by which a right of interference between the Sultan and his Christian subjects would be secured to Russia; whereby the Emperor of Russia would obtain virtual sovereignty over 10,000,000 or 12,000,000 of the most enterprising, active, and industrious inhabitants of the Turkish dominions. Then came the seizure of the Principalities, the only step on the part of Russia to which my noble Friend saw reason to object; but since that time we have learnt a great deal of the intentions of Russia, and the means she possessed of giving effect to those intentions. We now know what were the vast military resources of Russia, how stealthily they had been accumulated, and how readily they could be made available. We now know something of the almost incredible amount of warlike stores which had been accumulated in Sebastopol, where Russia had no commerce to protect, and we are also aware of the gigantic fortifications which were contemplated at Bomarsund. Why, Europe was really standing upon a mine without being aware of it, while the influence of Russia was so skilfully exercised as to paralyze both Governments and people, to render them unconscious of the danger to which they were exposed, and to diminish their ability to meet that danger. For this state of things every Government in Europe has been partly to blame; for, during the last thirty-five years, an amount of deference has been paid to Russia to which she has no claim, and she has been allowed to interfere, to meddle, and to bribe, in different countries, without check. The encroachments of Russia were unheeded, although her designs had been suspected and denounced; but it was nobody's business to interfere effectually, and no one wished to disturb the general peace until the mine which had been silently and slowly prepared was exploded by the rashness of Prince Menchikoff. Long before this war began, the Russian Government ordered a large increase of their steam fleet, to the number of sixteen or seventeen ships of the largest size. Orders had been given for converting all the Russian men-of-war and ships of the line into screw steamers, and the Russian Government were also actively employed, and had been for a considerablee time before the commencement of the war, in completing a system of railways. It is, I think, no exaggeration to say that the army of Russia—be it 800,000 men or upwards—would thus have been doubled in respect of efficiency by the rapidity with which it could have been removed to any point within or without the Russian territory, and with Constantinople and the Bosphorus in the hands of Russia, what would have been the fate of Europe—to say nothing of the countries bordering on the Black Sea, whether in Asia Minor or Europe, which, with the European provinces of Turkey, must have become as much dependencies of Russia as the Crimea itself? What, I say, would have been the fate of Europe when the Russian fleet was no longer locked up in the Black Sea—when Russia was in full possession of the Sound, and her northern fleets were no longer ice-bound for six months of the year? Why, all Europe would have fallen into the arms of this colossus. I may remind your Lordships that the very first act of the present Emperor of Russia was to declare his determination to raise Russia to the highest pinnacle of glory and power, and fully to carry out all the plans of Paul, of Catharine, and of Nicholas; and it is no very agreeable reflection that we were nearly on the point of seeing this scheme of universal dominion realised. The policy of Russia has undergone no change. It is now precisely what it was twenty-five years ago, when it was most eloquently described by a noble Member of your Lordships' House, the father of the noble Earl who has brought forward this Motion, in these words:—

> "Let it be remembered, that the Emperor of Russia only the other day proposed to place himhimself at the head of 800,000 men to give peace to Europe. Peace! What peace? The peace of the grave—the silence of death."

That was the language of the late Earl Grey; and I think, if he could this night have heard the speech of my noble Friend, it would have caused him deep and sincere pain. Looking, then, at what were the projects of Russia, I think, if ever there was a war which was just and necessary and unavoidable, it is that in which England and France have now deliberately engaged, and it is all the more just and necessary, because every effort has been made by negotiation to preserve peace and to avoid having recourse to hostilities. Your Lordships will remember that my noble Friend at the head of the late Government, with the full concurrence of his colleagues, was determined to exhaust every effort to secure peace; and I believe it is because such efforts were made that, on the declaration of war Her Majesty's Government received the unanimous support of the country. The country knew that every facility had been afforded to Russia for retracing her steps, and that every means had been adopted to induce her to abandon a policy which was fatal to Turkey and dangerous to Europe. The declared intention of Russia to occupy the Principalities until every demand she had made upon Turkey was satisfied, and the fact was humbly announced by a special ambassador from Constantinople to St. Petersburg, was not merely the only reply England and France could obtain, but was the only answer given to the entreaties and remonstrances of Austria and Prussia. I say, then, that the unbending pride of Russia was the real cause of the war. It was that which made war inevitable, and I say that the people of this country have not repented the course they took. I believe the people of England are as fully sensible of the inestimable blessings of peace, and as anxious to be restored to the enjoyment of those blessings, as my noble Friend who brought forward this subject. I believe there is no man in this country who would advocate war for mere aggrandisement or for military glory for its own sake; but if there is one thing which more than another characterises the English people, it is a keen sense of national honour, and a stern determination not to submit to anything that can be regarded in the light of national disgrace. I say that the people of England do not repent of this war, and would not tolerate a hollow peace. Nor do I think that there is among the people of this country that want of information with reference to the war which my noble Friend supposes to exist. The papers laid upon the tables of both Houses of Parliament, the debates that have frequently taken place in both Houses, the documents that have been published by foreign Governments, and the very able and persevering manner in which the subject, in all its phases, has been treated by the press, really leave no excuse to any reflecting man not to have formed an opinion upon the causes and objects of the war. To those objects we have steadily adhered. To those objects we mean to adhere. We entertain no intention of reviving extinct nationalities, or of resorting to the measures my noble Friend has shadowed forth. The object of the war was to maintain the independence and integrity of Turkey, and that not alone for the protection of Turkey, but in order to guard Europe against the dangers by which she was threatened by the ambitious designs of Russia. We thought, and we continue to think, that these objects would be secured by annulling all those treaties which have been so often the pretext for new encroachments on the part of Russia; by causing the protectorate of Russia over the Principalities to cease; by removing all the impediments and obstacles which have obstructed the free navigation of the Danube; by connecting Turkey with the system of European equilibrium; by causing the preponderance of Russia in the Black Sea to cease; and by preventing Russia from possessing an exclusive right of interference between the Turkish Government and its subjects. I believe, if these bases of negotiation had been honestly accepted and acted upon, they would, as far as possible, have secured the objects we had in view in entering upon this great struggle. My noble Friend dwelt upon their being humiliating to Russia; but, my Lords, Russia accepted them in principle, and they were recommended by the Austrian Plenipotentiary as well as by those of England and France. To my mind, there was nothing in the principle contrary to the honour of Russia, and nothing in the application of that principle contrary to the dignity of Russia. My noble Friend says, and says truly, that the attainment of all this would offer no security to Turkey. The value of a treaty must always depend upon the spirit in which it is agreed to and the good faith with which it is entered into. No treaty can make a weak Power like Turkey perfectly safe against a powerful neighbour immediately in contact with her, if that neighbour is determined to act the aggressive towards her. That, however, is no reason why you should not make the securities you accept as effectual as possible. My Lords, I will take the defence of Sebastopol, which, I am willing to admit, reflects high honour on the arms of Russia. The stores accumulated there could only have been accumulated for purposes of aggression; and the manner in which Russia, without being enabled to bring a single man or a single gun by sea, has relied solely on the defences of the place to defend Sebastopol for many months, shows the danger to which Turkey was exposed, and the menacing position which Russia had taken up. Everywhere throughout Russia, from Archangel to Sebastopol, from Bomarsund to Petropaulovski, in Kamtschatka, there were the same means of defence, the same proof that Russia was aware that by the line of policy she was pursuing, she would sooner or later excite the arms and the united efforts of all Europe against her. Therefore, my Lords, we were justified in seeking to limit the preponderance of Russia in the Black Sea. All we desired was to make such a limitation of the forces of Russia as would be consistent with the safety of Turkey, and afford no danger to the liberties of Europe. We meant nothing more; and I must say, when my noble Friend criticises the comparison made by my noble Friend Lord John Russell with respect to Dunkirk, and admires the answer given by Prince Gortchakoff, that that was at the end of a disastrous campaign, which is not the case in the present instance—that my noble Friend ought to bear in mind that the preponderance which we wish to limit effectually does not really exist in the Black Sea at the present moment. In that sea, where, two years ago, Russia told us it would be a *casus belli* if a French or English ship entered it, the flag of Russia has entirely disappeared, and has been swept from those waters. Surely, then, before England and France consent to withdraw their fleets from the Black Sea they ought to require some guarantee from Russia, not humiliating or degrading, but simply to secure the independence of Turkey. But, my Lords, Russia says she will not submit to this; that she will not permit any interference between what she considers her own Sovereignty and her own dominions; and she defends her right to accumulate, and even to develope, every means of aggression. Now, that is a principle quite untenable, because it would be no degradation to a Power to reduce her armaments if she were desirous of restoring confidence and not of justifying suspicion. My noble Friend alludes to the difficulties that the Russian fleet would have—adopting Prince Gortchakoff's words—in taking Constantinople. Prince Gortchakoff says it would take a fortnight to transport 16,000 men from Sebastopol to Constantinople; but if these 16,000 men, or a larger number, were embarked on board the Russian fleet secretly within the walls of Sebastopol in comparatively a few hours, they might be conveyed to Constantinople, and a fatal blow might be given to the existence of the Ottoman Empire. The arrival suddenly of such a force without any declaration of war would produce disastrous effects, even upon a well-organised community—but, in Turkey, by appealing at the same time to the religious sympathies of the most disaffected portion of her subjects, a blow would be inflicted upon the Ottoman Empire from which it never could recover. It is said that Russia requires her fleet in the Black Sea for her own protection. Now, Russia can never seriously pretend that any danger can threaten her in a sea which the maritime Powers would have no object in entering, from which they would be excluded by treaty, and where, if they had any motive in entering it, events have shown that the Russian fleet would be powerless to protect the commerce of those waters. But Russia proposes that the Straits of the Dardanelles and the Bosphorus should be opened indiscriminately to all Powers, and that her fleet should have the means of entering the Mediterranean and of disturbing the Greek inhabitants of the Turkish islands. She further proposes—and this is what my noble Friend considers an ample safeguard for Turkey—that the Porte should relieve itself from the obligation of the treaty of 1841, and be enabled to call the Allies into the Black Sea whenever her security may be in danger. But, my Lords, the security of Turkey would always be in danger from such a fleet as Russia proposes to keep up in the Black Sea, and the Allies would never be able to say that the apprehensions of the Porte, when they were called upon, were groundless, or that the call for assistance should be listened to: and the result would be that, in return for all the costly sacrifices which they have made in the war, England and France would indirectly bind themselves by treaty to maintain a large force in the Mediterranean, to be always ready at the call of the Sultan; and they would thus enter themselves into securities for Russia keeping the peace, while Russia would enter into no corresponding securities. England and France would, in fact, constitute themselves the watchmen of Europe, and be required perpetually to keep their fleets upon a war footing. But, supposing it did not suit the Western Powers to have a large fleet in the Mediterranean, in four or five years our fleet would be placed upon a peace establishment, and would not be able to go to the assistance of Turkey; besides which, Russia would be mistress of her own policy, as she would be of her own time, and probably she would not undertake any attack upon Constantinople until she had largely increased her Baltic fleet, and then we should find the necessity of retaining our fleet at home, in order not to expose our own shores to insult. We should never be able, at any rate, to arrive in time to protect Constantinople from a well-organised and preconceived attack. All we should have done by adopting the course so strongly recommended by my noble Friend would have been to impose upon ourselves, at a great cost, the duty and obligation of watching Russia, and we should have entered into a hollow armistice that would not be effectual for any purpose we had in view, instead of having secured peace between the two countries. But Russia still claims her right to be a standing menace to the Porte; she has refused to join the other Powers in guaranteeing the independent existence of Turkey; she will not relieve the apprehensions of Europe with regard to the existence of the Ottoman Empire; and she has no right to say that she has made great and important concessions, when the concessions which she has made have been merely to conciliate Austria and Germany with respect to the Danubian provinces, and have in no respect fulfilled those duties in regard to European interests which have led to the just and necessary war in which we are now engaged. Russia knows very well that her fleet is useless to her in the Black Sea, except as a menace to Turkey, though to gain her own ends upon the Ottoman Empire that fleet is invaluable. Upon that account it is to the interest of England and France to limit the power of Russia; and if Russia does not intend to act in good faith, she has no right to complain that the maritime Powers have refused to enter into terms for the cessation of hostilities. I have not entered into any pledges, but I have endeavoured to state what are the views of Her Majesty's Government, and to point out what are the objects which they desired to accomplish throughout the negotiations which have taken place. I can only add, that if it be our good fortune to restore to this country the blessings of peace, I trust it will be only such a peace as will meet with the approbation of your Lordships and of the country at large.

THE EARL OF MALMESBURY said, that although he need not tell their Lordships that it was not his mission to appear before them as a defender of the acts and policy of Her Majesty's Government, he considered this question as one so far removed from the region of party politics that he should have come at almost any inconvenience, and from almost any distance, to record his vote against the Address moved by the noble Earl. The noble Earl declared in this Address that the proposals of Russia afforded a fair prospect of concluding a peace "by which all the original objects of the war might have been gained." Now he (the Earl of Malmesbury) did not at all agree with that proposition, for he was of opinion that the original objects of the war were not sufficiently touched upon in the course of the negotiations which had taken place at Vienna. He was sorry to be obliged to oppose the noble Earl, because no man doubted that noble Earl's complete sincerity, and because he (the Earl of Malmesbury) respected the noble Earl's great consistency on this question, inasmuch as for the last year the noble Earl had been earnestly endeavouring to persuade the House not to be alarmed, and not to enter into a war with Russia. He (the Earl of Malmesbury) therefore respected the noble Earl's opinions; but, on the other hand, he was also bound to say that he felt glad that those opinions were shared by so few of their Lordships, and he hoped that no attempt would be made to force the Motion to a division. The speech of the noble Earl, however, was none the less mischievous because of the sincerity of the noble Earl's convictions; in fact all those qualities for which the noble Earl was justly entitled to credit rendered it but the more dangerous. But it was not the speeches and sentiments of the noble Earl only that were replete with danger to the country, but also the speeches and sentiments of other persons. It was not, he (the Earl of Malmesbury) was aware, decorous to allude to the proceedings of the other House; but he was bound to take notice that he heard no later than the night preceding the same sentiments expressed in another place by a man who was equally looked up to as the noble Earl for his talents—he (the Earl of Malmesbury) would not say equally for his consistency and the sincerity of his convictions—but equally looked up to, and, indeed far surpassing the noble Earl in the accomplishments of eloquence and oratory. If he (the Earl of Malmesbury) might be permitted to speak of the right hon. Gentleman as an abstraction, he would say that no longer ago than the preceding night he dreamt he heard a man, whom all his admirers said was the greatest orator of the day, address an august assembly in a tone and manner, with a force of words, with a colouring of expression, and he might add, with a distortion of facts which were worthy of any Russian Minister, and which would have gained such Minister every cross of St. Andrew that the Russian Government had to bestow. When he (the Earl of Malmesbury) awoke in the morning after this dream, he felt so humiliated, as an Englishman, that he would not believe what he had heard, until he read it in print in the morning newspapers. There he saw word for word the same things he had dreamed—the same distortion of facts—the same anti-English and entirely Russian sentiments; and he thought within himself, as he read those sentiments, which emanated from the breast of a man who, not three months since, had sat in the same Cabinet with his noble Friend (the Earl of Clarendon), that they were well calculated to leave an impression on the mind of any one that the secession of this gentleman from the Cabinet was a great escape for this country. His noble Friend who had just sat down had spoken of Europe being at this moment, as it were, on a mine. He (the Earl of Malmesbury) certainly thought that England was on a mine not three months ago, when the Government included three such men who now sat in the House of Commons as ex-Ministers, and who represented such sentiments as those which had been expressed by the right hon. Member for the University (Mr. Gladstone) last night. He (the Earl of Malmesbury) thought it most important that the sentiments entertained by these men, who had been all their lives in office, should be known; and he would call the attention of the House to these sentiments, especially those of the right hon. Gentleman in question. What did that right hon. Gentleman say, when he alluded to what he supposed—erroneously supposed—was the feeling of a large proportion of the people of this country. He said that they desired the war to continue merely for the sake of military honour. The right hon. Gentleman pretended to believe that this was the feeling of the people of England, and speaking on that assumption—an assumption which his noble Friend (the Earl of Clarendon) had justly stated to be entirely erroneous—he affected to speak with deep indignation. He said, don't dismember Russia; don't involve yourselves in territorial enterprise; don't attempt to pick that great empire to pieces, because you can't do it. Don't, on the other hand, trust it—don't rely on treaty stipulations—but do what? Insult her. Offer her indignities; strike her in the face; and having done so, then leave her with all her strength unimpaired to meditate and to watch for an opportunity of revenge. That is the policy of those who say, We don't want to rely upon a question of the terms given and refused; for the difference between them is scarcely perceptible; but what we do want is a military success. He (the Earl of Malmesbury) retorted on the right hon. Gentleman that in that sense Englishmen did not want military success; and he was certain that there was no man in the country so barbarous, so uncivilised, and so unchristian as to require war for such a purpose. Military success was unquestionably wanted by the nation; and military success it should have to teach that barbarous Power its duties to humanity, and her proper place in the European family, before negotiations could be entered on with one of the most obstinate Sovereigns in the world; but he (the Earl of Malmesbury) protested with all his might against the statement of the right hon. Gentleman that the only object of the war was military success, and he believed that there was not a single individual in England who wished war solely for that purpose. The right hon. Gentleman afterwards proceeded to defend —who did their Lordships think, and what? —the first steps taken by the late Emperor of Russia, when that potentate made the Treaty of Kainardji an excuse for the invasion of Turkey by the occupation of the Principalities; and though that right hon. Gentleman was a Minister at the time of this transaction, and sat in the same Cabinet with the noble Earl (the Earl of Clarendon), this was his language not quite three months after he had ceased to form part of that Cabinet—

> "It appears to me that he has been very unjustly blamed on that score. It is not to be denied, in my opinion—if plain words can convey a plain meaning—that, however justly you may say that the Treaty of Kainardji is dangerous, there can be no doubt that it really imports what my noble Friend admitted. When two Powers enter into engagements together, and one of them promises by treaty to protect the Christian religion and Christian Churches within its boundaries, it is liable to the other Power for the fulfilment of the engagement."

The right hon. Gentleman then went on to say—and he (the Earl of Malmesbury) begged the attention of their Lordships to the fact—

> "It is quite clear that the Treaty of Kainardji is a most dangerous treaty in this particular; for the Emperor of Russia was placed by it in a condition, with some colour, and, perhaps, more than colour, of right, to build on it a claim to intervention in the internal concerns of the Turkish empire."—[3 *Hansard*, cxxxviii. 1047.]

What, however, was the state of the facts with respect to the Treaty of Kainardji? The Treaty of Kainardji was signed in 1774, and all the Empress of Russia obtained from it was the right of intercession for the Greek Christians under Turkish rule. In 1796, twenty-two years after, the Treaty of Akermann gave the Emperor a right of representation under the same circumstances; and by a subsequent treaty the Emperor of Russia asked for a protectorate. The right hon. Gentleman, like the noble Earl (Earl Grey), objected to the negotiation of the noble Earl (the Earl of Clarendon), especially as to the demand of that noble Earl for the limitation of Russian naval power in the Euxine. The right hon. Gentleman was a Member of Her Majesty's Government during the first year of the war; and he (the Earl of Malmesbury) would, therefore, ask permission to refer to the interpretation which his noble Friend (the Earl of Clarendon) put on the third point on the 22nd of July, 1854. These were his words—

> "Her Majesty's Government have no hesitation in stating the guarantees which, in their opinion, and in that of the French Government, are essential to secure the tranquillity of Europe from future disturbances. These guarantees are naturally suggested by the dangers to guard against which they are required. Thus, Russia has taken advantage of the exclusive right which she had acquired, by treaty, to watch over the relations of Wallachia and Moldavia with the suzerain Power, to enter those provinces as if they were part of her own territory. Again, the privileged frontier of Russia in the Black Sea has enabled her to establish in those waters a naval power which, in the absence of any counterbalancing force, is a standing menace to the Ottoman Empire. The uncontrolled possession by Russia of the principal mouth of the Danube has created obstacles to the navigation of that great river which seriously affect the general commerce of Europe. Finally, the stipulations of the treaty of Koutchouk-Kainardji relative to the protection of the Christians have become, by a wrongful interpretation, the principal cause of the present struggle. Upon all these points the *status quo ante bellum* must undergo important modifications." — [*Eastern Papers.*]

Was the right hon. Gentleman absent from London like so many of his colleagues, in the month of September, when the siege of Sebastopol was undertaken? Was he ignorant of the views of the Cabinet? and if he knew them, entertaining as he did, the opinions he expressed, how came it that he continued to retain his seat in the Cabinet? The right hon. Gentleman subsequently said—

> "The more I have considered the plan of limitation, the more I feel the enormous difficulties of carrying it into anything like real or full effect, the more I despair of the ends at which limitation aims being gained by forcing it upon Russia, and the more I feel the extreme indignity which, if so forced, it inflicts upon her; and there is no policy, I think, which is so false and dangerous as to inflict upon Russia indignity without taking away strength. Let us suppose, for argument's sake, that we had obtained limitation, although at this time appearances here and elsewhere are such as to make it very questionable whether it will be attained; but, if it were, what, what good or what evil should we have accomplished? We should, in the first place, have recorded against the Russian Government, in the face of the Russian people, a standing insult to that Government—a standing deprivation of its own natural powers of defence—the first and most essential powers which belong to a Government as such."—[3 *Hansard*, cxxxviii. 1060.]

LORD LYTTELTON objected to the noble Earl's referring to a speech made in the other House of Parliament as contrary to the usage of their Lordships' House.

THE EARL OF MALMESBURY said, he was entirely in the hands of the House, and put his trust in their Lordships' indulgence. He had wished to show, with respect to the limitation, what difference existed between the right hon. Gentleman's opinions now and his acts when in office, and to show how, as Ministers and as statesmen, what an escape the country had had in the secession of the right hon. Gentleman and some of his colleagues from power. With respect to the limitation being a humiliation of Russia, the noble Earl (Earl Grey) who began the debate repeated it. He (the Earl of Malmesbury) did not, however, agree with him. The noble Earl seemed to have forgotten that the limitation was proposed to be reciprocal, and that Turkey, as well as the other Powers, agreed to it. If he read the proposition aright it was, that Turkey and Russia should be limited each to four ships of the line and four frigates in the Euxine; and that the other Powers, parties to the treaties, should be limited to two ships of the line and two frigates each in these waters. In reading that proposition the only objection made by Russia was, that the other Powers would pass the quantity of ships assigned to them. Turkey could not be placed in the same category, however, with Russia; though it was true that the present allies of Turkey, in combination with that Power, would, under such an arrangement, have twenty ships of war in the Black Sea, and in making such a proposal it might, perhaps, have been expected that the Government would have given it a semblance of fairness in order to induce Russia to accept it. The Russian Plenipotentiary, however, said he had not sufficient power to accept that treaty. He (the Earl of Malmesbury) did not for a moment regret the non-acceptance of that proposition, and the speech of his noble Friend confirmed him in his views; for, however convinced he was of Russian ambition and of her determination to extend her territory as far as possible, it required the official knowledge and the assurance of his noble Friend, to be able to state, and to prove, that she had a matured plan to enslave a great part of the civilised globe. The noble Earl read a quotation from *Vattel*, but that quotation went against himself, or, rather, against the course of negotiation that had been adopted; for it said securities should be demanded, and none had been asked from Russia. It appeared to him (the Earl of Malmesbury), however, that the only plan which would afford security for the future was to make the Black Sea analogous to the American lakes. It was no use closing the Straits, and the only way of coming to a satisfactory solution of the question was by being enabled by a military success to draw the teeth of the combatants, and, either by force or by persuasion, to induce Russia and Turkey to give up all ships of war except a few small ones which might be necessary for purposes of police, while we bound ourselves by treaty not to send any ships of war into the Black Sea, except on conditions to be defined in the treaty. From adopting such a course there would be no humiliation to Russia—no more, indeed, than there would be to France and England if they, being allies, agreed, for political or economical purposes between themselves, to reduce their naval establishments in the Mediterranean. He (the Earl of Malmesbury) could not agree with the noble Earl in his eulogy upon the late Emperor of Russia. That he was a great man he (the Earl of Malmesbury) did not deny; but that he was also ready to sacrifice any number of human beings to his ambition there could be no doubt. As to the sincerity of the Russian Government, so much eulogised by the noble Earl, it did not appear to him to be a proof of its existence that the Russian representatives at Vienna had no proposal to make with regard to the settlement of the third point. They asked for eighteen days to ascertain what answer they should give. Did that look like sincerity or a desire to bring negotiations to a speedy termination? When a question was put to his noble Friend (the Earl of Clarendon) upon the subject of these negotiations, he understood his noble Friend to reply that he might as well at once avow that they were broken off; whilst, in the other House, on the very next day, the Prime Minister stated that negotiations were still going on. It was, therefore, scarcely possible to ascertain whether negotiations for peace were still going on or not. However that might be, certain it was, that the main propositions of the allies were refused by the Russian Plenipotentiary, and Lord John Russell withdrew from Viennà. He did not think that much interest was felt on that (the Opposition) side of the House as to whether the noble Lord remained or not. Indeed, he thought that it would have been a graceful end to that noble Lord's eminent but rather fitful career, if he had spent the last days of his political existence as Her Majesty's Ambassador at Vienna. In that case both the noble Lord himself and Her Majesty's Government would have been infinitely more comfortable than they were likely to be in England, and the Cabinet would, no doubt, not have greatly regretted his absence. If he (the Earl of Malmesbury) were a party man, he did not know that he should regret the noble Lord's return home, because he had always looked upon him as one of those elements which occasioned the spontaneous combustion that ended in the destruction of Governments. It was not for him, therefore, to regret the noble Lord's return and his renouncement of a diplomatic career; but certainly his return was, in the eyes of the whole world, a matter of decided and significant character, and he trusted that the Government were determined to make no propositions that were not at least fully as strong as, if not stronger than, those which the noble Lord proposed, and which were rejected by Russia. No one could feel more than he (the Earl of Malmesbury) did the losses which the army had sustained in the Crimea; but he thought the horrors that had been suffered had been greatly exaggerated by the noble Earl. Now, it was not necessary to represent war as more horrible than it really was; it was stated that 240,000 Russians had been slain in the course of the present conflict. What did that imply with regard to the strength of the Russian army? If 240,000 were dead, there must at least be an equal number *hors de combat*. In that case there were 500,000 Russians *hors de combat;* so that the army which was still able to keep the field could not have amounted originally to less than 700,000 or 800,000 men! For his part, he deprecated all such exaggerated statements. We had entered upon the war after much deliberation, convinced that we were engaged in a just cause; and it was useless, worse than useless, either to magnify the losses we had sustained, or to represent the enemy as in a worse position than he really was. He was satisfied that we could trust the spirit of the people of this country, which was unchanged, and which was represented most faithfully by their Lordships' House. He was satisfied, too, that we could trust our officers and soldiers, whose bravery had never been surpassed since England was England. We only wanted determination, unity, and vigour on the part of the Government. We wanted men in the Government the very reverse of those who were banished from its ranks three months ago. We wanted men who could answer such speeches as those which had been delivered in the House of Commons last night. [The Marquess of LANSDOWNE made a remark.] He was glad to hear the noble Marquess say that those speeches had been answered to-night, because the country looked with the greatest anxiety to the language which was held by Ministers upon this question. But would Ministers act up to the language they held to-night for the next six months? He for one had never despaired of the cause in which the country had engaged, whatever he might think of the strategical movements of the campaign. He did not say that mistakes might or might not have been committed. He was not a soldier; but he was an Englishman, and he felt certain that the spirit of our officers and soldiers would be given with unabated ardour to the service of the Crown. He hoped and intreated that their Lordships, if they did divide on this question, would do so with all their strength, because they might depend upon it that if they thus showed their opinion of that party of which the noble Earl might be the ornament, but which he could never render a strong party, the effect upon Europe would be most important. The manner in which the question had been brought before the House of Commons was so puzzling to persons who were not acquainted with the technicalities and jargon of Parliament that it would be almost impossible, owing to the complicated nature of the divisions, to comprehend what the sense of the House really was; but, he trusted, that it would be understood that if the noble Earl did not divide the House, he refrained from doing so only because he knew that he would stand almost a solitary individual against the whole of their Lordships' House. That was the fact, and he trusted that it would be so understood both by this country and by foreigners. If England were to follow the noble Earl's advice, and could believe it possible that Russia were right and England wrong, what a position would be ours at this moment! Why, if we could credit what the noble Earl said, and were now to make a peace upon such terms as Russia had offered, it would give us no security for the future, and in contradiction to that noble Spanish proverb engraved upon Toledo blades—we should have drawn the sword of England without a cause, and have sheathed it without honour.

THE DUKE OF ARGYLL said, the argument of his noble Friend (Earl Grey) appeared to be intended to convince this country and Europe that after the war was commenced they had been adding constantly to their demands; that while Russia had been exhibiting a conciliatory and candid spirit, they had been exhibiting an arrogant and exacting one. He could conceive no argument more erroneous or more unjust. He did not know whether his noble Friend really meant to convey that impression? [Earl GREY: Certainly not.] He was glad to have elicited that answer; but his noble Friend's speech would convey that impression, and wherever that speech was translated for circulation that impression would be urged by Russia. With regard to the disposition Russia had shown to accept reasonable terms from the allies, he exceedingly regretted the tone of his noble Friend's speech, which was an out-and-out defence of Russian moderation, and as such would have an exceedingly bad effect. Now, he wished to correct some errors of fact into which his noble Friend had fallen. The first document to which the noble Earl referred was the first Vienna protocol, dated the 9th of April. The noble Earl said that the original protocol did not contain any reference to the revision of the treaties of 1841. It was true that there was no specific mention made of the point; but the expressions used respecting the maintenance of the Turkish empire in its integrity and making it a part of the general European balance of power directly pointed to the revision of the treaties. The protocol of the 9th of April contained the foundation of the future proceedings, and the note agreed to on the 8th of August, at Vienna, laid down in distinct terms what were afterwards termed "the Four Points," which, with the interpretation placed upon them, formed the subject of the papers placed upon the table. He much regretted the tone of the noble Earl's speech in reference to the disposition of Russia, and her good faith, in reference to her readiness to accept reasonable propositions. He did not think such a speech would serve the cause of peace; it would only serve the cause of war. Such an out-and-out defence of Russia must produce a bad effect. After war had been declared terms were again offered by Turkey, through the intervention of the Western Powers, which, if accepted by Russia, would have put an end to the war. Looking back to the transactions the only doubt on his mind was whether, considering the great interests at stake, the allies were justified in advising Turkey to offer such terms. She demanded the evacuation of the Principalities, but she offered to renew the former treaties, and, by a formal declaration to which all the Powers would be parties, to regulate the condition of her Christian subjects. Such an offer was most generous and liberal, and he was surprised that, while the noble Earl could dwell so much upon the mistakes of the English and French Governments, he had not a word of reprehension for the insolent conduct of Russia in reference to this proposal, which placed upon her the whole responsibility of the calamities of war. No written answer was vochsafed, but Count Orloff was sent to Vienna. He declared that the quarrel between Russia and Turkey was one which must be settled between themselves, and that Russia would not submit to any interference of the Western Powers; if Turkey sent a diplomatist to the head quarters of their army, or to St. Petersburg, they would give her what terms they pleased; and it was generously added that if the Plenipotentiary went to the capital, the representatives of the Western Powers might give him what advice they thought fit. The principle laid down in the imperious message of Count Orloff was one they were bound to resist if they thought they were entitled to interfere at all in the quarrel between Russia and Turkey, and prevent Russia from taking advantage of her superior power. The answer of the Powers was that Count Orloff's proposition was inadmissible, and could not be listened to. Russia took no notice of the protocol of the 9th of April till after the failure of the siege of Silistria. She then sent a message to the effect that she was ready to assent to the protocol—not from any conciliatory spirit, but because of a great military disaster; but even then her agreement was not *bonâ fide*; she omitted all mention of the most essential article—the revision of the treaties of 1841, with a view to the attaching Turkey more closely to the system of European equilibrium. At the moment Austria was about to join more closely with the Western Powers to compel the evacuation of the Principalities, Russia immediately informed her that she was about to do so, but solely from strategic reasons; and it was only just to Austria to say that she did not allow that event to influence her conduct towards the allies. After the note of the 8th of August, Count Nesselrode wrote a scolding note to her for having signed it. It was only after the battle of Inkerman that Russia intimated her acceptance not alone of the protocol of the 9th of April, but of the "Four Points" contained in the note of the 8th of August. In every step Russia had been driven by hard necessity. She made every concession, not from any conciliatory spirit, but from the pressure arising from the hard necessity of war. He reminded the House of these facts, because it was most important to remove the impression that England had advanced her terms. Long before the declaration of war the allies were in possession of the Black Sea, and they, therefore, had a right to lay down conditions in reference to those waters. Since then they had not advanced one step in the conditions they had originally thought necessary for the peace of Europe. It was important that the country should know that by the force of their arms and the effects of their combination, they had extorted very great concessions. The question, however, was whether the concessions made up to the present moment were sufficient, and it should be clearly understood that these concessions were not the result of any conciliatory spirit. A great deal had been said of the principle of limitation; that principle was opposed by three parties; first, Her Majesty's Opposition, who of course opposed anything proposed by Government; next, by the extreme war party, who looked for great changes and a war of nationalities; and, lastly, by the small party that considered any such limitation unjust to Russia. The noble Earl told them that it was an insult to Russia; but they did not propose to limit the whole naval power of Russia. They saw the Euxine was a sea of such a peculiar character that Russia might fairly be asked to give up a fleet which could be of no use for the purposes of defence, and the very existence of which implied purposes of aggression against Turkey. He thought that the practical effects of limitation had been somewhat underrated. Although a large body of troops could be moved by merchant ships and thrown upon the coast of Turkey, an armed force was necessary for their protection, and the knowledge that a strong naval force would speedily be at hand to oppose them would be a great impediment to any such movement. It had been argued that the limitation which was required implied a distrust in the good faith of Russia; but the advantage of limiting her power in the Black Sea was that in case of future aggressive designs on her part she would have to start from a lower point of preparation, and consequently would give a longer intimation of her intentions. He was himself an earnest supporter of the cause of peace when peace could be obtained not only with honour, but when we had gained the objects for which war was commenced; but he could not agree with the noble Earl that the present offers of Russia held out to France and England those sufficient guarantees which we had a right to expect.

Lord LYTTELTON entertained opinions generally in accordance with those of the noble Earl (Earl Grey), but he felt they were the opinions of a minority in that House, and were unpopular out of doors. Those circumstances, however, rendered it incumbent on those who did agree with the terms of the noble Earl's Motion to give him their support. He did agree with the terms of the Motion, but it was not necessary to agree in all the views expressed by the noble Earl that evening. He did not think it quite fair in the noble Earl the Secretary of State to blame his noble Friend for bringing forward this Motion while the war was pending; for, if that objection were to prevail, it would prevent the discussion of all questions relating to the war so long as it lasted. Those who thought the invasion of the Principalities was a gross infraction of the public law of Europe, and as such justified the commencement of the war, had no such pretext now, as Russia had retired to her own territories, and he thought the present war, besides securing the great objects for which we had commenced it, had given a most valuable lesson to other nations, that the power of a nation for defence was infinitely greater than its power for aggression. After the campain on the Danube he could not imagine any danger to Constantinople. With respect to the chief point in dispute, he considered that the preponderance of Russia in the Black Sea had been given up by that Power. He could not say that the propositions of Russia were wholly satisfactory, because he thought it utterly impossible to expect satisfactory relations between Turkey and Russia. It was the old story of the iron pot and the earthen one—the weaker vessel must be crushed by the stronger; the energetic and powerful nation must assert an ascendancy over one that was feeble, decayed, and corrupt. We had here a strong nation by the side of a weak one, between whom perfectly satisfactory relations could not be expected to exist. But the question was the most practicable solution to be found for the difficulty. Agreeing, as he did, with the terms of the Resolution, he should vote with the noble Earl if he divided the House, which, however, he trusted the noble Earl would not do, considering the position in which the tellers would probably be placed.

The Bishop of OXFORD said, he held it to be the duty of every man, in whatever station he might be placed, to use all the talents and opportunities God had given him to promote peace upon earth, and more especially were the Members of their Lordships' House bound to use the power given to them in that direction. He felt, also, that the appeal which had been made by the noble Earl ought to meet with some answer from those benches to which he himself belonged before their Lordships proceeded to a division. He could not, for one, vote for the Address which the noble Earl proposed. He could not vote for it, because he did not believe that the adoption of the Address by that House would tend to the promotion of that object which he knew to be so dear to the heart of the noble Earl. If the Address had been of a different character—if, while expressing his regret at the apparently unfavourable termination of the recent conferences, the noble Earl had expressed to Her Majesty his belief that from those conferences there might even yet be drawn that great blessing, peace to the world—he would have felt it his duty to support it. But the Address proposed went much beyond that, and the speech of the noble Earl, in which he appeared to throw the whole blame on England and her ally, and not upon Russia, went still further than the Address. He believed, as doubtless all their Lordships believed, that war was, under certain circumstances, not only absolutely justifiable, but a duty on the part of a nation; or, as it had been expressed by an eminent authority, war was an appeal to the tribunal of God in those cases where there was no superior power on earth which could give a decision thereon. But when a nation was about to enter into a war, it should stop and carefully examine whether the war into which it was entering was for a cause which could be made the subject of an appeal to the tribunal of God for that decision which no other tribunal could give. He believed that for a war to be justifiable in its origin and in its conduct it must be capable of being resolved into a war of self-defence. It might be that a nation seeing an attack coming upon it forestalled that attack, in order to prevent the evil that otherwise might come. But when a war which had been rightly begun was long continued, another point arose which every Christian nation should carefully examine. They should ask themselves whether they had been led on by the progress of the war to change their views on any essential point which concerned its original justification? Believing that this war in its origin had been just—that it had been undertaken to defend the liberties of Europe against the tyranny of a domineering potentate—believing that it had been undertaken by our Government with a righteous purpose, and most reluctantly, and that the Government had even, through their unwillingness to plunge the nation into the horrors of war, encountered much obloquy, he thought the practical question was, whether we had now reached such a point in the war that we might hope to close it in the spirit of justice and rectitude, as well as with due regard to our national dignity. Agreeing, as he did in much that had been said to night by Members of Her Majesty's Government, he was bound to say that, after the best study he had been able to give to the papers and protocols, he did think that there was an unnecessary strain placed upon the acceptance by Russia of the third of the propositions under discussion, and he did believe that they were in danger of being led on from a just and a righteous into an unrighteous and unjustifiable war. We seemed now to be continuing the war with no precise or settled purpose, but with the notion of obtaining some great and striking military success, such as would draw, as it had been expressed, the teeth of Russia. He thought it desirable that the people of England should fully understand how great had been the success of our arms during the campaign, and how material had been the concessions made by Russia. He believed that from the first Her Majesty's Government had been really anxious to preserve the peace of Europe by any means compatible with the national honour. In February, 1854, Russia demanded that any negotiation for peace should take place, not at Vienna, but at some neutral point—which, with considerable *naïveté*, was afterwards explained to be St. Petersburg, or the head-quarters of the Russian army; and, further, that such negotiation should be between Russia and Turkey alone. These points had, however, already been conceded by Russia. The Russian Government further demanded a confirmation of all the old treaties—but they were now content that those treaties should be swept away; and whereas at the commencement of the war Russia required that the protectorate of the Christians in the Turkish empire should be committed to her alone, she was now willing that it should be committed to the great Powers of Europe. He contended, then, that all the main objects for which this country had engaged in war had already been gained. The Principalities had been evacuated; arrangements had been made for a European guarantee to secure their future immunity from Russian invasion; and it was agreed that those treaties should be swept away which had afforded a continual excuse to Russia to interfere in Turkish affairs, and by degrees to annex great Turkish provinces to her own dominions. The question upon which our negotiations had failed was that of limitation, and he thought the noble Earl (Earl Grey) had made a very strong point in quoting a high authority to show that to require any Sovereign State to limit the number of its ships of war was an indignity to which it could not be expected to submit. He (the Bishop of Oxford) thought such a limitation would afford but slight protection to Turkey, because it might very easily be evaded. They all knew that in the great shipbuilding yards of Russia many large vessels might be kept on the stocks in readiness to be launched at any moment. He should regret that any language should be used in that House which would make it difficult for Ministers to carry on these conferences and communications, so that they might endeavour to vary the terms of their requirements to meet the only remaining point, and thus give peace again to Europe. No peace could be lasting or secure with a great nation, which inflicted upon it, even though its humiliation for a time should be ever so complete, terms which it felt to be unworthy of its inherent greatness. It might be said that that was holding Russian language, but it was the language that was held by no less a man than the Duke of Wellington himself at the termination of the last French war. When the question was discussed of obtaining a security for Europe against the awakening and insatiable ambition of France, he observed that if large cessions were required the operations of war might be considered as only deferred until France should find a suitable opportunity of endeavouring to regain what she had lost. He (the Bishop of Oxford) was far from wishing to see the British nation quit any war in a dishonourable manner, or without the successes merited by its arms; and therefore he regretted the depreciating language which had sometimes been used with regard to the results of the campaign, because it tended to render the attainment of peace more difficult, consistently with the honour of England. There was danger in a great country like England making peace under equivocal circumstances. Much of the power of England, throughout the Continent and in the East, depended upon the *prestige* of her name, and undoubtedly, as an Englishman, he could not desire to see her quit the war in a manner that would lead to any abatement of her power; but he thought, after the substantial gain which had resulted from the campaign, and after the courage which the British armies had displayed, they might make peace now with perfect safety, if proper guards could be provided against a renewal of the ambitious aggressions of Russia. The courage exhibited by our troops at the Alma and at Inkerman had raised rather than lessened the character of England with respect to the strength of her military array and the might of her soldiery; and he need scarcely remind their Lordships that the Russian navy had been swept from the sea, and if it had not been defeated it was only because it had shrunk from encountering the fleets of the allies. He therefore felt deep regret that language should have been used by any one which might throw difficulties in the way of those who were intrusted with the conduct of delicate negotiations, and might prevent a safe and honourable peace from being secured to Europe. He would remind their Lordships that, great as was our power as a nation, brave as were our soldiers, unequalled as were our fleets, it was only for Him who was higher than the highest to breathe upon us, and our power would fade away beneath that blast. He entertained not the slightest doubt that France and England, so far as mere human might was concerned, could utterly overcome those who were set against them; but, although he entertained such confidence, he knew that there was One who disposed the events of nations as well as the affairs of men; and he prayed their Lordships to allow no language to pass unrebuked within their walls which would make a just and honourable peace more difficult of England's attainment.

The Duke of NEWCASTLE: My Lords, I should not have risen to address your Lordships at all this evening if I thought it likely that it would be left to your Lordships to signify your opinions by your votes; but I rather apprehend that the appeal made to my noble Friend not to divide the House is about to be attended to, and I am, therefore, desirous of stating the views which I entertain upon the Resolutions which have been brought before the House. I must say, my Lords, that I have listened to much of what has passed this evening with very sincere pain. When I saw the notice given by the noble Earl some ten days ago I apprehended that some little mischief might arise from the discussion of the questions which the noble Earl was about to raise; but I must say that those anticipations of evil have been considerably augmented by the speech which has fallen from my noble Friend this evening. Throughout that speech my noble Friend so greatly extenuated—I may say defended—every act of our enemy, and pressed so heavily upon every act of ourselves, that I am afraid the result cannot be otherwise than to a great extent to irritate the people of this country, and to lower us in the estimation both of our allies and of our enemy. In expressing these opinions with reference to the speech of my noble Friend, I beg to assure him that I am addressing the House most seriously in the interests of peace, and in my conscience I believe that the speech addressed to your Lordships by my noble Friend is far better calculated to postpone the conclusion of peace, which all so heartily desire, than any of the declamations of the most violent friends of war. I cannot but apprehend that the speech of my noble Friend, followed by such Resolutions as those which he has proposed, must, in the first place, have the effect of encouraging Russia to persevere in all her efforts and demands, and it may also even induce her to withdraw the concessions she has already expressed her entire willingness to make. And if this is likely to be the effect on our enemy, what is likely to be the effect on our friends? What is the present condition of Germany? Germany is divided upon the question, but we have nevertheless many friends of our cause in the States of Germany. Then, is not a debate like this, and such sentiments as those which have been expressed, not by an inexperienced Peer, but by one who has occupied a high position in administering the affairs of the country, and one who bears a great and historic name, calculated to paralyze Germany, to turn those friendly to us against us, and to induce those unfriendly to us to persevere in their hostility? Is it not highly probable that many of the people of France may look with alarm at the discussions which have taken place? Is it not likely that the people of France may say, "If we are to be pushed forward in this alliance, what security have we, with a free constitutional Government in England, that she may not desert us in a short time?" And are not the people of France likely to be deterred by that consideration from a continuance in that firm and fixed alliance which has been so cordial hitherto? My noble Friend has spoken of a war-cry having been instigated in this country; but I must say that if you put forward language so friendly to the actions and conduct of our enemy as that held by my noble Friend, you are much more likely to instigate a war-cry than by any course you could possibly take, and you are likely to raise a feeling in the country which may prevent any Government—even a Government as friendly to peace as the present Government must be, unless they have departed from the sentiments which I always heard them express when I had the honour of a seat with them—from concluding peace. I do not think, however, that there has been a war-cry in the spirit in which my noble Friend has stated. There has been no vain love of military glory—no desire on the part of the people of this country to see a sanguinary conflict for the mere sake of hearing the firing of cannon and the proclaiming of a great victory in the park; but, on the contrary, I am convinced that the spirit of the country goes only to the belief that we have not yet attained those great objects for which alone we entered upon the contest. My Lords, if I listened with pain to the speech of my noble Friend, I must say that I also viewed with regret the Resolutions which my noble Friend calls upon this House to affirm. He calls upon us to say that the proposals made by Russia were such as ought to have been accepted. [Earl GREY made an observation.] Perhaps I had better read the Resolution. It calls upon us to "express an opinion that the proposals of Russia were such as to afford a fair prospect of concluding a peace, by which all the original objects of the war might have been gained, and by which Her Majesty and Her allies might have obtained all the advantages which can reasonably be demanded from Russia." Now, it is impossible for us to take into account the rumours which we have heard of Russia having been disposed to concede something more. I confess that I, for one, cannot agree that the proposal made by Russia—the counter-proposition made upon the third point—gives us any such assurance. We have heard a great deal of discussion with regard to the limitation of the power of Russia in the Black Sea. I confess that I cannot see that that limitation would be any such great indignity that it would be inconsistent with her honour to accept it. In fact, we are not obliged to look upon the proposition in any such point of view; for the limitation of the power of Russia in the Black Sea was one of the Four Points accepted and adopted in principle by Russia herself; and it was simply the mode of carrying out that principle which she refused to adopt. It has been said that the counter-proposition of Russia would have given us the object we have at heart; but I frankly confess that I cannot for the life of me see either that it would be an equivalent, or that it would offer any security at all for the independence of Turkey. It appears to me that the counter-proposition of Russia is really one entirely for her own advantage. Putting on one side the question of limitation, what is it she proposes? It is simply this—that, as regards the whole question of the Black Sea, we are to return to the *status quo ante bellum*, with this simple exception, that Turkey is not to wait for a declaration of war, but is to be at liberty at any time she pleases to call in the assistance of the Western Powers, and, in point of fact, to open the Straits. But Turkey might some day "call those spirits from the vasty deep" when there would be no one to answer her. My noble Friend the Secretary for Foreign Affairs has already observed that if the proposition of Russia were agreed to it would impose upon the Western Powers the necessity of maintaining a very large fleet in the Mediterranean for the purpose of watching the safety of Turkey. You would be in a perpetual state of semi-war, and I appeal to any noble Earl whether the experience of the last half-century does not tell us that if this state of semi-war were for one moment departed from the inevitable consequence would be that we should have to incur again the heavy expenses to which we have been put in the prosecution of the present war. Directly peace was concluded the House of Commons and the people of the country would call for a diminution in the expenditure; in a short time we should only have three or four vessels of war in the Mediterranean; those vessels would probably be locked up for months in the harbour of Valetta, and then where would be the security of Turkey? My Lords, I think when this nation is embarked in war, it is your bounden duty to yourselves, to your country, but, above all, to posterity, not to allow that war to close in such a manner as that you will be exposed at an early day to its renewal, at a time, too, when you may not be able so well to thwart these endeavours, as I sincerely hope you may now be enabled to do. As I before said, I never addressed this House with more pain than I have done upon this occasion; and, if even there is not a division, I must still say emphatically "No" to the Resolution.

The Earl of DERBY: My Lords, little as I wished to intrude upon your Lordships any observations of mine upon this occasion, my disinclination to do so has been materially increased, and the inutility of doing so is more plainly demonstrated, after the speech of the noble Duke, in which there is not one single syllable from which I can dissent, or which does not entirely express the views and opinions with which I regard the unfortunate Motion of the noble Earl opposite. I call it by this term, because I think it is most unfortunate that a proposition like that which is now before us and accompanied by a speech involving such principles, made with such ability, and exhibiting, upon the part of a noble Lord of such influence and such station, opinions so unfavourable to his own country, so encouraging to the aspirations of Russia, should have been brought forward in this House, more especially as this speech, while it is utterly at variance with the opinions of the people of this country, no doubt, will go forth to Europe and to the world; and more especially, too, as it appears to have been supported, at all events by one noble Lord in this House, and that it will not be known to Europe and to the world that in all probability, that noble Lord would have been the one, if not the only one, by whom the Motion would have received support upon a division. Though not desiring to fetter the judgment of the noble Earl, and thinking that, considering what his own views are, he probably exercises a sound discretion in abstaining from a division, I must say I think that if he wished to place his own opinions and the opinions of the Peers of England fully and fairly before the country and before the world, he either ought not not to have brought forward a Motion of this kind, at this time, or he ought not to have made that Motion nugatory by resolving to withdraw it. Without wishing to imply anything disrespectful to the noble Earl, I would say that, if we have the poison of his arguments we ought, at all events, to have the comfort of the antidote which a division would have afforded. I desire that there should be no mistake as regards the opinion of this House. If the noble Earl disputes the fact I challenge him to disprove it; but I venture to say that, if the Peers of England divide on this question there will not be a dozen—I will even say there will not be half-a-dozen—out of the 450 Members of your Lordships' House who would not give a negative to the proposition now before us. Then, again, I confess I regret the manner in which this discussion has been brought on. I could have desired that Her Majesty's Ministers had taken a course more in accordance with usual practice, and that the negotiations having closed, and my noble Friend having admitted to us that for all substantive purposes they were closed, and that that was the vindication of the Government for laying upon the table the result of these negotiations—I say, that being the case, I cannot but lament that Her Majesty's Ministers did not express to the House, as they might have done, their regret that these negotiations had not led to a favourable issue, and invite Parliament to give an assurance—which I am certain they would have been ready to give—of their cordial and continued support in the vigorous prosecution of the war. The right rev. Prelate, who does not, indeed, altogether concur with the noble Earl in all he has put forward, stated that, had the noble Earl proposed a different kind of Resolution, he would have supported it. My Lords, so should I; but that depends upon what difference was made in it. Though I come nearer to the right rev. Prelate than to the noble Earl, I certainly could not support a Resolution which should bear upon the face of it an opinion that further conferences at Vienna, in the present state of matters, would lead to peace. I own that I have no such hope, and desiring, as I do, a just and honourable peace as much as any man can do, and agreeing with the noble Duke in his statement as to what the feelings of the country are on this point, and that there exists an anxious and earnest desire to obtain, if it can be obtained, an honourable peace, yet that the country is sternly resolved to carry on the war with vigour until that kind of peace is obtained—I say my regret rather is, that the propositions made were such as, even if accepted by Russia, would not have given us all the security which we ought to have. It is idle, I think, to look back, as the noble Earl did, into what might have been done and what was done two years ago, and how far we might have averted the war at the period of Prince Menchikoff's mission to Constantinople; although I must be permitted to say, *en passant*, that my noble Friend the Secretary of State for Foreign Affairs, giving, as he did, a very admirable answer to the noble Earl, appears to me to furnish the strongest case I have ever heard against the Government of which he was then a Member, for not having taken at that time a more decided and more strenuous course in resisting the aggressive attitude assumed by Russia. I think the whole tendency of his arguments showed that a more decisive position than was then taken up by Her Majesty's Government, and the placing before Russia the inevitable consequence of persistance in the line of conduct she was pursuing would have afforded a much better chance of preserving peace than the reluctance displayed by the English Ministry to enter upon the war. I agree with the noble Earl who opened this discussion, that Russia did not desire war; that Russia was bent upon attaining her objects at all costs, but if possible without war; and the more she could gain by a stealthy march upon the integrity and independence of Turkey, the better she felt she would be prepared for war when it came, and the better placed she would be. Such a feeling as that, however, was to be met by a firm and uncompromising declaration on our part that we understood the projects of Russia, and that if she persevered in them she must do so with the certainty of having united against her the determined hostility of the two great nations of the West. I am persuaded that such a tone taken at that time would have checked the aggressions of Russia, and have placed us in a much more favourable position than we are now in. My noble Friend talks about Russia not having unveiled her designs, and of having given no outward signs of that violent ambition by which she is devoured. But the fact is, that at that time the British Government knew perfectly well what the designs of Russia were. Russia wished, indeed, to be on friendly terms with England, and with that view put forward certain discreditable proposals; but the Government knew perfectly well what the ulterior objects of Russia were, and from that moment it became the duty of the Government to have taken up a firm stand, and to have shown, by unequivocal language and conduct, that the objects contemplated by Russia could not, at all events, be attained with the sanction of England. But it is useless now to refer to the past. The question at present is, what course ought England now to take to bring this war to a speedy, but above all, to an honourable and a satisfactory termination? I do not undervalue the concessions which Russia has been compelled to make by the progress of our arms, and by the pressure upon her resources. I do not undervalue her withdrawal—if she has indeed withdrawn from them—from those claims she originally made as to a protectorate over the Greek subjects of the Porte, her assent to the independence of the Governments of the Moldavian and Wallachian Principalities; nor do I undervalue her admission of the necessity of securing the free navigation of the Danube—though with regard to the latter point we must not talk as though it were a new concession, because, although in practice Russia did not concede it, yet, as far as treaty obligations go, as far as the bounden duty of Russia, pledged in the face of the rest of the world went, the freedom of the Danube was just as much secured by treaty as it will be when secured by any new treaty, if entered into. I say, my Lords, I neither undervalue those objects, nor do I pretend to say that they are incomplete in themselves;—but the main object for which we entered into this war was to take a sufficient guarantee for the permanent independence and integrity of Turkey against the open aggression or the secret wiles of Russia. My complaint with regard to the third point is, not that we asked too much, but that we asked too little. My Lords, in the course and progress of this war a material change has taken place in the demands which were originally made, but that change has been rendered necessary by the alteration of the circumstances under which we are now placed. Terms and restrictions which we were willing to accept to avert war are quite insufficient now that we have once drawn the sword. When, as the noble Earl has told us, we have lavished no less than 50,000,000*l.* of treasure, and when the lives of 20,000 of our fellow-countrymen have been sacrificed, it would be vain to expect us to accept those terms which we would have been willing to accept before the war broke out. But, my Lords, a material alteration has taken place in the character of the war in which we are engaged since the original demands were made. It was entered into as a purely defensive war, but by the expedition to the Crimea it has assumed an aggressive character. I have not to reproach myself with having taken any part in that change in the character and circumstances of the war. The war commenced as a purely defensive war, having for its object the defence of the independence and integrity of Turkey, and the setting free of the Danube, and this country might have been satisfied with accomplishing those objects if the war had retained that character; but as the character of the war has changed, conditions which we might at first have accepted cannot now be agreed to with honour, or even with safety. From the moment that you commenced an aggressive war—from the moment you gave effect to the declaration of the Government, and we became bound to put a stop to the preponderance of Russia, and to weaken and impair the power of that great country—from that time it was very useless to talk about our propositions being humiliating or inconsistent with the dignity of Russia. You have entered upon the task of materially diminishing the power of Russia, and any condition which tends to that result must be humiliating, and may be insulting, to her dignity. You pledged yourselves when you entered the Crimea and sat down before Sebastopol, that you would destroy what the noble Lord the Secretary for Foreign Affairs called a standing menace to Turkey, and of which he said that as long as it remained it was a mockery to talk of a safe and honourable peace; after that challenge, and after the armies of two great nations have been occupied seven months, notwithstanding the most heroic exertions and unparalled efforts of privates and officers in the siege of that fortress, and as yet without success—after that declaration on the part of the Government to which I have referred, and to which the country is committed—I say that to withdraw from before that fortress baffled and defeated, and to leave that standing menace to the independence and integrity of Turkey undiminished in power, would be a humiliation to England and to her ally. Anxious, therefore, as I am for peace, and unwilling as I am to say a single word which may interfere with any attempt to secure that inestimable blessing, I say that I do not believe that any engagement which we could have entered into at the Conferences at Vienna, and which could have been accepted by Russia as being consistent with her dignity, would have afforded sufficient guarantees for the future, now that we have entered upon an aggressive war. We are not responsible for the aggressive character of the war, nor are we responsible for the conduct of it, or for the strategy which has been displayed; but we are responsible for this—that we have committed to a particular Ministry the power of exercising the functions of State, and we are responsible to the Sovereign and to the country that their efforts shall not be disgraced by an unworthy peace, whether we approve or disapprove the conduct of the war. I concur with the noble Earl that the proposal to limit the number of Russian ships of war in the Black Sea contains nothing dishonourable to Russia, because it is founded upon the principle of a reciprocal limitation on the part of Turkey. The right rev. Prelate has slightly misunderstood what fell from my noble Friend on this subject. What my noble Friend said was, that it would have been no more humiliating to Russia to consent to a condition to reduce her naval power in the way proposed than it would be for England and France to enter into an arrangement to reduce their naval establishments in the Mediterranean. The acceptance of such a proposal would not have been more humiliating to Russia than the arrangement entered into by England at the close of the war with the United States, that not more than a certain number of vessels should be kept on those lakes which lie between the territory of the two nations. I quite agree that any condition as to the limitation of the number of Russian ships in the Black Sea might easily be avoided. I think it very possible that vessels might be kept upon the stocks in various stages of preparation, that ships might be built as merchantmen which would be ready at any moment to take guns on board, and that the provision might be easily evaded; and, therefore, I say that any such provision does not appear to me to afford that security for the future which I think we ought to demand. The question, however, for your Lordships to consider is, not whether the proposals made to Russia were satisfactory, but whether the Russian counter-proposals afforded a fair expectation of our obtaining from Russia the original objects of the war, and of obtaining all the advantages which we have a reasonable right to expect from her. Now, my Lords, what were the advantages which we were to obtain from the counter-proposition of Russia? Russia proposed that her fleet should not be limited either in extent or number, but that she should have power to increase it to any conceivable limit; but she was willing that Turkey should have the power to do away with the principle of the *mare clausum*, and, in case of danger or menace, that she might open the Straits, and summon the fleets of her allies to her assistance. Now, my Lords, observe that the Dardanelles are, by every principle of national law, the absolute property of the Ottoman Porte, and that Turkey has the abstract right of opening or closing those Straits as she pleases. It is true that, as regards other countries, Turkey is bound by treaty to close the Straits, but *quoad* Russia there exists no such obligation, because all treaties between Russia and Turkey are dissolved by the war; so that all Russia is willing to concede is that Turkey shall exercise a right which belongs to her on every principle of international law. If there could be a proposition more calculated than another to embroil Russia and Turkey, to keep up a constant fear of insecurity, to impose on the guaranteeing powers the necessity of keeping up forces without the hope of effecting the object for which the forces were maintained—if there could be a proposition having for its object these results, that was the proposition made by Russia, and which the noble Earl calls on your Lordships to affirm. The noble Earl seems to think that Austria views these proposals with satisfaction, but I do not think that any such inference can be drawn from the written expression of the opinion of Count Buol. I do not yield to the right rev. Prelate or to the noble Earl in the sense which I entertain of the horrors and calamities of war; but it is of no use now to moralise as to those horrors and calamities. We are entered into war, and the question is, how shall we withdraw from that war, not only without discredit to our army, not only without dissatisfaction to our allies, not only without alienating from us those who have been hitherto with us, but how we shall withdraw from it with the security of a reasonable prospect that we shall not within six months plunge into another war more angry in its character and more intense in its hostility than the present, from our having shown too great an eagerness to arrive at a hasty peace? I say, therefore, in the interest of peace, that this is no time for commenting upon how the war might have been avoided; our question is, in the interest of our common country, to determine what is to be done to obtain the great object of the war. In that sense I can hardly say that I regret that the negotiations at Vienna have failed, because I was convinced that they must fail from the commencement. I believe that if we are to have a secure and honourable peace we must conquer that peace; and, if we are to conquer that peace, it must be by showing, in the teeth of such resolutions as those of the noble Earl, or in the teeth of any resolutions calculated to quench the energy and to damp the courage of this country, that it is our fixed determination to go through that which we have entered upon, and not to depart from it until we have arrived at an honourable and satisfactory conclusion.

Earl GRANVILLE rose to state a matter of fact, and not to prolong the debate, which the remarkable unanimity that had characterised the discussion rendered altogether unnecessary. Every Peer who had addressed the House had condemned the course which his noble Friend had suggested; and he must be allowed to congratulate the House that, although the speech of his noble Friend who had introduced the Motion appeared to be of a singularly irritating character, and singularly calculated to lead those who differed from him to indulge in some exaggerations upon the other side, yet that, while the tone had been firm, he had scarcely remembered one sentence which had been uttered which could fairly be charged with intemperance or irritability. The matter of fact which he wished to state was, that, whereas the noble Earl had supposed that the Conferences at Vienna were closed for any practical purpose, not only was that not the case, but at this very moment proposals had been received from Austria, accompanied with subsequent modifications, which were at present under the consideration of the two Governments of France and England. There was very little chance—indeed he might say there was no chance—of a favourable conclusion. He thanked the noble Earl opposite for the really useful speech—useful to the national cause—which he had just made, and he trusted that his noble Friend (Earl Grey) would yield to his appeal to divide upon the present question.

Earl GREY, in reply: *—My Lords: I can assure your Lordships that I am not going to commit what I am sensible would at this hour be the great impropriety, of availing myself of my right of reply, in order to answer the various objections which have been made to the Address I have moved, and to the arguments by which I supported it; but some imputations have been cast upon me of so serious a character that I cannot pass them by without notice. These imputations were made in the first instance by my noble Friend the Secretary of State for foreign affairs, and were repeated by the noble Duke below me (the Duke of Newcastle), and by the noble Earl opposite (the Earl of Derby). My noble Friend accused me of having served the cause of Russia by my speech; of being the eulogist of the late Emperor; of having praised the moderation and forbearance of Russia; and of having gone so far as to say, that the Four Points presented to her as the basis on which the allies were prepared to treat for peace, were humiliating to her, and ought not to have been required from her. Now, my Lords, all these statements as to what I said in submitting my Motion to you are entirely erroneous. I will take the last first. So far from having objected to the "Four Points," as they are called, I said expressly, that although all the matters in dispute before the breaking out of the war had been long ago decided in your favour, yet I was aware that you had declared, as you were entitled to do, that after the war had begun, you would no longer be content with the same terms with which you would have been satisfied before hostilities had been commenced. My argument was not that the "Four Points" were objectionable (for I think that they afford a fair basis for peace) but that Russia had fairly met you in the endeavour to carry these heads of agreement into effect. I contended that on the two first heads Russia had acceded to all you had asked, that on the first part of the third head she had also come to an understanding with you, and that on the second part of this head, what she proposed was better for your own purpose than that for which you asked, and that the condition on which you insisted, and the refusal of which you made the ground for breaking off the negotiation, was one which would have been perfectly worthless if you had obtained it, while it was justly regarded as objectionable by Russia.

Then, with regard to my alleged praise of Russia for moderation and forbearance, I beg to remind my noble Friend that I never used the words at all except when I recalled to your Lordships' recollection the fact, that in the original dispute with respect to the Holy Places, it stands recorded in the papers on our table, as my noble Friend's own opinion, that Russia was in the right and France and Turkey in the wrong, and that for some time Russia had acted with moderation and forbearance. I quoted this as the opinion, which it undoubtedly was, of my noble Friend and of the Government.

It is equally incorrect to represent me as the unqualified eulogist of the late Emperor Nicholas, and as having asserted that Russia had been in the right throughout. What I did say was that the late Emperor, though he had great faults, had also some great qualities; that his faults were not the faults of fraud and falsehood, and that he did not deserve the unmeasured vituperation of which he has been the object. I said that the original cause of the war between this country and Russia arose from a misunderstanding between the two Governments as to their mutual intentions, for which our own Government was at least as much to blame as that of Russia: but so far was I from asserting that Russia had been in the right throughout, that I expressly said, in speaking of the occupation of the Principalities, that it was an act of aggression which it was impossible to defend, by which Russia put herself entirely in the wrong, though up to that time she had been, if not altogether in the right, at all events, much more so than her antagonist. My argument did not lead me to refer to what took place afterwards, but I have no hesitation in avowing my opinion, that in the various transactions that intervened between the occupation of the Principalities and our declaration of war, Russia was for the most part greatly to blame, and especially so in her rejection of the terms proposed in December, 1853, to which my noble Friend the noble Duke (the Duke of Argyll) has referred. The view which I took of the case was, that owing to the undecided line of policy pursued by our Government, the Emperor Nicholas was drawn on to commit himself to enforce a demand, which was not originally an unreasonable one, by means of a very objectionable kind, so that before he was aware that we should support Turkey in her refusal, he had gone too far to retreat without what he considered a sacrifice of dignity, to which, with his proud nature, and in the position he held, it was not wonderful that he could not make up his mind to submit. Hence I intended to argue, that although the aggression committed upon Turkey by the occupation of the Principalities was one which she was entitled to resist; still, when the circumstances which led to this step were considered, the conduct of Russia did not deserve to be described in the exaggerated language that has been applied to it, and that has created the spirit of animosity against her now generally displayed.

As to the service which it is said that my speech will do to the cause of Russia, I would remind your Lordships that this is merely what has been said of every man who has at any time ventured to lift up his voice against a popular war. It was said of the opponents of the American war; and, again, of the opponents of the revolutionary war with France. It may be admitted that some inconvenience does arise when the country is engaged in war, from the arguments of those who oppose it, but far more inconvenience—or rather a most formidable evil—would arise in a free country, from attempting to restrain those who disapprove of war, from expressing their opinion. Your Lordships cannot fail to perceive that it is possible, at least, that a war, though popular, may yet be unjust or impolitic; but there would be no means of preventing or putting a stop to such a war if those who condemn it are to be silenced on the ground that their arguments may help the enemy. If this principle were to be established it would be better, as regards its foreign relations, for a nation to be under a despotism than under a free government. A despot, before he plunges into war, or rejects overtures for peace, will generally listen to what his counsellors may have to say in favour of peace, and will not, therefore, decide for war without knowing the arguments against it. But, in a free country, public opinion is the ultimate governing power which decides, in the last resort, the great question of peace or war; and how is the public to have the means of forming a sound opinion, and of coming to a just decision on this most momentous question, if you are to silence all those who would endeavour to show by argument the injustice or impolicy of engaging or persevering in war, while free course is given to those who flatter the passions of the people, and court their favour, by defaming and vilifying any nation with which we may have a controversy? The noble Duke below me (the Duke of Newcastle), while he joined my noble Friend the Secretary of State, in condemning the course I have taken, on the ground of its being serviceable to Russia, added, as an additional objection to it, that he feared it would irritate the people of this country and thus make them still more averse to peace. My Lords, I do not think so meanly of my countrymen, as it would appear that the noble Duke does from his expressing this opinion. I have no doubt that the speech I have made this evening will give great offence. Neither individuals nor nations, in general, like to be told that they have been in the wrong; but I have such confidence in the right-mindedness of the people of England, that I do not doubt that in spite of the offence I may have given, they will allow their due weight in the end, to whatever truth and justice there may be in the arguments I have used.

My Lords, I have only further to say, in answer to the advice of the noble Earl opposite, that I should call for a division, that I shall act upon the old maxim that it is dangerous to take advice from an enemy, and that I much prefer following the advice not to ask your Lordships to divide, which was given to me by my noble Friend (Lord Lyttelton), who must, I fear, be considered as the only one of your Lordships who has supported me in this debate, since, if I rightly understood my right rev. Friend who spoke a short time ago (the Bishop of Oxford), he does not intend to give me his vote, though all his arguments seemed to me to be in favour of my Motion. I am the less inclined to put your Lordships to the trouble of a division, because I know that more than one of the very limited number of those who are inclined to vote with me are unavoidably absent.

On Question, *Resolved* in the *Negative.*

House adjourned to Monday, the 4th of June next.

HOUSE OF COMMONS,

Friday, May 25, 1855.

MINUTES.] NEW WRIT. For Bath, *v.* Thomas Phinn, esq., Chiltern Hundreds.

PUBLIC BILLS.—1° Limited Liability; Partnership Amendment.

Reported—Court of Session (Scotland).

3° Personal Estates of Intestates; Militia (No. 2).

THE PARIS EXHIBITION—QUESTION.

MR. THOMSON HANKEY asked the Secretary of the Treasury whether any arrangements will be made for the purpose of facilitating the obtaining of passports to Paris during the Exhibition?

MR. WILSON said, the question of passports to Paris during the Exhibition, had been brought under the notice of the Treasury by the Foreign Office some few weeks ago, and an arrangement had been made whereby passports would be issued free to workmen and artisans of the United Kingdom, for the purpose of visiting Paris, and which would be good for one month from the time of their being issued. Arrangements had also been made for the purpose of enabling workmen to apply to the Foreign Office for their passports, and he believed they would require to have the recommendation of the mayors of the towns in which they lived, or, if they resided in London, the recommendation of the Lord Mayor or the Metropolitan Commissioner of Police. In country places, where there was no mayor, that authority would require to be given by the Superintendent Registrar of each district in England and Wales.

MR. PHINN'S APPOINTMENT AT THE ADMIRALTY.

SIR WILLIAM JOLLIFFE inquired whether it was true that Mr. Phinn, the Member for Bath, had been appointed to the office of Assistant Secretary to the Board of Admiralty?

MR. WILSON said, he believed so.

SIR WILLIAM JOLLIFFE then moved, that a writ be issued for the election of a burgess to serve in Parliament for the City of Bath in the room of Mr. Phinn, who had accepted an office under the Crown.

THE CHANCELLOR OF THE EXCHEQUER said, the office Mr. Phinn had accepted was not an office under the Crown, but under the Admiralty, and his acceptance did not, therefore, necessarily vacate his seat. He believed, however, that the hon. and learned Gentleman had already taken steps for that purpose.

SIR WILLIAM JOLLIFFE asked if the right hon. Gentleman meant to say that Mr. Phinn had applied for the stewardship of the Chiltern Hundreds?

THE CHANCELLOR OF THE EXCHEQUER said, Mr. Phinn had applied for the office in question, and a grant had been made, but he could not say whether it had gone through all the official forms. There could be no doubt, however, that the office would be conferred upon Mr. Phinn, in order to allow him to vacate his seat.

SIR CHARLES WOOD stated that, in appointing Mr. Phinn to the office of Assistant Secretary to the Board of Admiralty, he told him that, as the person holding the post did not change with the Government, he must not again appear in his place in Parliament. Hon. Gentlemen opposite, therefore, need not be under any apprehension of Mr. Phinn recording his vote that evening.

SIR FREDERIC THESIGER believed that the hon. Baronet in making this Motion was actuated, not by a desire of preventing the hon. and learned Member for Bath attending in his place to-night and recording his vote, but because he believed that the hon. and learned Member had really vacated his seat. ["No."] He admitted that it was wrong to suppose that the acceptance of the office of Assistant Secretary to the Board of Admiralty necessarily implied that Mr. Phinn could no longer hold his seat; but they had now learned from the Chancellor of the Exchequer that Mr. Phinn had accepted an office—the stewardship of the Chiltern Hundreds—for the express purpose of enabling him to vacate his seat, although the right hon. Gentleman was not certain whether the grant had been finally completed or not. Now, he apprehended that it was not the making out the grant, but the acceptance of the office, which vacated the seat; and that, therefore, the hon. Baronet the Member for Petersfield was perfectly in order in the Motion he had made.

SIR CHARLES WOOD said, he had had some experience as Chancellor of the Exchequer, and would therefore state that the mode of dealing with the Chiltern Hundreds was this:—If a person wished to vacate his seat in Parliament, he applied to the Chancellor of the Exchequer for the stewardship of the Chiltern Hundreds, and it was in the discretion of the Chancellor of the Exchequer to give the office or not as he pleased. If the application was to be granted, the practice was for the Chancellor of the Exchequer to write a letter to the applicant, stating that he had conferred upon him the office in question—and it was the receipt of that letter that constituted the acceptance of the office. He could not say whether that form had been gone through in the present instance or not.

SIR FITZROY KELLY considered that it was entirely immaterial whether all the official forms had been gone through, or whether the patent or grant had been formally completed. According to law, and the invariable usage of that House, whenever an office was granted under the Crown, and the person had intimated his acceptance of it, from that moment his seat was vacant, and a writ was moved for as soon as possible. Such appeared to him to be the position of the present case.

SIR FRANCIS BARING said that having held the office of Chancellor of the Exchequer, he might be allowed to make a few remarks upon the point before the House. There could be no doubt that if a man applied for an office, and the office was given to him, or if a man was offered an office, and he accepted it, it was not necessary that he should go through all the official forms in order to vacate his seat. But there must be two parties to every transaction of this kind; there must be an application on the one side, and a conferring of the office on the other; and it was no proof that Mr. Phinn had vacated his seat to say that he had applied for the stewardship of the Chiltern Hundreds, and would probably get it. They must wait until they had evidence before them that the office had been conferred upon him, and that he had accepted it.

SIR WILLIAM JOLLIFFE rose to explain. It was only within the last few minutes that he had learned that Mr. Phinn had accepted an office under the Board of Admiralty. When the fact was mentioned to him he thought it would be a pity to have the writ suspended over the holidays, and hence the motion he had submitted to the House. Seeing, then, that Mr. Phinn had applied for the stewardship of the Chiltern Hundreds, he hoped there would be no objection to his proposition.

THE CHANCELLOR OF THE EXCHEQUER said, he would state exactly what had occurred. He received that morning an application from Mr. Phinn for the office of the Chiltern Hundreds in order to enable him to vacate his seat in consequence of his appointment as Assistant Secretary to the Board of Admiralty. The grant of an office under the Crown was brought to him for signature, and he signed it that morning; but he could not say whether the grant had already reached Mr. Phinn, and therefore could not answer to the House for its actual acceptance. He knew, however, that directions had been given for its transmission to Mr. Phinn, and he believed it was the intention of the Secretary to the Treasury to move a writ before the House rose.

MR. DISRAELI said, his experience as Chancellor of the Exchequer was not so long as he could have wished, but he had the opportunity upon several occasions of conferring offices under the Crown, and he thought it ought to be understood that when an application was made and granted the office had been accepted.

SIR WILLIAM JOLLIFFE said, he withdrew his motion, as his object would be attained by having the writ moved for before the holidays.

CADETSHIPS—QUESTION.

MR. H. A. BRUCE asked the Clerk of the Ordnance whether the cadetships to be granted in July were to be disposed of by nomination, or whether any system will be adopted by which they will be rendered attainable by young men of ability, unaided by interest?

MR. MONSELL said that the system which had prevailed for many years at Woolwich with regard to the appointment of cadets had been excusively that of nomination. Within the last few days, however, upon the reconsideration of the civil departments of the army, he directed the attention of the Secretary for War, in the first place, to the necessity of appointing a considerable number of additional cadets at Woolwich; and, in the next place, the expediency of altering the system by which they had hitherto been selected. It was utterly impossible, the want being so urgent, to make any permanent arrangement for the appointment of cadets, but a plan had been adopted which, at all events, was a considerable improvement on the old system. The Secretary for War was about to address a letter to the heads of all the chief educational establishments in England, Ireland, and Scotland, requesting them to nominate a certain number of young gentlemen who were anxious to enter the royal artillery or engineers, and willing to undergo an examination at Woolwich for that purpose. From the number thus nominated the Secretary for War would select from 100 to 120 of the best qualified, and these again would be reduced to thirty-five, by a public examination held at Woolwich. That examination would not be special or professional, but would be directed generally to ascertain the capacity and attainments of the young men; and he thought that in that way they would procure a large number of well educated and efficient officers for Her Majesty's service.

THE CRIMEAN MEDALS—QUESTION.

Mr. A. STAFFORD asked what arrangements had been made for forwarding the Crimean medals to those wounded and invalided soldiers who were now at home with their friends on leave of absence?

Mr. FREDERICK PEEL said, that 2,000 medals were now in the hands of Messrs. Hunt and Roskell, to be delivered immediately to those soldiers at present in England on leave of absence from the Crimea, who had not been able to be present at the ceremony of the 18th instant. Those soldiers who had received medals on that day without clasps would immediately be furnished with certificates, by the production of which they would be able to obtain the clasps to which they were entitled. He might also take this opportunity of mentioning that arrangements had been made for forwarding to the Crimea 8,000 medals fortnightly for distribution there.

Mr. A. STAFFORD: But how are the soldiers at present at home with their friends to get these medals?

Mr. FREDERICK PEEL: Hunt and Roskell have received orders to forward them to their homes.

THE BURMESE MEDALS—QUESTION.

Mr. ESMONDE asked whether the Burmese medals had yet been forwarded for distribution to the troops entitled to them?

Mr. VERNON SMITH said, that 2,289 of the Burmese medals had been sent to India on the 4th of April for distribution, and the rest were in a state of preparation.

THE GOVERNOR OF GIBRALTAR—QUESTION.

Mr. BRIGHT rose to put a question to the noble Lord at the head of the Government, in the absence of the Secretary for the Colonies, with respect to the Governor of Gibraltar. During the last eighteen months he had had to present some half-dozen memorials to the successive Ministers for the Colonies, complaining of the conduct of the Governor of Gibraltar with regard to his interference with the trade of the port. The Duke of Newcastle, in an interview with a deputation which waited upon him from Gibraltar, gave them reason to expect that Sir R. Gardiner's term of office would then almost immediately expire, and his successors had intimated the same thing; but Sir R. Gardiner still remained there, and he (Mr. Bright) had received fresh memorials to present with regard to fresh grievances. He wished, therefore, to ask the noble Lord whether anything had been done to recall Sir R. Gardiner, and to appoint a rational man in his place?

Viscount PALMERSTON thought the language just made use of by the hon. Member was not quite the language to be applied to an old and deserving public servant. It might be all very well for hon. Members to use such epithets one to another in the course of debate, but he was sure the hon. Gentleman's good feeling must tell him that it was not the way in which to speak of an absent public servant. Sir R. Gardiner's period of service had expired, and he was only going on performing the duties of his office until his successor was appointed. The hon. Gentleman had no doubt referred to the complaints which were made of Sir R. Gardiner's refusal to permit the exportation of certain things which were considered to be articles of war, consisting of iron tubes, he believed, for the boilers of steam-vessels, and which had been imported into Gibraltar without his knowledge, contrary to a regulation which required that the permission of the Governor should be obtained in all such cases. The instructions which Sir R. Gardiner received from home were to grant permission for exportation in this instance, but for the future not to allow the standing regulations to be departed from.

MR. BRIGHT said, the case referred to was only one of many cases which he had had to represent to the Colonial Office. As the noble Lord had entered into the circumstances of this case, he thought, in fairness to the commercial house concerned, he had a right to state that, not only had the Governor done what the noble Lord stated, but he afterwards gave to another mercantile house that permission which he refused to the first.

CONFERENCES OF VIENNA—QUESTION.

MR. ROEBUCK: There is a report abroad of the Conferences of Vienna having been renewed. I wish to ask the noble Lord whether the Government have received any information about such renewal?

VISCOUNT PALMERSTON: There has been no conference held since the last recorded in the papers now before the House. Before any further conferences are held Her Majesty's Ministers at Vienna must receive authority from Her Majesty's Government to attend such conference.

MR. MILNER GIBSON: I wish to ask a question of Her Majesty's Government, for the noble Lord's answer to the question of the hon. Member for Sheffield is not quite understood. The noble Lord stated a few days since that the conferences were not finally concluded, but only suspended, and that Lord Westmorland retained full power to receive proposals. I wish, therefore, to know from the noble Lord whether those powers have been withdrawn, and, if so, at what period they were so withdrawn?

VISCOUNT PALMERSTON: The powers have not been withdrawn; but it is one thing to possess powers and another to exercise them in cases not foreseen by Her Majesty's Government.

PROSECUTION OF THE WAR— ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question [24th May]—

> "That this House cannot adjourn for the Recess without expressing its dissatisfaction with the ambiguous language and uncertain conduct of Her Majesty's Government in reference to the great question of Peace or War; and that, under these circumstances, this House feels it a duty to declare, that it will continue to give every support to Her Majesty in the prosecution of the War, until Her Majesty shall, in conjunction with Her Allies, obtain for this Country a safe and honourable Peace."

And which Amendment was, to leave out from the first word "House" to the word "feels," in line 6, in order to insert the words, "having seen with regret that the Conferences of Vienna have not led to a termination of hostilities," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. WHITESIDE said, that he rose to support the Resolution moved by his right hon. Friend the Member for Buckinghamshire. The best justification of the notice given by his right hon. Friend was afforded by the discussion which occurred last night. But for that notice they would never have heard the profound views of the noble Lord the Member for London, nor the able speech of the right hon. Member for the University, which would have resembled the celebrated oration for Milo that Cicero carefully elaborated, but never delivered. But for that notice the hon. Baronet the Member for Oxford University could not have expressed the hopes which he still cherished of the successful termination of negotiations which did not exist; neither would the hon. Member for Kidderminster have had the opportunity of framing his magnanimous Amendment, which it was to be hoped he would push to a magnanimous conclusion. Hon. Members on that (the Opposition) side of the House were displeased with what took place on Monday night, and, if the First Minister of the Crown was a party to what then transpired, the House of Commons would fail in its duty to the public did it not unequivocally express its indignation at such a proceeding. When a Resolution of great importance—involving the momentous question of peace or war—was laid on the table, and hon. Gentlemen came down at considerable personal inconvenience to conduct its solemn discussion, that House would sink rapidly in the public estimation if it allowed such a matter to be got rid of on the flimsiest pretexts, and the country would justly consider that the House preferred a sham to a reality. They had had the advantage of listening to the noble Lord the Member for London, and the right hon. Member for the University—each of whom expounded his views with great ability, but with the most marked contrariety. Indeed, any impartial hearer of those two eminent men must have been struck with the proofs of inconsistency of opinion and uncertainty of conduct, not upon a minor subject, but upon the weightiest matters that could occupy the minds of statesmen, which were exhibited in their speeches. And one could not help asking himself, when he listened to the strange evidences of discrepancy between them, "Did these two Gentlemen sit so lately in the same Cabinet? Did they meet and deliberate together on the awful questions of peace and war, and on the negotiations which might affect the one or the other? Did they guide the destinies of the nation at a moment when it was above all things indispensable that a united and powerful combination of statesmen, acting on a common principle, should direct the energies of this country in a manner correspondent with its duties and obligations as a first-rate Power?" A Ministry whose individual opinions in such a crisis were diametrically opposed, contradictory, and discordant, could not fail to bring about the signal misfortunes which had recently befallen our country. Let the House not be fascinated by the eloquence of the right hon. Gentleman, or misled by the high authority of the noble Lord, but attentively examine the substance and tenour of their arguments. The noble Lord's views appeared to be bent on war, but the right hon. Gentleman's thoughts were turned on peace. The right hon. Gentleman said, the terms conceded by Russia would give us a safe and durable peace; while the noble Lord—the negotiator in person—maintained that those terms would give us a mockery. According to the right hon. Gentleman, a treaty with Russia might be sufficient; according to the noble Lord, we ought to have substantial guarantees. The revision of the treaty of 1841, said the right hon. Gentleman, would be of much value in the settlement of this vital question. That revision would amount to nothing, said the noble Lord, because (he added very truly) without any fresh treaty the Sultan might cry out for help when assailed. The right hon. Gentleman held that, should we accept the terms proposed, England would have been successful in the result of the struggle in which her blood had been profusely shed and her treasure lavished. The noble Lord, with a little more patriotism and truth, maintained that, if we acceded to those terms, we should be confessing in the eyes of the world that we and our chivalrous ally, France, had been defeated. The right hon. Gentleman said that by the adoption of the terms proposed the safety of Turkey would be secured, and the noble Lord that the danger to Turkey would be thereby increased. The right hon. Gentleman insisted that England and France would have gained their end, and established a European peace; the noble Lord insisted that the preponderance of Russia would be greatly augmented, not only over Turkey, but over Europe. Such were the discordant opinions, on a grave question, of two able and thoughtful men, who expected from the Parliament of England an unanimous conclusion upon their conjoint counsels. Thus, then, the argument, in its general bearings, stood between the noble Lord and the right hon. Gentleman. But in a more advanced portion of his speech the noble Lord let fall an important sentence; and when he expressed his belief as to a matter of fact, the noble Lord, from his position in this country, was entitled to implicit respect. The noble Lord said, "As to the negotiations with which I was charged at Vienna, let me say, in the first place, that, although I thought success in that negotiation came within the range of possibility, I felt at no time sanguine that it was probable." Consider for a moment that important avowal of the noble Lord in connection with all that had been heretofore absurdly stated as to the danger of disturbing pending negotiations—a point, however, which, thanks to the hon. and learned Member for Sheffield's question, had been set at rest that night. The chief negotiator, in fact, described himself as the leader of the forlorn hope in diplomacy; he went to Vienna, according to his own confession, dispirited, and returned from it defeated. He expected nothing, and the result exactly tallied with his anticipations. And yet some hon. Members of that House said they would not vote for this Motion, because it might interfere with the prospect of a happy issue to negotiations, which, according to the noble Lord's frank admission, never had a real beginning! Now, his right hon. Friend (Mr. Disraeli) proposed that they should take the direct, the honest, and also the English course of asserting, that the language of the Ministry being equivocal and its conduct uncertain, they had no alternative but to address the Crown, stating that, because negotiations were impossible, or, if possible, were improbable, because they were futile and abortive, therefore nothing remained for the Members of that House, as men of honour and of spirit, but to declare their determination to carry on the war with energy and vigour, until it resulted in an honourable and lasting peace. But the noble Lord has destroyed politically his colleague beside him by the statement he made, that he never expected or believed that the negotiations would end in anything satisfactory or useful. The noble Lord had also returned to this country acting under that belief, for in a subsequent passage of his speech he said that he left Vienna more firmly convinced of the intention of Russia to assail Turkey than when he went there. He (Mr. Whiteside) could quite understand the noble Lord's entertaining that opinion; but if so, what did the noble Lord (Viscount Palmerston) mean by his answer to the question put by the right hon. Member for Wiltshire and the right hon. Member for Oxfordshire—what was the meaning of his answer? Did it not prove that his language was uncertain and his political conduct equivocal, when they had it from the lips of the noble Lord (Lord John Russell), one who had never willingly erred in a matter of truth, that he believed the negotiations would be futile and abortive; and that though he went, as in duty bound to the Crown and to the Ministry to which he had given the weight of his name, influence, and authority, yet he did not believe that he would effect anything by those negotiations, and that he left Vienna neither surprised nor disappointed; and having communicated the result to the noble Lord at the head of the Government, he, when the House came to discuss the question raised by the right hon. Member for Manchester, made a statement that negotiations might be going on—that there was a chance, a possibility, of negotiations being successful? He (Mr. Whiteside) considered that there was no such possibility, and believed that they might freely and frankly discuss the question on the belief that there was not. With respect to the remarks made by the noble Lord on the Four Points, he must be permitted to observe that whenever any body of gentlemen attempted to come to a decision on the third point, the discussion of it was sure to create confusion; and he thought that those who sent the noble Lord to Vienna embarrassed with that third point were more to be censured than the noble Lord himself. He had made the best of a very bad case, but the noble Lord in the progress of the negotiations made an admission with respect to the necessity of preserving the honour of Russia which the crafty special pleader employed against him turned to his disadvantage at the very next meeting, for he told the noble Lord that he had made an admission previously which stopped him from making the demands which he subsequently put forward. What was the reason of his (Mr. Whiteside's) right hon. Friend saying what he had as to the propriety of the conference commencing with this third point? The right hon. Member for the University of Oxford had dwelt at great length on the vast concessions proposed to be made by Russia, but the right hon. Member for Buckinghamshire had said that this was scarcely a question deserving of formal investigation, and that the conference might have begun with the third point. Why had he said this? Now came the authority of the Prime Minister, who about a year and a half ago, in answer to the hon. Member for Liverpool, gave an admirable exposition of the then existing treaties, by which Russia was bound to have the navigation of the Danube kept clear and open—a pleasanter speech the noble Lord had never made—and that was no inconsiderable commendation. He said that he had made many representations to Russia, and that it had never for a moment disputed its obligation to keep the navigation of the Danube free, and that he trusted that Russia would break through the trammels which had impeded its proper action; and he had also pleasantly insinuated that he did not believe in the value of the treaties, that Russia had always broken them, and would do so until the end of the chapter. But when they had been so assured that Russia was bound by friendly treaties to preserve the free navigation of the Danube, and that not to do so was an insult to the public law of Europe, was this proposed and pretended concession a point which required to be dwelt upon at any great length? There was an observation made by the noble Lord, in which he had fallen into a slight mistake. He insisted that the right hon. Member for Buckinghamshire, in reading an extract from a former despatch of the noble Lord with reference to the protectorate claimed by Russia, was not correct, because the noble Lord said that he only had referred to the protectorate over the Principalities, and that the right hon. Member had confounded with this the general protectorate over the Christian subjects of the Porte. With deference to the noble Lord the Member for London, he (Mr. Whiteside) considered that the argument used by his right hon. Friend was clear and satisfactory, and was founded on treaties, on the language of the despatch of the noble Lord, and on the admitted facts of the case. The noble Lord then proceeded to a more important subject, and gave them a sketch—and a truthful one—of the encroaching and insatiable ambition of Russia, ending in her attainment of colossal power. He showed—as it seemed his object was boldly and manfully to prove—that Russia was as corrupt as she was ambitious, and that where she could not obtain territorial power, filch provinces, or plunder kingdoms, she corrupted officials, and endeavoured to stir up the feelings of subjects against their Sovereigns, and to establish an interest in every country which she might afterwards turn to her advantage. All this the noble Lord had boldly and frankly told them, and he (Mr. Whiteside) trusted that his description would be placed in the Chancellery of Russia, if they desired to lodge there a sketch of her policy, and he hoped that if Count Nesselrode wanted a text for another elaborate political essay he would take the noble Lord's sketch for his text, and answer it truthfully if he could. But when the noble Lord finished this remarkable description of Russia, he (Mr. Whiteside) asked himself: What is all this done for—what is its object? for he thought it the most terrible description of an existing European Power which had ever yet been given by any Member on either side of the House. If this Power was such as the noble Lord had described, would it be bound by any treaties? And if its object was to establish its supremacy by such means as the noble Lord had delineated, did they want any other argument in favour of the Motion of his right hon. Friend? Was not the bold statement made by the noble Lord the best corroboration of the argument that it was necessary that some Member should come forward with such a motion and declare their intention to carry on a just war against a Power so ambitious and so colossal? The noble Lord, having laid down his premises, drew his conclusion. A fearful Power in Europe, becoming greater and greater every day, was to be repressed, and what was the statesman's remedy for the prodigious evil to be dealt with? Why, it was best described by the mountain and the mouse. What was the remedy recommended by the political physician? Why, nothing in particular. He had listened to the noble Lord with attention, and when the noble Lord sat down he was as wise as when he commenced in reference to the policy of the Government with regard to Russia. He had been fired by the noble Lord's speech, which clearly proved the necessity of abating the monstrous evil he had described. But what measure did the noble Lord suggest for that purpose? All he could find out was that the noble Lord did say when he was in Vienna that something must be done—a very safe opinion to propound. What that something should be was the practical question; but the only suggestion he could find with respect to the abatement of Russian preponderance was this: The noble Lord said it was the opinion of some eminent men that the Emperors of Russia make a great mistake in attending to their marine; their ships will not fight, their naval power is next to nothing, and therefore, as the colossal power of Russia must be dealt with, reduce the number of their worthless ships. He found no other suggestion, and then the noble Lord told the Opposition they were inconsistent because they were in favour of reducing the power of Russia, and when he showed them how it might be diminished they would not agree with him. The political sagacity of the noble Lord and his colleagues was exhausted when they had framed the great project of reducing the number of Russian ships in the Black Sea. Could anything be more pigmy than the remedy which had been proposed for a colossal evil? The inconsistency charged against the Opposition was this. The noble Lord said, "Why do you not tell us what we are to do?" Well, they would do so if the Government would change places with them. The noble Lord said, "I have exhausted my stock; have you nothing to propose?" But was it ever the duty of an Opposition to do more than criticise the proceedings of the Government? It was certainly difficult to criticise the proceedings of diplomatists, but then they were not ordinary mortals. He wanted to know from the noble Lord, who was an adroit and expert party leader, when it had ever been the duty of an Opposition to perform the duties of Her Majesty's Administration. They might ask the noble Lord, as a Plenipotentiary, whether he had nothing more to say for himself. The noble Lord had never told them what was to be the policy of the Government. He forgot that cardinal point of the whole question, and he (Mr. Whiteside) appealed to the hon. Gentlemen opposite, who were going to vote against the Resolution of his right hon. Friend, to say whether the noble Lord, in his argument on behalf of this ricketty Administration, had satisfactorily explained to them what was the policy of which they were going to approve. The charge against the Ministry was that their conduct had been evasive and unsatisfactory, and their language equivocal. In answer to that accusation had the noble Lord satisfactorily explained what was the meaning of the noble Lord the Premier? He had not, for the best reason in the world—he did not know what the Premier meant; and he ventured to say that the Premier did not know himself what he meant, if he might judge from the little speech he had made the other night. The noble Lord at the head of the Government then said—

> "Austria is charged by her own voluntary assumption, with the consent of course of the allies, with the task of endeavouring to discover the means of bringing about an accommodation between the contending parties."

Here we have a summons from the political Atlas of the day. He did not object merely to the wording of the speech, but to the fact that a Prime Minister had nothing more to say upon the great question of peace or war, than that a Power like Austria was charged with the task of endeavouring to find out some means of settling the contest which Her Majesty's Ministers had been unable to discover. Austria was to find out for them a means of solving this great difficulty. There was a statesman of this country still living who had written most ably upon the laws and constitutions of the European States, and these were the words which that statesman (Lord Brougham) had uttered fifteen or eighteen months ago with regard to Austria:—

> "His apprehensions, he confessed, were for the period when he should hear that a movement had been made by the enemy for quitting the Principalities and to return to his own territory. He could not help fearing that there would arise embarrassments to us and to our ally, France; that great embarrassment of Russia having probably made some concession to Austria, and Austria then calling on us to enter into negotiations—of that he had more dread than of the war itself—because, if we were drawn into negotiations, the long series of diplomatic acts and protocols might be continued, with all the resources of Russian diplomacy, dragging us perhaps through the whole summer and autumn to the time when the Black Sea and the Baltic would be in very different circumstances from those in which they happily now were. He trusted that the opinion expressed the other night, and now repeated by the noble Earl, that the Western Powers were not committed by anything which had been done at Vienna or Berlin, would be shared by our great, magnanimous, and most honourable ally, France. He had no distrust of Austria—he should say nothing of Prussia; he had perfect confidence in the wisdom and sage councils of the advisers of the Emperor of Austria, and in the character of the young Emperor himself; but certainly a proposition was supposed to have been made by Austria to the Czar which, if it were to lead to negotiations, it would be for the Western Powers to say whether they should bear a part in them or not, and if they were to bear a part in them, he trusted that a certain time—and that not a very long time—would be fixed, within which those negotiations must terminate or cease, and then the war be prosecuted with energy as before."—[3 *Hansard*, cxxxiv. 670.]

It was thus pointed out by Lord Brougham, that one of the most unfortunate things a Minister could do was to embark in perilous diplomacy under Austrian influences, and yet this was what the Government had done. They had charged our ally "to a certain extent"—who agreed with us in "moral sentiment," which was certainly a most important consideration—with a task of finding out something they could not find out, and then the noble Lord coolly asked the House why it should venture to proceed to discuss questions touching the pending negotiations. Why, the House ought to have voted the noble Lord out of office after that speech. The noble Lord the Member for London said, the shipping of Russia was the thing to be cut down; but what was the answer of Russia to that proposition at the close of the conference? The argument of the Government was, that the preponderating power of Russia in the Black Sea was to be diminished by the reduction of her fleet, but if she said she would not reduce it they had nothing more to say. Prince Gortchakoff stated, that a security against Russian preponderance would be gained by the exercise of the power of the Sultan to call foreign fleets to his assistance, that this would be a solid guarantee for the independence of Turkey, and that the existence of a formidable Russian fleet in the Black Sea was a condition essential to the balance of power in Europe and to the independence of the Sultan and the Porte. This was the result of the negotiations. The Russian diplomatists said the whole matter had been mistaken, as their object was to maintain the independence of the Sultan.

He would do the noble Lord the justice to say, that he thought he understood Prince Gortchakoff, although Prince Gortchakoff was too many for him. Russia was told, "If you reduce your fleet in the Black Sea, all will be well." The reply of Prince Gortchakoff was, "It is necessary to have a formidable fleet." Formidable to whom? Let the massacre of Sinope answer. Formidable to what? To the unfortunate Power they were pretending to protect. The Russian Ambassador said, "I will not give up the rights of sovereignty or the honour of my master; and what touches more nearly honour and sovereignty than the strength of an army or the number of ships in a fleet? You therefore ask me to consent that the Emperor of Russia shall make a bargain with you to reduce his fleet. My answer is, that Russia will keep a fleet and a formidable fleet." But there was balm in Gilead and hope for Turkey. The right hon. Gentleman (Mr. Gladstone) had this peculiarity, that he saw what no other man could see, and that which might be visionary to common eyes in his assumed substance, shape, and form. There was the security of the electric telegraph, concerning which the Russian Plenipotentiary said, that if the Russian fleet did sail out upon Constantinople, Turkey had the wires, and before the Russians could despoil them, Turkey could inform her friends the Western Powers, and they would thus be enabled to bear down to the rescue. Well, if that did not satisfy the noble Lord, a more obstinate diplomatist never existed. The Russian Plenipotentiary seemed to have read our books of law, for he said on one occasion—"Oh! but you allowed that to Austria in a particular case, and reciprocity is equity." It must be admitted that more ability than that displayed by the Russian Plenipotentiary it was impossible to find, and he must do him the justice to say, that from beginning to end he offered nothing. Why did he offer nothing? He thought he found the reason yesterday in the instructive despatch of Count Nesselrode, and this seemed to him to be the solution of the Russian diplomacy:—

> "Doubtless, according to the calculations of the Cabinets of London and Paris, the military operations in the Crimea, going hand in hand with diplomatic deliberations, were to influence the issue of the Vienna Conference. When they opened, the anticipation was not justified by events, and therefore the name of Sebastopol was never uttered. Russia is indebted for this silence to the heroic resistance of her brave generals, officers, sailors, and soldiers. Their noble devotion has been the most victorious means of negotiation."

If the English and French Plenipotentiaries could have used the same argument of military success, they might have better influenced the negotiation. The noble Lord at the conference instanced the cession of Dunkirk by Louis XIV. "Ah!" said the Russian Plenipotentiary, "but we have met with none of his disasters, and the case does not apply." If our arms had been conducted in a more efficient manner, the noble Lord might have been able to use the argument that victorious armies are the best negotiators. The debate of last night began in the hope of finding out something, but when the noble Lord sat down he had acquainted the House with nothing. Was there a hope of peace? The noble Lord did not know; and if he did not know how should the House know? It was impossible to find out what the Ministry meant. What, indeed, must be the unhappy condition of that Administration which, after due deliberation, after the expectation of a debate, with the protocols before them, had given to an expectant nation, listening through its representatives, no better account of its policy and no better idea of its plans than those given last night by the noble Lord, who, telling the House nothing which it required to know, yet called upon it to oppose the proposition of his right hon. Friend. The policy of the Government was so uncertain, and their conduct so ambiguous and equivocal, that the noble Lord could not venture to define, specify, and explain it; yet he called upon the House to proceed with them in the dark, and knowing not whither the Government might lead them. The right hon. Member (Mr. Gladstone) appeared to him to be now the chief of the Peace Party. He was at first, as might be expected, in some difficulty. It was a criticism of Lord Bacon on the speech of one of the ancients that it consisted from beginning to end of distinctions. The speech of the right hon. Gentleman seemed, in like manner, to him to be one of close and subtle distinctions; and what was he in such doubt and difficulty about? He said he could understand—and this was important testimony in its favour—the proposition of the right hon. Gentleman (Mr. Disraeli) which others said was ambiguous, but he could not understand the Amendment of the right hon. Gentleman (Sir F. Baring). The right hon.

Gentleman said he could not quite comprehend the Amendment of the hon. Member for Kidderminster, but he was prepared to support the milk-and-water Amendment of his hon. colleague, and he cherished hopes of a successful result to negotiations which were begun to end in nothing, and did end in nothing. The right hon. Gentleman would vote for the peace Amendment of his colleague, because that was the widest of the mark of all the Motions before the House, and because there could be found the fewest people to believe in it in England, Scotland, and Ireland. Yet the right hon. Gentleman, with a political fidelity that did him honour, pinned his faith upon that Amendment and staked his character as a statesman on that all-important Amendment of his hon. colleague. The first part of the right hon. Gentleman's speech was a defence of the old Ministers, but their misconduct seemed to him to be not exactly the question before the House. The right hon. Gentleman was one of the few speakers of whom he could say that he always regretted when he sat down, but all that could be said of the first part of his speech last night was that he had made a dextrous and artful defence for that Ministry which the House had been obliged to condemn, but which it had not yet been able to punish. Common sense seemed to point out that those moderate terms which might have been considered sufficient before the event ought not be adopted after the war broke out. For himself, he avowed that he placed no dependence upon a treaty with Russia. He would very shortly say why, and the facts might be useful to the right hon. Gentleman the Member for Manchester. He placed no faith in Russian treaties because it was part of the history of Russia that she had never kept a treaty when it was her interest to break it. Russia had promised by treaty to respect the rights and feelings of the Tartar population, and had invoked God to aid her in the observance of the Crimean treaty. Allusion to the Divine power was always made by a tyrant, a hypocrite, or a bigot when about to lay the foundation for the commission of a great crime against his laws. He asked the right hon. Gentleman, did Russia keep that treaty? Did she falsely, perfidiously, and wickedly, when it suited her purpose, violate the treaty she had called Heaven to witness? Did she trample on the rights, and spoliate the territories of an unoffending people? She did. She committed that crime. What was the conduct of Russia afterwards? It was an instructive lesson which the hon. Member for Manchester had sadly misunderstood. Russia, in the reign of Catherine, made a favourable commercial treaty with England, and commercial men thought it would be beneficial to their pockets, and esteemed Russia accordingly. England got into trouble with her American colonies. Russia then formed a confederacy against England to reduce her maritime pretensions, to cut down the maritime law as practised and enforced by England, at the very moment when she believed England could not effectually resist. Russia encroached on Turkey, provoked Turkey to war in every way, combined with Austria, and formed a formidable confederacy to accomplish what was then her object. Russia was favoured by a section of the mercantile community in England, and he deeply regretted to say, for the sake of his fame, that party was headed by Charles James Fox and the Whigs. When Mr. Pitt wished to rescue Sweden from the Danish allies of Russia, and had laid the foundation of a powerful confederacy against Russia, Charles James Fox insisted, and it was a stain upon the political sagacity of that matchless orator and eminent man, that the maintenance of Turkey itself was of no use to Europe. Mr. Pitt said he would not condescend to argue with a man who thought it was of no consequence to England if Russia possessed Turkey; and Mr. Fox told Mr. Pitt he was insolent; they used plain speaking at that time to one another. Mr. Fox prevailed—clamour prevailed—the peace party prevailed; Mr. Pitt reasoned and argued that it was for the permanent advantage of England to maintain the confederacy he had formed for the purpose of controlling Russia and upholding the balance of power, but to no purpose; he was coerced to abandon that great object, the confederacy was broken up, and excellent reflections upon that unhappy event were made by Dr. Miller, who had published a book on the Philsosophy of History. What followed? The Empress Catherine received Mr. Adair, the friend of Charles James Fox, with unusual courtesy and kindness, thanked him for the services of his Whig patron, and placed the bust of that patron in her favourite retreat by the side of that of Voltaire. There might be a niche now vacant for the bust of a modern English statesman. Having done that the Empress Catherine, as the philosophical historian pointed out for our instruction, proceeded straightway to the partition of Poland. The second partition of Poland took place in 1793. The confederacy of the great Powers formed by Pitt against Russia was in 1791. That confederacy was broken up, and what said the writer to whom he had referred, and who was a very learned and accomplished man? He said:—"The late Lord Redesdale informed him that, when he called on Mr. Pitt a short time before his death, Mr. Pitt said there was one part of his political life which he lamented, and that was the having yielded to popular clamour and having given up the confederacy against Russia, which led to the perpetration of the blackest crime that stained the annals of Russia, namely, the partition of Poland." Such was the effect of a small party led by eminent men. And now they had as able, perhaps as influential a party, led by the right hon. Gentleman the Member for the University of Oxford and the intellectual coterie to which he belonged, arguing that the alliance formed with chivalrous France should, perhaps, be put an end to, that Russia might recover her strength, recruit her armies, and finally accomplish that design, the partition of Turkey, which there was no doubt the Empress Catherine proposed to the Emperor Joseph of Germany. It should be remembered how that crime, the partition of Poland, was perpetrated. Russia saw Europe in confusion, and, having got rid of the confederacy formed by the wisdom of Mr. Pitt, there was no Power able to resist her. Perfidiously trampling on all treaties and all laws, she sent her emissaries to Poland to accomplish her object; they fomented disturbances, created confusion, seized on the country, and by that act of rapine and injustice sowed the seeds of confusion which had grown upon Europe from that hour to this. Such being the facts recorded upon the page of history, he placed no dependence in the faith of Russia, and Edmund Burke prophesied truly when he said, in allusion to the partition of Poland, "Europe will feel the effects of that dreadful crime for many, many years to come." They had had rebellions and revolutions; Vienna had been taken; Berlin had been taken; Russia had been invaded—he did not speak of this invasion, but of the former invasion—and all these things could be traced up to that Black crime, and were only fresh proofs of the moral government of God. The right hon. Gentleman (Mr. Gladstone) confessed that, as regarded the present war, being then a Minister of the Crown, he felt himself coerced to go to war. Common sense pointed out that, if you ought to go to war, you ought not to have a peace unless you can prevent the necessity of going to war again. Otherwise the description given so powerfully of the horrors of war by the right hon. Gentleman told against himself, because the effect of an inglorious and insecure peace would be a repetition of those horrors. He wished to say a word with reference to the third of these Four Points. This was the hinge upon which the negotiation turned:—

> "The revision of the treaty of July 13, 1841, must have for its object to connect the existence of the Ottoman empire more completely with the European equilibrium and to put an end to the preponderance of Russia in the Black Sea. As to the arrangements to be taken in this respect, they depend too directly on the events of the war for it to be possible at present to determine the basis; it is sufficient to point out the principle."

As well as he understood it, that amounted to saying they would negotiate on an arrangement which could not be pointed out by any of the parties, because it depended on the events of the war, and no one knew what those events would be; therefore they would begin a negotiation without being able to define any arrangement or to determine the basis of negotiation. After such an extraordinary diplomatic effort he congratulated the noble Lord upon having made so much of the negotiations as he did. The right hon. Gentleman (Mr. Gladstone) separated the first part of that third point, and the second part, and a portion of another part, and said, everything was happily concluded save one small point, and that small point was only this,—how to put an end to the preponderance of Russia in the Black Sea. He could not do justice to the classic language and the admirable delivery of the right hon. Gentleman, but after the vehement appeal of last night, what was the idea clearly left upon the mind but that everything was satisfactorily concluded save the only great question necessary to be determined? The right hon. Gentleman said it was a question of terms. The noble Lord, he said, "has his terms, and I too have mine." The noble Lord attempted to carry his and failed, his terms being to reduce the number of Russian ships in the Black Sea if we could only find the ships. He said we had tried to find them, but that many of them were sunk in the Black Sea, and the rest were worth nothing. The right hon. Gentleman told them that fleets could go to the Black Sea whenever they were sent for, and the noble Lord said it might happen that fleets would go there without being sent for. The right hon. Gentleman laboured to make the vision or phantom he had raised assume the appearance of reality. But what was that reality? It was a shadow that no man could grasp. Did the right hon. Gentleman mean to argue that the Sultan, when attacked in his own territory by a hostile Power, could not, without an additional treaty, invite, by means of the electric telegraph, his friends the Western Powers to come to his assistance? The right hon. Gentleman's powers of imagination were far superior to his powers of argumentation. He spoke of something that would place matters in the East on a sound and stable basis; but what security did the right hon. Gentleman offer to the House for the realisation of his hopes? After listening to the right hon. Gentleman, he was reminded of a circumstance that not long ago occurred in Ireland. A gentleman, a friend of his, had been to a public meeting, where, he said, he heard a very fine speech. He asked him if he liked the speech? To which he replied in the negative. On his expressing some surprise at this, the gentleman rejoined, "Oh, it was a mouthful of moonshine after all." Where was the reality of the right hon. Gentleman's statements? He wanted to lay his hands on them, but could find nothing tangible. It will not do—continued the hon. and learned Gentleman—to make an able and sophistical speech, and tell us that the noble Lord is wrong. Why, we all agree in that. What we want to find out is how to be in the right. The right hon. Gentleman was lately a Minister of the Crown, and we want to learn from his lips what security he has to offer for the good working of his plan. If I can at all understand the right hon. Gentleman, his security is just this—that if ships are sent for by the Sultan they may come through the Straits, which, he says, they cannot do at present so conveniently as they will do when they have the united advantage of the electric telegraph and a treaty. "We will thus," says the right hon. Gentleman, "take care of the sick man." No doubt: and it will be, meanwhile, the care of Russia to secure his eternal repose. The right hon. Gentleman criticised with consummate ability the application of the third point. He pointed out the difficulties inherent in the composition, and criticised and commented on the language and conduct of the noble Lord in reference to that third point, and dwelt on these with inimitable power and effect; but I am nevertheless told that the right hon. Gentleman is himself the author of this third point. I understand that he—one of the great statesmen of the age—himself composed this third point, the application of which, he says, is so absurd, so imaginative, and which is practically so difficult of adjustment, and that having constructed this piece of statesmanship he now demolishes it with unsparing vigour. I do the right hon. Gentleman the justice to admit that he is convinced in his heart and soul that the application of this point is absurd, and that the application of it may be difficult if not impossible, and I only regret that he gave his own consent to it. He is in the same predicament as the noble Lord and his colleagues, and they are all alike responsible. They get the country into difficulties from which they want the virtue or the power to extricate it. They make war, and they cannot make war. They endeavour to make peace, and they cannot make peace. They draw up protocols which the very author of them cannot well understand, and to apply which, he says, is an impossibility. I confess I am not able to find anything more substantial in the course of the right hon. Gentleman's able speech than that appeal which he made when he counselled you on the grounds of Christianity, religion, and humanity, to terminate this war; but let me ask the right hon. Gentleman one question with reference to that eloquent appeal. He is a moralist and a philosopher—when did that new light break in upon his mind? When did the right hon. Gentleman feel the promptings of conscience so strongly as to be compelled to make that speech which left its sting so sharp behind it? Had he that speech in his mind on Monday evening last? If blood has been shed that should have been stayed, was it his duty to religion, to Christianity, and to God, to come forward on that occasion, and by an exhibition of his policy, and by his eloquent appeals to your feelings and understandings, to stop that discussion, which had for its object to stem the effusion of blood? Was it for him at such a time to stifle discussion, and prevent the free expression of opinion in this House, instead of giving utterance to those feelings and eloquent ideas to which he has now given birth, and which being then expressed by him, might have tended to stop the effusion of blood? The right hon. Gentleman has described to us, in fervid eloquence, the horrors of war, and he has expatiated, with no common power, on the blessings of peace. But, I ask, who advised the invasion of Russia? Who made war upon the territory of Russia? The right hon. Gentleman. Who advised the expedition to the Crimea and the attack on Sebastopol? The right hon. Gentleman. Who plunged this country into the horrors which he so pathetically described? The right hon. Gentleman. And if there has been an effusion of blood at which every humane man must shudder, that bloodshed was counselled and the invasion which led to it was undertaken on the advice tendered by the right hon. Gentleman and his colleagues; and now we see that they are eager to denounce and lament the consequences of their fatal policy. The right hon. Gentleman and his colleagues sent forth those gallant men who were now fighting our battles, and what was their conduct subsequent to that ill-fated expedition? Those brave men had nothing to sustain them but their bone and sinew—there was evinced for them no counsel, no foresight, no judgment, no adequate preparation. A large number of them fell not by the enemy, but were the victims of disgraceful and criminal neglect. The late Ministry exhibited in every department the most deplorable incompetence, and we, in this House, have had, as yet, no opportunity to express our sense of their awful mismanagement. Having done all this, what did the right hon. Gentleman and his colleagues next do? When an indignant nation, through their representatives, demanded inquiry, up started the right hon. Gentleman, and told us that, on constitutional grounds, all inquiry ought to be stifled. That argument was disregarded, and 230 Gentlemen at this side of the House, true to their constituents and to their country, voted for inquiry into the horrors that had taken place, and are now ready to carry that inquiry to its legitimate consequences. I therefore deny the right of a Member of the late Ministry to argue as the right hon. Gentleman has done, and to make the appeal which he has addressed to us. The right hon. Gentleman, last night, quoted a passage from *Virgil*, but he did not venture to finish his quotation, an omission which I shall now take the liberty to correct—

> "Cur indecores in limine primo
> Deficimus? cur ante tubam tremor occupat artus?"

Those inspiring words follow, happily, the lines he quoted. If they did not follow in his thoughts they now follow in my speech; and I add, moreover, that if it be even as he said, should that lessen the courage of our people? But the question we have now before us is, what are we fighting for? Is this a just war or is it not? If it is not a just war, let us end it quietly, and, on our bended knees, implore forgiveness from Russia even on any terms; but if it be a just war, what ought to be our language? Let me, in answering this, refer you to what passed one hundred years ago, when, in time of war, a Chancellor of the Exchequer came forward with a proposal to address the Crown. We were then fighting a great Power; the Exchequer was low, our people were divided, our King was brave, and there was a demand for a delusive, false, fraudulent peace. On that occasion the Chancellor of the Exchequer proposed what I repeat, for the adoption of Parliament—

> "This is the eighth year in which your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, have assisted your Majesty with large supplies for carrying on a just and necessary war."

Afterwards, in this manner—

> "To show to your Majesty and all Christendom that the Commons of England will not be amused or diverted from their firm resolutions of obtaining by war a safe and honourable peace, we do, in the name of those we represent, renew our assurances to support your Majesty and your Government against all your enemies at home and abroad; and that we will effectually assist you in carrying on the war against France."

How did the House of Lords speak? As follows—

> "We assure your Majesty of our hearty and sincere assistance, not doubting but whenever your Majesty shall be obliged to be engaged for the defence of your allies and securing the liberty and quiet of Europe, Almighty God will protect your sacred person in so righteous a cause; and that the unanimity, wealth, and courage of your subjects will carry your Majesty with honour and success through all the difficulties of a just war."

Such is the language we ought to use now. There should be no ambiguous speeches and no delusive schemes of peace. If the management of the war had been in the hands of men capable of conducting it to the honour and advantage of this mighty nation, what might not have been the results. Behold the difference between the Ministry and the nation. On the one hand, timid negotiations, feeble policy, and divided councils. What a contrast with the energy, enterprise, courage, and enthusiasm of a gallant people! For what are we fighting? For the supremacy and greatness of England, a cause which cannot be deserted or betrayed. You are not fighting for the mere interests of commerce, though I wish not to be understood as undervaluing the advantages of commerce, for it spreads civilisation and gathers wealth, but you are fighting for something higher, nobler, grander—the greatness, the supremacy, and glory of the country—for something nobler than the interests of commerce, or the acquisition of territory. I believe that the object of this great contest is to establish the authority of eternal justice, to vindicate the outraged laws of nations, and to promote and advance, I ardently hope, the liberties of the world.

Mr. LOWE said, the hon. and learned Gentleman who had just sat down had quoted a most patriotic and soul-stirring passage, and said that was the language which ought to be used now. Then, why was it not used? Why did not his party use it? He heartily wished such language had been used; and it was because it had not been used, and because hon. Gentlemen opposite kept their patriotism for their speeches and put their party spirit into their Motions, that he had felt it his duty to place before the House and the country something which would really raise the question that the House had to address itself to, and to which the speech of the hon. and learned Gentleman might properly have applied. It was his duty to recall the House, if in his power to do so, after the wonderful burst of eloquence they had just heard, to the question before it. He had given notice of an Amendment to the Motion of the right hon. Member for Portsmouth (Sir F. Baring), and what he had to show the House was, that the Amendment was called for, true, and expedient; and with that view he would just recapitulate how the matter stood. The right hon. Member for Manchester (Mr. M. Gibson) gave notice the other night of a series of Resolutions relating to the proceedings of the Vienna Conferences; but when he was going to move them, a question was asked of the head of the Government as to what state the negotiations were in. The noble Lord made an answer calculated to deceive no one, being a true statement of the fact. The noble Lord said that the negotiations were suspended, but that Austria was looking about and waiting, like Mr. Micawber, for something to turn up. Then the right hon. Member for Oxford University (Mr. Gladstone) put it in his own peculiar forcible manner to the right hon. Member for Manchester that it was impossible, under the circumstances, for him to go on with his Motion, the question of peace and war being undecided; and yet the right hon. Member for Oxford University had only last night gone fully into the circumstances connected with the Vienna Conferences. He (Mr. Lowe) felt dissatisfied with the proceeding to which he had alluded, thinking that the House would be disgraced in the eyes of Europe and the country if they abstained from pronouncing an opinion on the subject. Therefore he was pleased to hear the right hon. Member for Buckinghamshire (Mr. Disraeli) express sentiments on that point similar to his own, signifying an intention to lay on the table a Resolution which should fairly raise the question. He was, however, disappointed, when he found what was the tenour of the right hon. Gentleman's Resolution. What he had expected from the right hon. Gentleman, was an explicit opinion on the questions raised by the Conferences, and whether the negotiations should proceed or be stopped. He could not help thinking that, if the right hon. Gentleman had followed the inspiration of his own mind, and had not been obliged to conform to the opinions of others, the House would have had a Resolution from him more in accordance with the sentiments he had expressed. As it was, however, he might ask—

> ——— " Amphora cœpit
> Institui; currente rotâ cur urceus exit?"

The right hon. Gentleman began in patriotism, but ended in party. The right hon. Gentleman, when he came forward to accuse the Government, should be in his language clear and definite; so that the House might distinctly understand on what it voted, and the Government might be sure against what it had to defend itself. When the right hon. Gentleman censured the ambiguity of the Government, he would have done well to avoid ambiguity himself. And vague and unmeaning as was the Motion of the right hon. Gentleman, the debate which he raised upon it was still more objectionable:—the right hon. Gentleman said little or nothing in favour of his Motion, and following his example, those who had spoken on the other side had said little against it. Then, again, he would not have anticipated that a speech on a Motion censuring the Government would have been so entirely taken up with invectives against the noble Lord the Member for London, for things not done by that noble Lord in his capacity as Secretary of State and Member of the Government, but in his diplomatic capacity as servant of the Crown—as representative not of any particular party in that House, but of the whole nation—in which capacity the noble Lord was entitled to that generous consideration which that House was in the habit of always extending to public servants who did their best to discharge any public duty. His (Mr. Lowe's) view of this matter was, that it was a great deal too serious to be made a party quarrel, and he thought that if the House only came to a vote affirming or negativing the right hon. Gentleman's mere party Motion, by which the right hon. Gentleman sought to displace the present occupiers of the Treasury bench and put himself and his friends in their position, without any pledge as to the line of policy he intended to pursue—if the House came to such a vote without having some assurance what line of policy was to be pursued, such a course would be discreditable to that assembly. But if it would be discreditable for the House to consent to the Motion of the right hon. Gentleman the Member for Buckinghamshire, it would be anything but creditable for it to agree to the Amendment of the right hon. Baronet the Member for Portsmouth. The House would remember that the question of the Conferences at Vienna was now distinctly before it, and, therefore, if they did consider that question at all, they ought to pronounce some decided and specific opinion upon them. Certainly, no course could be imagined more undesirable than that the House should pronounce an ambiguous verdict upon them—a verdict having three or four distinct meanings—and at the same time to leave the country in the dark as to which of those meanings it meant to adopt. That, however, was what the House would do if it adopted the Amendment of the right hon. Baronet the Member for Portsmouth. That Amendment began thus:—"This House sees with regret that the Conferences at Vienna have not led to the termination of hostilities." Now, in official language, the word "regret" was often used to express censure, and, therefore, in this place, it might either be meant in its abstract sense of expressing a simple sorrow that the war had not been brought to a close, or it might be taken to convey a censure on the Plenipotentiaries for not having brought the negotiations to a successful termination, or on the Government for having given the Plenipotentiaries such limited powers; or—as he hoped was the case—it might be meant as a censure on the Russian Government for having entered into the negotiations without any sincere desire to bring them to a successful end, but merely in order that she might secure the neutrality of the German States and obtain popularity with the Ottoman Christians. Before the House adopted the Amendment, it certainly ought to be made clearly to understand which of those four meanings was to be attached to the word "regret." Finding the question in this dilemma, it had occurred to him that what was wanted was to propose some Amendment on the Amendment of the right hon. Gentleman the Member for Portsmouth, which would really raise the question which should have been raised on Monday night by the right hon. Member for Manchester—whether there was left, after the rejection by the Russian Plenipotentiaries of our proposition, anything which could be made a legitimate ground of negotiation for peace. That was his view in placing his Amendment on the paper, and that was the question which he intended it to raise, and upon which he desired to extract from the House a plain unmistakable opinion, without reference either to the objects of those gentlemen who wished to retain their offices or those who wished to turn them out and seat themselves in their places. If his Amendment were adopted it would have the effect of recording a clear, distinct opinion on the part of the House of Commons with reference to these negotiations, and it would also plainly point out that the word "regret" was intended to apply to the conduct of the Russian Government. Incorporating his Amendment with that of the right hon. Baronet, it would run thus:—"That this House, having seen with regret, 'owing to the refusal of Russia to restrict the strength of her navy in the Black Sea,' that the Conferences at Vienna have not led to a termination of hostilities, feels it to be a duty to declare that 'the means of coming to an agreement on the third basis of negotiation being by that refusal exhausted,' it will continue to give every support to Her Majesty in the prosecution of the war, until Her Majesty shall, in conjunction with her allies, obtain for this country a safe and honourable peace." In arguing in favour of this particular Amendment he was prepared to take his stand, not upon any of those grounds stated by the right hon. Gentleman the Member for the University of Oxford, but simply on the grounds which had been agreed to by Russia herself. He would not presume to say what ought to have been the basis of the negotiations. That, of course, had been settled in conjunction with our great ally, and no advantage to the common cause would be gained by canvassing it in the House of Commons; but at least he had a right to argue that England was entitled to as much as Russia herself had admitted she ought to have. Now, twice during the present year—once on the 7th of January, and again on the first day on which the Vienna Conferences were opened —Russia had admitted that we were entitled to stipulate that her preponderance in the Black Sea should be put an end to. That was the point, then, from which he started, and all he asked the House to declare was, that what Russia herself said was a reasonable condition of peace should be fully and carefully carried out, and that when the prospect of carrying that out fully and fairly had ceased, it was not for the dignity of the nation, for the interests of Europe, for the success of the war we were carrying on, and the security of Turkey that negotiations should any longer be continued. The question, therefore, was whether the terms proposed by the Western Powers to Prince Gortchakoff and M. de Titoff at Vienna were or were not equivalent substantially to the third basis, as agreed to by Russia herself? Were these two positions—that the preponderance of Russia in the Black Sea should be put an end to, and that a limitation should be put on the Russian navy in the Black Sea—equivalent? He maintained that they were, and that any man who said that the preponderance of Russia in the Black Sea could be destroyed without limiting her fleet there, was guilty of as great a verbal absurdity as he who would say that Russia could put an end to her preponderance without limiting it, or destroy her fleet without diminishing its strength. There was no difference between the two propositions. If he were to argue the question on the ground of authority, he might first refer to the authority of Her Majesty's Government, who evidently were of that opinion, because the instruction they gave to their Plenipotentiaries at Vienna was to propose the limitation of the Russian fleet in the Black Sea as the means of putting an end to her preponderance there, and, when the Russian agent refused that proposition, left them nothing further to do but to declare their instructions exhausted. Then he might also bring Count Nesselrode into court in support of this opinion; for in the circular which had lately been published that astute diplomatist did not venture to say that Russia had agreed to such a modification of the treaty of 1841 as would put an end to the preponderance of Russia in the Black Sea. He suppressed that article altogether, because he knew that if he had stated it, and then had afterwards gone on to state that Russia had refused any limitation of her fleet there, it would have been a contradiction in terms; and the breach of good faith would have been apparent to all the world. He, therefore, suppressed the fact of that admission having been made by Russia, and merely spoke generally of the revision of the treaty of 1841. Russia, however, refused to go into the negotiation on these terms of limitation, and the ingenuity of the Conference was directed to frame a substitute. Russia herself proposed two substitutes, which the right hon. Gentleman the Member for the University of Oxford said were Russian "methods" of applying the third point. He denied altogether that they were methods of carrying out the principle of the third point, for the *mare apertum* tended to increase, and the *mare clausum* to perpetuate, the predominance of Russia in the Black Sea. By opening the Black Sea to all nations Turkey gained nothing, because she had already the power of navigating the Black Sea and the Mediterranean; but Russia would gain immense facilities of developing her naval power, because she would then have the privilege of passing into the Mediterranean. Therefore, while no advantage whatever was to be given to the Power to be protected, and an immense increase of power would accrue to that Power whose predominance was to be curbed—this certainly could be no method of carrying out the principle of the third point. The right hon. Gentleman the Member for the University of Oxford had laid great stress on the immense advantage which the Sultan would obtain by being able to call for the naval assistance of his allies even in time of peace, if the predominance of Russia should press too heavily on him. But he did not advert to what it is now competent for the Sultan to do without violating any treaty, and what he has done—namely, to call foreign ships to the very confines of the Dardanelles, so that in a few hours they might advance to Constantinople to his aid. Thus the point on which the right hon. Gentleman laid such stress turned out to be merely illusory. But the stipulation for putting an end to the preponderance of Russia in the Black Sea would not really put an end to it; it was, indeed, based on the assumption that that preponderance would continue, and would again become intolerable and insufferable, and when it became so it provided for the tardy assistance of the Western Powers being afforded to Turkey. Now, it might be right, when we had drawn the sword for the security of Turkey, and after we had spent millions of treasure, and sacrificed thousands of lives in a spirit of tardy humanity, to draw back from our proceedings, and leave Turkey to her fate; but, if so, let us at once boldly declare that there was an end altogether of the third point in the negotiation, instead of affecting nominally to reduce the preponderance of Russia in the Black Sea, and then assenting to that condition being made illusory by expedients, one of which would actually increase her preponderance, and the other admitted that it would continue to exist utterly undiminished. Therefore, it was pretty clear that there was no means of carrying out the third basis of negotiation, except by limiting the naval force of Russia in the Black Sea. Though Russia had been willing to sign the same form of words as the other Powers with regard to the other moiety of the third basis, and to say that she would respect the independence of Turkey, yet, when pressed upon the matter, her Plenipotentiaries stated that they did not mean by that to join in a territorial guarantee, as all the other Powers wished. So that, when Russia made a proposition that would increase her own naval preponderance, or, at least, make it permanent, and at the same time would give no guarantee to Turkey for the rights which she intended to invade, it was obvious that there only existed the worst possible basis for negotiation. This was no matter of arithmetical calculation as between the points that were conceded and those that were refused. The legal maxim applied in this case, "*Sententiæ ponderantur, non numerantur;*" they must look at the weight and importance of the points in dispute, and not merely at their number; and it might be that Russia might concede to us fifty-nine points out of sixty, and yet we might be justified in going on with the war, *à l'outrance*, for the sixtieth. Upon this point of destroying the preponderance of Russia in the Black Sea depended all the others; and it would be most unwise if, with the experience that we had had of the dealings of Russia with the Porte, and with every one of her neighbours, we allowed her to retain all the power she possessed in war of menacing Turkey, and that, too, without obtaining from her a territorial guarantee for the dominions of the Sultan, which she refused on the flimsy pretext that she did not know the boundaries of the Turkish empire, the fact being that every such boundary that was likely to be attacked was a boundary which Russia herself had fixed by seizing some one Turkish provinces or another. As to Russia reserving to herself the right of judging when she should shed the blood of her own people, she was pouring forth that blood now like water in a much worse cause than in guaranteeing Turkey against attacks that might proceed from any other quarter. On these grounds, then, the refusal of Russia to restrict the strength of her navy in the Black Sea was plainly equivalent to a refusal to put an end to her preponderance in that sea; and, if that were so, the conclusion was inevitable that negotiation on the third point was exhausted, and it would only be below the dignity of this country, and trifling with a great subject, to continue further negotiations on that subject. The right hon. Member for the University had stated that it was not true that the conference came to a termination owing to the refusal of Russia to restrict the strength of her navy in the Black Sea, and he quoted a highly diplomatic phrase of Prince Gortchakoff to the effect that he did not exclude everything that had a tendency towards such a limitation, though he reserved to himself the right of rejecting or negativing it altogether. God forbid that any man should snatch at a mere expression of this kind, apart from its real meaning; but this declaration was made on the 17th of April, and on the 21st, when Prince Gortchakoff and M. de Titoff were making a substantive proposition to the conference, they employed this language—

> "The propositions which have been made to them, namely, the limitation of the Russian fleet in the Black Sea, being, in their eyes, derogatory to the sovereign rights of the Emperor, their master, contrary to the European equilibrium, and dangerous to the independence of the Ottoman empire, they cannot but decline them."

From this statement the Russian Plenipotentiaries never wavered, and since it was made there had been no real negotiation, because the Plenipotentiaries of the Western Powers said that their instructions were entirely exhausted. Russia, therefore, having repudiated her own basis of negotiation, any man of plain common sense must see that any further negotiation on this point would be futile and abortive; and, therefore, he was strictly and rigidly correct in saying that it was owing to the refusal of Russia to restrict the strength of her navy in the Black Sea that the Conferences at Vienna came to an end. To one who had a due sense of the responsibility attaching to every word used in that House, and who was endeavouring, as he was, to lift this matter out of the slough of party in which it had been wallowing, it was a grievous thing to be charged, even by implication, with a wish to perpetuate the misery of the human race—the frightful and terrible slaughter that was now going on—the devastation of provinces, the ruin of countries, and the retardation of civilisation. He admitted that these were things not lightly to be incurred; but, having entered into this struggle, having laid down bases of negotiation, having got great and powerful allies who concurred in these bases, we should be unworthy of our forefathers, unworthy of our country, unworthy of the name of Englishmen, if we were to retrograde before we were forced by overpowering necessity from the position which we had taken up, and to allow barbaric might and violence to trample upon rights which we had, in a spirit of honest and just indignation, taken upon ourselves to defend. His right hon. Friend (Mr. Gladstone) having read several of the terms proposed, and which had been acceded to, said that we had attained the objects of the war, and should, therefore, now make peace; but their end was to secure Turkey from the aggressive spirit of Russia, and unless they had accomplished that, they could not consistently or safely abandon the struggle. Were peace made upon the terms suggested by the right hon. Gentleman, what would become of Turkey? In her present state, deserted by her allies, diminished in her *prestige* and character, could she maintain her place as an independent Power for a single year in the face of Russia, whose *prestige* would be enormously increased by the result of the siege of Sebastopol? If we now retired from the contest, Turkey would, therefore, be delivered over to Russia, bound hand and foot; and the empire of that colossal Power would overshadow the Northern Powers; Germany would be at her feet, independent Tartary would be at her mercy, Persia would become a Russian province, and the Russian empire would extend itself until it brought within its gigantic span all the free nations which were conterminous to it. What was her dominion? Her dominion had worked out a principle which was the converse of the doctrine of Bentham—its aim and end were the greatest misery of the greatest number. Everybody in Russia was miserable—the serfs, the nobility, and every other class. Such was the uniform and melancholy testimony borne by every traveller. There was something plaintive even in the songs and dances of the peasants. The Emperor was miserable because he was overborne with toil and anxiety, and held his life by a tenure more precarious than did the meanest of his subjects. The nobility, amid all their pride and luxury, because they knew how slight a partition divided the pride and luxury from the horrors of the copper mines of Netkhin, from which no man who descended into them ever returned to the light of day, or the dreary miseries of Siberia. The peasant was miserable because his land was not his own, because his labour was not his own, because his family and blood were not his own, and because he knew not how long it might be before a ukase might be despatched from his tyrant to snatch him from his home and to condemn him to long military service and years of banishment from which none were hardly ever known to return. The country was miserable because there was no development for intellect, for art, or for science, because this degrading Power ground everything to powder under its iron heel, and comminuted all intellect, all manhood, to the same minute particles until every one was as good as, and no one better than, another. That was the state of Russia. That was the system, fruitful in misery and degradation, which was now maintained over sixty or seventy millions of people, and which, if this country faltered in its purpose and suffered itself to be tricked out of what it had demanded, must inevitably be extended to a still larger portion of the human race. The politics of Western Europe might appear to be distinct from these questions, but they would immediately be brought into contact with them. The frontiers of Russia would advance at a bound from the Vistula to the Rhine. In England and France you would have armies returning discontented, and recriminations as to the causes of these calamities. In England you would have discontent which might find vent in some organic change in our institutions. In France you would have discontent which would be not unlikely to find vent in a change of dynasty; and whether the new dynasty were Bourbon or Orleanist the sovereign must be one who owed obligations to this country which it would be impossible to forget or to forgive. With such a sovereign, and with the people discontented, and the army burning to vindicate its valour, you must expect things to tend to something very different from the cordial alliance now existing between the two countries. This was the time to say these things plainly, and not to wait until the calamities had arrived. He did not ask those gentlemen who made this great question of peace or war a mere party struggle to adopt his Amendment; but he did ask its adoption by those who thought it was time for the House of Commons to show that it went for something in the affairs of the country, that it had some duty to discharge, and some opinion to express—that it was sensible of the responsibility which rested upon it, and was good for something more than to vote million after million and address after address. He asked such gentlemen to join him in this attempt to defeat the measure by which an unmeaning Resolution was to be met by an unmeaning Amendment, and to lay down a principle by which the country might see that the House repudiated the system of keeping up these eternal negotiations, and admitting, as a mediator of a Power which ought to be our ally, and which only obtained the superiority of position because she dared not maintain that which, with us, she had avowed. He asked those who were weary of this half and half system, who wanted to lay down clearly the terms on which we would or would not negotiate, who wished to throw into the hands of the Government the strength which was always given to it, when it was supported by the voice of a popular assembly—he asked such gentlemen to assist him in defeating both the Resolution and the Amendment of the right hon. Baronet.

Mr. CAYLEY said, that the question before the House was one of such importance, that it was impossible to approach it without a sense of its magnitude; neither was it a party question, and he should not approach it in any such spirit. He thought that the House was much indebted to the right hon. Member for Buckinghamshire for reintroducing this question. He was, however, bound to say that, although he had heard the speech of the right hon. Member with admiration, and agreed with many of the sentiments which had fallen from him, yet he did not think that the terms of the Motion were consistent with the terms in which the right hon. Gentleman had given notice of it, nor with the speech which he had delivered. His right hon. Friend had raised two issues—the late conferences, and whether the Government meant negotiation or war. For his (Mr. Cayley's) part, he would vote for whoever spoke out plainest. What the country desired was, to receive not only from the Ministry but from the House of Commons a declaration of opinion on this subject, and he trusted that to-night the House would make an explicit declaration of its opinion in order that the country, which was ready to do its part in this war, might know that in the House of Commons was a faithful representation of its feelings. He had looked for the declaration of the Ministers with great anxiety, and had determined not to come to a decision in his own mind until the noble Lord the Member for London had spoken. He had not heard the noble Lord's speech, but had possessed himself of its tenour through the usual channels of information; and, as it was one of the privileges of his high position that scarcely a word spoken by the noble Lord was lost, he (Mr. Cayley) had become fully acquainted with the noble Lord's sentiments. He had experienced a most painful sensation at the rumour that the noble Lord had turned from the sentiments he had formerly expressed some time since on this subject; but he was glad to find that the noble Lord had still penetration to see through the wiles of Russian diplomacy. He was glad to find that the noble Lord saw that it was impossible to come to a solution of this question without some material guarantee for the security of peace. Austria, in his (Mr. Cayley's) opinion, in spite of all that had been said of her, appeared to have acted with great loyalty at the conferences, and had, throughout all these transactions, acted with a wise prudence as to her own interest. He meant her mere self-interest. He had never expected more of her. Near a year ago he had written the same opinion to a friend in Vienna who had congratulated himself that Austria was won over to the Western Powers. His reply was, "her object is gained in the Principalities and on the Danube; in principle she may be with the Western Powers to a certain extent, but she will not engage in active operations against Russia. It will be sufficient for us, and all we can expect, to keep her strictly neutral, and it is from her self-interest alone—and that a limited view of it only—on which we can depend even for that." With regard to the preponderance of Russia in the Black Sea, the opinion of Austria was clear; for, on two several occasions during the negotiations, so far as we know of them from the papers before us, Count Buol had declared that it was necessary that a limitation should be put to the naval power of Russia in the Black Sea. He thought that the House ought to support the French Plenipotentiary in the terms which he had proposed on this subject, and that nothing less could be accepted by England and France. He did not know that the treaty of Adrianople had ever received the sanction of this country, but the closing of the gates of the Black Sea was not derived originally from the Treaty of Adrianople, it was derived from the secret article of the Treaty of Unkiar 'Skelessi. Turkey was reduced in 1833 to ask for the assistance of Russia, and was obliged to make the humiliating concession of allowing her to have one of the keys of the gates of the Black Sea; but, as he understood international law, all these treaties were abrogated by the war, and the possessor of the Strait of the Bosphorus had the exclusive command of the entrance to and the exit from the Black Sea; and yet this was all that Russia virtually offered in the way of concession at Vienna. He was glad to find from the noble Lord's speech last night that he adhered to the sentiments he had expressed on the 21st of April, and he hoped those sentiments would be sanctioned by the First Lord of the Treasury. If these were the sentiments of the Government, it followed as a natural corollary that they must support the Amendment of the hon. Member for Kidderminster, which was but a free translation of the declarations made by the noble Lord at Vienna and in his speech. Russia had even objected, in relation to the 2nd of the Four Points, to the proposition that Turkey, Austria, and Russia should each station a ship at the mouths of the Danube to insure the free navigation of the river, because she wished to have the exclusive monopoly of the Black Sea, which was one of the highways to Turkey. What was her motive for that wish? But that she secretly intended again to make an aggression upon Turkey, as she had so often done in former times. Russia had at the outset refused to limit her navy, and when she repeated that refusal, was not the noble Lord the Member for London justified in taking up his hat and returning home? No one wished for peace more than he did, but petty attempts at negotiations, when negotiations had proved to be utterly fruitless, would not tend to bring about a just and honourable peace. It had been negotiation too long protracted which betrayed us originally into the war, which had encouraged the Czar to hold language from which he could not subsequently withdraw. Had our language to Russia been as firm in January and March, 1853, as in January and March, 1854, the Pruth would never have been crossed. If it was the wish of the right hon. Gentleman, in moving this Resolution, to obtain an explicit declaration of the opinions of the Government, he hoped that if the noble Lord at the head of the Government spoke as plainly as the noble Lord the Colonial Secretary had spoken, and promised to vote for the Motion of the hon. Member for Kidderminster, the right hon. Gentleman would withdraw his Motion, in order that they might have a unanimous declaration of the House of Commons that they would support Her Majesty in the vigorous prosecution of the war. He believed that those who voted ostensibly in favour of peace at this moment were those who would do most to prolong war. A vacillating Ministry indeed brought on the war, but a vacillating House of Commons could never end it. The hon. Member (Mr. Cayley) then addressed himself to the speech of Mr. Gladstone of the previous evening. He had heard the right hon. Gentleman with admiration for his great power over the instrument by which men usually communicate their ideas to each other. What a glory and a credit to this assembly, he (Mr. Cayley) could not help saying to himself, was such a Member—but what a discredit and a shame to the country it might be to have such a Minister at a crisis like this. In that speech he (Mr. Cayley) found an explanation of the conduct of the Aberdeen Government in 1853. Hoodwinked in March, cajoled in April, they doubted in May, truckled in June, vacillated in July, and after a year of ambiguity finally floundered into this untoward war, taking few or no measures, all this while, to prepare for the dread alternative; and having by their want of preparation and their mismanagement produced the most disastrous results to our army, the Ministers of that Cabinet would now leave the country sprawling in the mire of an ignominious peace. The objects of the war, argued the right hon. Gentleman, are obtained, and more than obtained, if we remember what those objects were at the outset. Objects gained! What objects? The first and second points which have been yielded to by Russia were no concessions. First, they were no longer hers to yield, and secondly, if they were, and yielded, they are mere cessations of usurpation. The treaty of Kainardji never gave them the Protectorate, and the obstructions to the free navigation of the Danube were clear violations of the Treaty of Vienna. And he (Mr. Cayley) was not aware that the Treaty of Adrianople had ever been sanctioned by this country which gave the pretext for these obstructions. But how were the objects gained? The object was, at least certainly had become, to protect Turkey permanently from Russian aggression. Is there no road to Constantinople but by the Principalities? Is there no other road to Asia Minor? The Black Sea is the great highway by which the lurking ambition of Russia intends to gratify itself on the provinces of the Ottoman power. How did Marshal Diebitch obtain his supplies on his way to Adrianople in 1829? How did Prince Paskiewitch carry on his masterly campaign in Armenia in the same year, but by means of the Black Sea? Nothing would cripple the aggressive policy of Russia in the East so much as her preponderance in the Black Sea being annihilated. The Western Powers were now in possession, and ought to retain it till means were discovered for that subversion, and until Turkey possessed, in fact, what the law of nations gave her in right, namely, the exclusive key of the gates of the Euxine, to admit or deny entrance to any warlike flag she pleased; only material guarantees would secure this. The destruction of Sebastopol and its fleet were the necessary means to this end. He (Mr. Cayley) might not have counselled that expedition at the time it went, but, being there, Sebastopol could be ours, and by God's blessing, it would. It was to his mind an affair of time, and not of doubt—of fighting in the field, rather than of assault. When the plough had turned the furrow over the site of Sebastopol, and the western flags had floated in its harbour, the great material guarantee would have been obtained. He (Mr. Cayley) for one did not desire to retain possession of the Crimea, or to make aggression on Russia's European territory. His view from the outset had been, if we went to war, to establish a real check to Russian aggression in the East. He thought Ismail and Keni should both have been early dismantled to secure the free navigation of the Danube, and that some effective aid should have been given to the Turks to drive the Russian boundary back to the Kuban and the Terek. As matters stood, after Sebastopol is reduced, and the Danube really free, and a check put upon Russia in Trans-Caucasia, a small allied army of occupation in Bulgaria, and a few war steamers as inspectors of the Black Sea, and the war expedition of France and England might be greatly reduced, being then confined to blockading the White Sea, the Baltic, and the Euxine. Such a course, by crippling the commercial resources of Russia, would bring her to terms, at a cost cheap to us, but ruinous to her, and meanwhile destroy her *prestige* in the East. But he did not think it worthy of the European Powers, circumstanced as they now were, to overlook the case of Circassia. In one of his conversations with Sir Hamilton Seymour in 1853, the Emperor Nicholas expressed strong sympathy for the way in which the people of Montenegro had preserved their independence against the Turks; and Europe, situated as it now was as regarded Russia, could scarcely do less for the noble people of Circassia, who had so long and against such gigantic odds struggled against the encroachments of their great northern neighbour. So much, then, for the limitation of the navy of the Russians in the

Black Sea, for maintaining which at its present size she had no plea, as we had. Where were her colonies to defend? At the same time, although resolved to take every precaution in his power against the tortuous policy and diplomatic subterfuges of Russia, and to prevent, if it were in human power to prevent, her disturbance of the peace of Europe, he still sympathised strongly with his hon. Friend behind him (Sir W. Heathcote) in his desire for peace. He would not call his hon. Friend bloodthirsty, but he felt assured that those who now pressed upon Government the acceptance of Russian terms would in the end be the cause of an increased amount of bloodshed besides being responsible for the profuse and profligate waste of blood and treasure which had already taken place. We had indeed shilly-shallied into war, but depend upon it we could never dilly-dally into peace—except a most disastrous one. No one could deprecate war in the abstract more than himself (Mr. Cayley)—its horrors, or the passions to which it gave rise,—and yet we must not forget that for some mysterious purpose war seemed in the councils of the Most High indispensable to His great plan. As in the outward world of nature storms and hurricanes seem required to purify the atmosphere; as in the inner life of the individual it is only through the tempests of the soul that even the good man is permitted to agonise his way to peace—so in the outer world of nations, from some inscrutable cause, it seems only from time to time by steering their bark through an ocean of blood that they may enter a haven of permanent rest. Inscrutable as such things may be to us (however visible to the eye of faith), the day will arrive when these ways of Providence will be surely vindicated, as emanations of completest wisdom and of purest love. Nevertheless, let us not conclude that this war, how grievous soever in many of its aspects, has been productive of evil alone. He under whose Government we live has even for the bitterest cup still in store some drops of merciful compensation. It is something that through its instrumentality this war has been the means of cementing a close alliance between two neighbouring nations, who stand in the vanguard of civilisation—of closing the wounds of a strife of centuries. Happy for us that in this Syracusan expedition Sparta is our ally—that Gylippus fights by our side. Happier still it would be did we remember that Athens, drained of her bravest for that distant expedition, became a prey to invaders at home. Is it nothing that this struggle has been the means of eliciting in our beloved Queen, not alone the graciousness of the Sovereign, but the yearning tenderness of her large mother's heart for the sufferings of her gallant troops? We daily pray that Heaven will preserve her in health and prosperity, and that she may be defended from all her enemies; let us pray that she may be preserved from what is worse than external enemies—from distracted councils and from incompetent administrations—that she may be protected against losses threefold greater than those in the field, occasioned by utter absence of preparation, management, and foresight. Oh! let us pray that that beloved lady may never again have to renew the reiterated wail of Augustus, "Quintilius Varus, give me back my legions!" Now that every one who has studied the antecedents of Russia must see through her wiles—her wiles which are more dangerous than her arms—what language alone ought to be held by the Minister of this country—the valour of whose sons, never disputed, has again in this generation been proved before our eyes—a valour which mounts to heroism, and whose endurance and devotion rise to the spirit of martyrdom? What, I repeat, should be the language of the Minister of the Crown at a crisis like this? "Ours is a just and a righteous cause—with such an army, such a navy, such allies as ours, who can doubt of success? Those terms we have failed to obtain by the pen, we now will win by the sword." But human means will not suffice, as the right hon. Gentleman (Mr. Gladstone) truly remarked last night; we must still and always seek counsel and aid from Him whose fiat alone decrees the trumpet shout of victory or the bitter howl of defeat. Yet "let the nations rejoice and be glad, for he shall judge the folk righteously, and govern the nations upon earth."

MR. ROUNDELL PALMER said, in this debate, involving the most important subject ever discussed in our time, if there were no other point on which they were all agreed, he trusted and believed they were all agreed in a desire to preserve the honour, the glory, and the greatness of the country. There might be those out of doors who thought it a justifiable method of seeking to recommend their views, to cast unworthy aspersions on persons who differed from them, and to say they were the craven advocates of an ignominious peace; but there were none in that House who were the advocates of anything which would bring ignominy or disgrace upon the country which they loved and were bound to serve. Only two short years ago any one who had inquired what constituted the greatness and glory of England would have been referred to the deeds of philanthropic benevolence of which she was the instrument throughout the world—to her flag which carried Christianity, civilisation, and liberty over every sea, to the arts which flourished under her kindly culture, and to the glorious constitution under which her people lived; and, although all Englishmen felt proud of the great actions of their ancestors at Waterloo and Blenheim, they experienced a deeper satisfaction in thinking they had changed those days of blood-stained glory for the nobler and yet more renowned victories of peace. Many then believed the world had advanced so far in improved civilisation that wars had ceased, at least among nations bound together by the ties of religion and of treaties. It must, therefore, be a subject of deep regret to all, a portentous fact of disastrous significance, that the minds of most men were now so possessed with the passions to which the war had given rise, that they looked even with contempt on those who invited the Government to milder counsels and to act in a more moderate and more philanthropic spirit. Appeals were now made, in the spirit of the vehement and exciting declamation which they had just heard from the hon. Member for Enniskillen (Mr. Whiteside), to every consideration that could stimulate the pride, the passions, and the susceptibilities of the people, and lead them to forget the arguments of reason, to turn with impatience from the investigation of facts, in order that their eyes might be fixed upon those vainglorious and unreal notions of national honour which prompted them to persevere in enterprises of war, not for the sake of practical or definite ends, but for visionary objects, about which no two men could agree. He did not mean to say that they should never go to war, or that there never could be an occasion which would justify a nation great in the arts of peace, and devoted to the duties of humanity, in entering upon an enterprise of a martial character. He wished to separate himself from the assertion of such a doctrine, because he thought undoubtedly there might be cases of aggression when violence from without could only be met by measures of defence from within. Nor would he restrict the justification of war to an attack upon our own shores; but he took his stand upon this principle—that, in some genuine and honest sense, war must be defensive in order to be justifiable. The moment defence was turned into aggression, war was no longer honourable or justifiable; and upon that subject he must declare he had heard with great surprise some parts of the speech of the right hon. Gentleman (Mr. Disraeli), who seemed to censure the departure from a defensive, and the adoption of an aggressive policy, when the Crimea was invaded; and yet added, that we must accept the consequences of that fatal mistake, and must go on, because we had once entered upon a course which he himself considered erroneous. He did not think the right hon. Gentleman represented, in that respect, the general opinion of those who held that the war ought to be persevered in; he believed a majority of those persons thought the same principle of defence which originally justified the war might be pleaded as a justification for persevering in it now.

He (Mr. R. Palmer) did not propose to enter into the question, long since practically superseded by the course of events, whether the war was originally justifiable; but, beyond all doubt, it was represented, and was justified by those who entered into it, as a war which was necessary to repel an unjust aggression upon an ally whom we were bound to protect, and its objects were limited by the necessities considered to arise out of that occasion. What was the nature of those necessities and those objects? To state it shortly, the object was, if possible, to maintain the integrity of Turkey against the aggressions of Russia. That was an undertaking beyond all doubt impossible to be carried into effect, so far as the integrity of Turkey was concerned, unless we could secure such conditions and such arrangements as would give us some hope of restoring life and intrinsic energy to the Power whose independence we wished to maintain. There was only one possible way in which Turkey could be supported against aggression, whether it came from Russia or from any other quarter, and that was by the reconstitution of its internal institutions, and by insisting that justice should be done to the Christian portion of its population. We could not reanimate a corpse, but we could educate into powerful life a great people who had long been kept down by a degrading state of slavery. In that way alone could we accomplish the object. There was no doubt whatever that the Christian population of Turkey had no particular desire to fall under the dominion of Russia, and he believed they required nothing but such protection from us and the other Christian Powers as would relieve them from the necessity of looking to the protection of Russia. The work to be done was not merely the exclusion of Russia, but the raising up and civilisation of depressed races, and with them the Turkish Empire. Russia, if aggression was her purpose during the diplomatic contests which preceded the present war, had found the opportunity for that aggression in her peculiar relations to the Christian population of Turkey; the same relations led to the war of 1829, when she crossed the Balkan, and dictated terms of peace at Adrianople; the same relations led to the occupation of the Principalities in 1849, and to every other complication which, during the last half century, had kept alive the jealousy and alarm of the other European Powers. In Wallachia, Moldavia and Servia, by the express terms of the treatise of Kainardji and Adrianople, Russia enjoyed more than the powers of a protectorate over the Christian inhabitants of those provinces; she possessed a preponderating influence over their Government, notwithstanding the nominal supremacy of the Sultan; and, beyond the limits of those provinces, although the treaty engagements of the Porte did not exceed a vague and general promise to protect the Christian religion and its churches. Russia notoriously enjoyed in practice a virtual protectorate over all the Christians of the Greek rite, who naturally looked to her for that protection, in consequence of their community of religious feelings and interests with her Emperors and her people. The great object of our policy had been the exclusion of Russia from this Greek protectorate, and also from the Principalities; and we had now carried the war so far as to have secured that exclusion; but with this, it appeared, we were not to rest satisfied.

He (Mr. R. Palmer) wished, for a few moments, to point attention to some remarkable passages in the despatches of Lord Stratford and Lord Clarendon, tending, as they did, to show the greatness of the success we had already achieved, and the perils we should have to encounter if we were not satisfied with that success. In a letter written by Lord Stratford to Lord Clarendon on the 4th of July, 1853—the letter, in fact, in which Lord Stratford first virtually recommended war to the Government. His Lordship said—

> "If the ultimate exclusion of Russia, as well from the Greek protectorate as from the Principalities, be really that important object which has been hitherto presumed, success will never be obtained, according to every reasonable calculation, without a previous understanding between France and England to stop at no sacrifice which is to secure it."

His Lordship continued—

> "Henceforward the extensive empire, of which Constantinople is the capital, must in all likelihood either take colour with Russia, or be assimilated to Europe. In the latter case, British influence and interests may be expected to find a widening field for their development; in the former they may be tolerated for a time, but they will probably decline by degrees, and be finally excluded. I can hardly doubt that the notion of Reschid Pasha and his friends, if fully supported from without, is, in failure of negotiation, to settle accounts with Russia once for all, and to carry out a system of internal improvements calculated to raise the condition of the Porte's Christian subjects and to place the Turkish Empire on a footing of close connection with the leading, and particularly with the Western Powers of Europe. The idea is no less brilliant than benevolent; but to realise it is difficult, though far from impossible."

Now, would not this idea, which Lord Stratford considered so brilliant but so difficult of realisation, would it not have been realised if we had made peace on the terms which we had rejected? Would not Turkey have settled accounts with Russia once for all, and have struck off the fetters of Kainardji and Adrianople? What was the answer which Lord Clarendon wrote to that letter on the 28th July? He said—

> "It is from England and France alone that Turkey can look for sympathy and support; in the event of a struggle all other Powers would be found neutral, or would become hostile; and if England and France were now prepared to run the risks of a European war, and to disregard the commercial, the social, and the political disasters it would entail; if they were prepared, in short, as your Excellency says, to stop at no sacrifice for attaining the object they have in view, there is little doubt they would cripple the resources of Russia, and on the signature of peace it is more than probable that the exclusion of that Power from the Greek protectorate, and from the Principalities, would be secured. Russia would be effectually repelled; but Turkey would, in the meantime, be irretrievably ruined; and we might then find it impossible to restore her integrity or to maintain her independence."

Such, in Lord Clarendon's judgment were the almost inevitable consequences of even a successful war, waged by Turkey against Russia, though with France and England for her allies; and yet, when we had now got the substantial objects within our grasp, without paying half the expected price for them, when we might have secured the exclusion of Russia from the Greek protectorate and from the Principalities, although Turkey had not yet been irretrievably ruined, we wished to prolong the duration and extend the circle of the war, as if on purpose that all those disasters which Lord Clarendon apprehended might fall upon Turkey, and the Power which we meant to protect might be effectually ruined. Again, after the war had actually broken out between Russia and Turkey, Lord Stratford wrote thus on the 24th November, 1853. After referring to the warlike spirit then evoked at Constantinople by the strength and unexpected successes of the Sultan's armies upon the frontier, and by the presence of England and France in the Bosphorus, and the moral support of the general feeling of Europe, he proceeded, in terms strikingly applicable to the present state of public feeling in this country—

> "It may be alleged with truth, and I have striven to impress the truth in every form of language on their minds, that, however natural such sentiments may be, their indulgence on the present occasion is neither just, nor wise, nor humane; seeing that the original difference can now be settled on safe and honourable grounds—this was while the negotiations consequent upon the Vienna Note were in progress—with every moral and political advantage on the Sultan's side; while an unnecessary continuance of hostilities would involve the most perilous hazards, the most exhausting sacrifices, a vast effusion of blood, and, more than possibly, the horrors of a general war. Unfortunately, the motives to forbearance are thrown into the shade by the dazzling illusions of hope; and passion is in league with occasion to merge all fears of danger, and all considerations of prudence, in a wild, though attractive, speculation, difficult at best to realise, and of which even the accomplishment would not be unattended with formidable drawbacks."

Although at that time Turkey saw that the Western Powers must support her if she went to war, and that they had no alternative, yet, even for the sake of the object in view, Lord Stratford felt that if any peaceable means existed for attaining that object, those brilliant illusions ought then to have been foregone. We had, indeed, suffered much, but we had not yet arrived at the horrors of a general war. The war had hitherto been confined to one corner of Europe, and we had both the opportunity and the means of making peace without running the risk of spreading the flame throughout the world. Was not that an advantage greater than we ever anticipated?

It might be said—indeed, it had been said—that a treaty with Russia would be without value—that Russia was a perfidious power, which broke through all treaties, and could not be trusted to perform any engagement. But how was peace ever to be made, if we were never to make a treaty with Russia? Against such language, which had often before been directed, in time of war, against other nations as well as Russia, argument was useless; for his own part, he had no sympathy with those who heaped outrage and insult upon our foe. He admitted that it might not be enough to negotiate a peace upon honourable terms, unless those terms were also likely to be observed; that we ought to have something like security. "To be thus, is nothing; but to be *safely* thus." No doubt, what we wanted was a "safe" peace; but that word must be understood in a rational sense, as meaning such a peace as, upon a prudent calculation of the balance of good and evil, might be considered to afford reasonable guarantees for permanence. Now, what was the point upon which the Vienna negotiations broke off? It was the naval strength of Russia in the Black Sea. In the despatches of Lord Stratford, down to a late period, there was no allusion to that point at all. That was not surprising; for, though Russia had possessed Sebastopol and the greater part of the shores of the Black Sea, and the whole of those of the Sea of Azoff, for considerably more than fifty years, she had never yet made a sudden descent upon Constantinople. Whatever fraud and treachery we might lay to her charge, Russia had never yet, in the middle of peace, without regard to those principles which had always regulated the intercourse of nations, suddenly attempted to make a descent upon any portion of the Turkish Empire; and if we considered the consequences of such an action—the declaration of European outlawry which would instantly follow it—the total and perpetual forfeiture, not only of the position of Russia as a member of the European league, but of all credit and character even in the eyes of her own people—we must admit that the imputation of such a design to

Russia, and the fear of its accomplishment, was one of the wildest chimeras which had ever entered into the brain of man. All the aggressions of Russia had been made on the Danube, or in Asia, by means of her military forces; but if she was as fraudulent and perfidious, and as determined to seize Constantinople as some imagined, and if it was so practicable for her to come down with her fleet suddenly from Sebastopol, he wanted to know when it was supposed that she first conceived the design, and why she did not do so during all those years, while we were still giving the Emperor Nicholas credit for being one of the wisest and most pacific sovereigns in Europe? Why did she not effect her purpose in the years 1848 and 1849? If Russia had the design now, she had it then. But her fleet did not sail from Sebastopol, and although she did occupy the Principalities in consequence of their then state of disturbance, yet most people gave her credit for conduct of a commendable nature upon that occasion. If ever there existed an opportunity for the purpose it was then. So, also, a favourable opportunity for accomplishing such a design existed in 1833, when Ibrahim Pasha invaded Turkey, and Russian troops came to Constantinople, not to attack the Sultan, but to assist him against his enemies. No doubt the Russians gained treaty advantages on that occasion; but that was a very different thing from coming down with her fleet without notice upon Constantinople. What did he infer? Either that she had not the power, or that she had not the will. He believed, for his own part, that she had not the power, and he cared not to inquire whether she had the will. The very idea was preposterous; but, even supposing that Russia had such a design—that she would like to use any opportunity of surprising Constantinople with her fleet—she must know that all the armies of Europe would march, as soon as possible, to the rescue of that city, and that her enterprise would prove as disastrous in its results as perfidious and treacherous in its conception. Hence it was never proposed to limit the power of Russia in the Black Sea until after the war began, and after the disaster at Sinope. The terms in which Lord Clarendon, in a letter addressed to Lord Westmorland, mentioned the proposition for the first time, pointed much more to such a solution as Russia had suggested than at the solution proposed by us by means of the limitation of the naval force of Russia in the Black Sea. His words were—

> "The privileged frontier of Russia in the Black Sea has enabled her to establish a naval power which, in the absence of any counter-balancing force, is a standing menace to the Ottoman Empire."

And the same meaning attached to the language of the third point, which expressly referred to a modification of the treaty of 1841, for closing the straits. Neither the language employed by Lord Clarendon nor that of the third point implied a limitation of the number of Russian ships of war in the Black Sea; it merely required that the frontier of Russia should not be allowed to continue so privileged by the treaty of 1841 as that there should be no counterbalancing power to her naval force in the Black Sea. That was exactly the nature of the second proposition made by Russia herself—namely, that Turkey should have the power to admit into the Black Sea as many of the ships of her allies from the Mediterranean as she pleased, whenever she should consider her security menaced. It had been said that she could do so now, but that statement implied that the third point was nonsense, and that the treaty of 1841, which closed the Straits to ships of war, required no revision at all, inasmuch as it gave no privilege to Russia, or offered no obstacle to the introduction by the Porte of the fleets of her allies into the Black Sea. But all who had read the treaty were aware that it bound the Porte not to admit into the Straits any ships of war whatever, even though she might consider her security menaced, in the absence of anything which she and her allies could treat as an act of war; and, surely, it was no slight thing that Russia should say—

> "Let the Straits remain closed against me; I give up all pretence of having a reciprocal right to go through them; and, at the same time, I am willing that the Porte should have the power, whenever she considers her security menaced, to admit as many ships of war as she pleases."

That, he believed, would be a sufficient and satisfactory security against the supposed naval danger from the port of Sebastopol, because any preparations at that place adequate for the seizure of Constantinople must necessarily be known at Constantinople, and to our consuls in the Black Sea and elsewhere, in time enough to enable the Porte to form an opinion as to whether her security was menaced or not; and the moment she heard that more ships were being built at Sebastopol, or that troops were under orders to assemble there in extraordinary numbers, she would at once admit the fleets of her allies, which were always close at hand in the Mediterranean, into the Black Sea. What, on the other hand, did we propose to do? We made a proposition which, under the pretence of limiting the naval force of Russia, created so extraordinary a preponderance against her that nothing but the salvation of the empire would bring her to think of accepting it. Russia was to have in the Black Sea only four ships of war; Turkey was to have as many; and any one of her allies might bring in as many more. Besides these, the fleet of Turkey within the Bosphorus, and the fleets of her allies in the Mediterranean, were to be without any limit of number. It was impossible not to see that if Sebastopol was a standing menace to Turkey, such a condition of things would be a standing menace to Russia. The real question for consideration was, of these propositions which would be the more likely to secure a safe and permanent peace? He apprehended that proposition of the two which, being as useful to us, would be less degrading to Russia. He was told that Russia was perfidious. Would she be more likely to adhere to an ignominious treaty? Would she not rather be always endeavouring, at Sebastopol or elsewhere, secretly to collect a navy of greater force than she was bound by treaty to keep, and plotting and contriving to sow dissension among the allies, in order that she might have an opportunity of striking off her fetters, in the very same spirit in which Turkey had striven to strike off the fetters of Kainardji and Adrianople? But Russia rejected our proposals as ignominious to herself; and were they not so? Should we, had we been in the position of Russia, have been ready to accept such terms? It was wise policy when we negotiated for peace with a powerful adversary to consider his honour as well as our own.

But he was told that we should compromise our honour if we left the Crimea without taking Sebastopol. That he believed to be an idea utterly without foundation in truth. Our troops had throughout the war sustained, and even increased, the military reputation of the British army. Though we had not yet taken Sebastopol, he was inclined to share the opinion of those who believed that we should if we persevered a little longer; and how then could there be loss of honour in withdrawing from an enterprise in which we were nearly certain to succeed if we persevered, simply because we had in another way accomplished, during its progress, the very political objects for the sake of which that enterprise was undertaken? An army which had won all the battles in which it had been engaged, and which had been reinforced as ours had been, could not with any truth be represented, either in the East or in the West, as a defeated army, or an army which had capitulated—for that phrase had, forsooth, been used—merely because it was withdrawn at the conclusion of a just and an honourable peace. Again, when hon. Gentlemen talked of our yielding to Russia and truckling to that Power, one would think that we had been making concessions, whereas all the concessions that had been made were made by Russia, instead of to her. A peace upon the terms now offered could not be otherwise regarded than as an admission on the part of Russia of her own inferiority and of our success in the prosecution of the war. But the alternative was, that we must take Sebastopol. Well, would that facilitate the negotiation of a peace? Would not such a defeat render it almost a political necessity for the rulers of Russia to endeavour to remove their disgrace; and, looking to our own side, would not those who were now clamorous for the prosecution of the war then reject with disdain the notion of concluding a peace on the basis of the Four Points? We should be told that the Crimea was once a dependency of our faithful ally, Turkey—that Russia took it from the Tartars—and that the diminution of the preponderance of Russia in the Black Sea required that the Crimea should be either given back to the Porte or placed in safe custody. Who could tell what would come next? Inflated by success, the appetite for war would be likely to grow instead of diminishing, and the circle of objects to be sought for, and terms to be insisted upon, would be liable constantly to enlarge, under the guidance of those who aimed at nothing less than to strike a mortal blow at the life of the Russian Empire. Some very distinguished persons had already been heard to mention the name of Poland in ominous tones, and it was said that the present constitution of that country was a standing menace to Germany; but surely it would be most unwise to plunge Europe in a war of which no man could foresee the end, for the sake of disturbing existing territorial arrangements in that quarter.

Again, we were told that our interests in India were involved, and that the progress of Russia in Asia was so formidable, that, in order to check it, we must carry on our military operations in that continent also. Depend upon it that if we once adopted the principle of changing what was originally intended as a defensive war into a war of aggression, we should be putting Russia in the right, and making the struggle she is now waging, a struggle *pro aris et focis*, which must be most protracted in its duration, and lead to countless disasters and misfortunes. We saw the beginning now; but no man could tell what might be the end. No man could tell how the British constitution itself might work under such a war; what a pressure might be laid by it upon our system of domestic government; what burdens and privations our happy and industrious people might have to endure. Such a contest might also produce the most deplorable effects on our foreign alliances; for, in our own times, we had seen those who had been our best friends become our bitter enemies, while those who had once been our foes had become our closest allies. We should therefore take warning from the past, and not adopt a course which might estrange those on whose support we now counted. If the cause were one of duty or necessity, all these risks ought to be patiently endured; but the objects we fought for in an aggressive war were purely imaginary, not real, and could never be reconciled with the interests or the true honour of a civilised and Christian nation.

LORD STANLEY: Sir, I know well the difficulty which any private and ordinary Member of this House has to face, when he attempts to occupy your attention, however briefly, after such displays of eloquence and debating power as those which on the present and preceding night have so well and worthily sustained the reputation of the English Parliament. At such a time, and on such a question, I speak only from a deep sense of responsibility and of duty: I do so because, long as this war and the negotiations precedent to it have lasted, the present is the first occasion on which it has been possible for this House to express, with any prospect of a practical result, its opinion on the course of policy to which we as a nation stand committed. I accept, therefore, the Motion of my right hon. Friend—a Motion which I mean to support—less on account of the censure which it carries against the Government, well deserved though I hold that censure to be—than because of the opportunity which it affords of ascertaining more clearly and distinctly, in terms more definite than have been hitherto employed, what are the real objects of the war, what the prospects, if any, and what the conditions of peace. I say that we are discussing these subjects for the first time. In 1853 Parliament separated, thinking war indeed probable but not certain; the recess was occupied in negotiations; those negotiations were secret (I do not complain that they were so, it is the practice, I am merely calling attention to the fact); they were necessarily left altogether in the hands of Government; they were unsuccessful, and at the commencement of 1854 Ministers came down to the House and told us, "All has been done that can be done: our efforts to prolong a state of peace have failed; diplomatic resources are exhausted, and war has become inevitable." They appealed to us for aid to carry on the war; we admitted it to be inevitable, we submitted to necessity, and we supplied, as we were bound to do, the means which Government declared to be necessary for the efficient carrying on of operations. But no opinion was then asked, none was expressed as to whether, by a better mode of conducting negotiations, war might not have been avoided. That was not, for the moment, a practical question. It would have been idle, at the very moment of commencing hostilities, to talk about terms of peace; for that it was necessary to wait until both sides were willing to negotiate; but the case is different now. A year has elapsed, a campaign has been gone through, great battles have been fought, negotiations are reopened, conferences have been held (whether now broken off or only suspended I know not), and surely now, if ever, the time has arrived when we ought to ascertain clearly and specifically what are the objects of the war. Those objects cannot be defined until we settle in our own minds what we believe to be the causes of the war. On that subject two different, and even opposite theories are entertained. There are some who think that—England and Russia standing forward as the types respectively of constitutional and despotic government—this contest, though by diplomatic skill it might have been for a while deferred, was yet in its nature inevitable, and must have come sooner or later. To those who hold that doctrine it is comparatively immaterial whether our diplomacy was well or ill conducted, since, in their view, its failure merely precipitated by a little an inevitable result; but my belief, and that of most impartial persons who have studied the evidence before them, is, that the war was not inevitable; that it was not a war deliberately foreseen, and entered upon by either country in consequence of a predetermined purpose; but that it was a war whose origin was most accurately described by the Foreign Secretary, when he said that we had "drifted" into it. Can it be said that Russia has forced it on? Look at the Memorandum of 1844; look at the secret correspondence of 1853; in both you find expressed the same desire—a desire the sincerity of which there is no reasonable cause to dispute—a desire to stand well with England, whatever might be the relations of Russia with other Powers. Why do I mention this? Because, in my judgment, at least, it affects the whole nature and character of the contest. If this war be, what many desire to make it, a war of principles; if the antagonism between the two countries be the necessary result of their political position, then, indeed, it is useless to negotiate, idle to talk of peace, and all we have to do is to reconcile ourselves as best we may to the situation of affairs, and carry on the struggle with all our energies, until one or other of the combatants shall be destroyed. But if, as I believe, the war was brought about merely by the accident of diplomatic mismanagement, then it assumes a very different character, and the question may reasonably be asked, "Are we fighting only to protect our ally, or with any ulterior object?" There are but two objects which it is possible to propose to yourselves; one is the protection of Turkey, the other the humiliation of Russia and the destruction of her power. If you aim at the latter, if you really seek to humble Russia, and to destroy her preponderance in the scale of nations, then, I say, the means you are employing are utterly, even ludicrously, inadequate. That object is not to be accomplished by a siege of Sebastopol, by a Crimean campaign, or a blockade of the Baltic and Black Sea: you must be prepared to expect from the nature of the people, and of the country with which you have to contend, an obstinate and long-protracted resistance. What is Russia? She is a Power weak for offence, strong for defence: her aggressive strength is not great, because her navy is worthless, and her armies, from want of an efficient Commissariat, suffer more than those of any other nation, when engaged in distant operations; but at home she is protected by her climate, by the immense space which an invading army must traverse, by the military spirit of the people, and by the low state of her civilisation, which war scarcely disturbs. In such a war—a defensive war, a national war, a war for her independence and for her very existence—she is powerful enough to occupy us for many years. Well, then, what are the means by which, and who are the allies by whose aid, we are to carry on such a struggle? It will not be argued that the Turkish armies can give us much help beyond the frontiers of their own country, nor yet that we can reckon on the co-operation of Austria and Prussia. Fortunate will it be if we can even reckon on their neutrality. We stand then alone, fighting by the side of France. Is it the interest of France—is it the interest of that dynasty which now fills the throne of France, to protract indefinitely a struggle of this kind, and to crush that Power which has always been held the firmest support of absolute government in Europe? For remember that in such a contest as you now propose, mere force of arms will not be sufficient. You may say now, and you may sincerely desire and intend it, that this shall be a war of Governments only; but ere long you will be driven to employ other means and to fight with other weapons. An internecine war with Russia must in its nature become a war of principle; you must raise against her Poland, Finland, Circassia, all the various countries on whose freedom she has from time to time trampled, and which she has incorporated with her empire; you will have to sow dissension and discord in the empire of Russia herself. But let the House recollect that if once they embark in a revolutionary war, that is an enterprise from which there is no possibility of receding with honour. Its influence will not be confined to those countries in which it originates. It is more than probable that Italy and Hungary will have something to say to such a quarrel. If they do, you have at once raised against you every despotic Government in Europe. There may, indeed, be some persons (I have not heard such language held in this House, but it is held frequently out of doors) who, foreseeing these results, and being prepared to face these risks, think that a war on this principle ought to be undertaken, and that it is the duty of England to stand forward and support the principle of nationalities. But is it in the power of England consistently and reasonably to do this? What does the principle of nationalities mean? If it has any meaning, it means this—that no State, however small its area, however numerically feeble its inhabitants, or however low their state of civilisation, shall be forcibly subjugated by any other and stronger race. I say, Sir, that against that principle the existence of the British Empire at the present day is a living and a standing protest. How can we, who maintain in India the most widespread military despotism that the world has ever seen—how can we, of whose colonial dominion one-half has been forcibly torn from other Powers, nay, who even here at home have united at least three distinct nationalities in one single empire—affirm that we are too free, too pure, too liberal, to tolerate the existence in any other part of the world of a despotism consolidated by conquest? Why, the assertion by us of such a principle will be received with ridicule throughout Europe. In nations, as well as individuals, the power of self-deception is immense: yet, allowing for its influence, other nations will find it hard to believe in our sincerity, and will regard us with a natural distrust. But I pass over that consideration; nor do I stop to compare (though it is a momentous question) the evils caused by despotism with those which a state of revolutionary anarchy may produce: but I ask of this House, responsible as it is for the interests of the empire—I ask of you, trustees not only for the present generation, but for posterity, whether you have a right, for the sake of any vague and remote results to be produced upon the future of the human race, to enter on a course which must inevitably be productive of great financial injury—perhaps of financial ruin—to this country? Setting aside, for argument's sake—though it is a consideration which you have no right to set aside—the claims of patriotism—I deny that the world at large, I deny that the human race, will be gainers. I believe that by crippling the resources and lessening the influence of this country, you will inflict upon the civilisation of mankind a deeper wound and a graver injury than can be compensated by the benefits, ten times told, of Polish nationality re-established, or Hungarian independence restored.

I may be asked, of what use is it to argue thus, when on all sides there exists a perfect agreement that we are fighting only for the protection of Turkey. That such an agreement of opinion exists in this House I allow, and I rejoice in the fact: but that is far from being the case out of doors. If the nation once thoroughly understood that the sole purpose of this war was the protection of our ally, and that no ulterior object was aimed at, I believe that the violence of popular feeling, the unreasoning desire to fight for mere fighting's sake, the unwillingness to listen to any moderate proposal of reconciliation, which now throws so many obstacles in the way of diplomatic proceedings, would be, if not at an end, at least greatly mitigated. There are not many persons who will come forward boldly, and say, "Your object in this war is to crush the power of Russia;" but there are many who, not taking the trouble exactly to understand their own meaning, but using a vague word which may mean anything, will tell you, "It is not necessary to crush Russia; but it is our business to humble her." Others contend only, that, having entered on the war, we are bound to proceed with it, until at least we secure some considerable military advantage. On that latter subject I shall say nothing: a right hon. Gentleman who spoke last night has sufficiently disposed of the theory of fighting, not for terms of peace, but for glory: but this I do affirm, that of all the impolitic ideas which ever entered the brain of man, none can equal in impolicy that of humbling an enemy whom you do not intend to crush. I do not speak the language of the Peace Society—I will give you the opinion of one who was no squeamish politician, no sentimental philanthropist, but one of the profoundest students of human nature and of political science that the world has yet produced. Macchiavelli, in his *Prince*, has said—

> "We must never lose sight of this maxim—either make a man your friend, or put it out of his power to be your enemy. He may revenge a slight injury, but a great one deprives him of the power of revenge. Hence the injury should be so great, that we should have nothing to dread from his vengeance."

These are wise words; and they apply to nations as well as to individuals. They clearly indicate the only alternative which you have before you: either to settle this quarrel on fair and equal terms, respecting the honour of Russia as your own; or else to make up your minds to an internecine war. Between the two there is no middle course: if for the last alternative you are not prepared, you have no choice except to abide by the former. It is argued, "We must have Russia weak, not that we desire to injure her, but for the safety of Turkey." Sir, I doubt whether the state of the Turkish Empire can in any case be a state of safety. Her chief dangers are internal. A feeble Government, a corrupt system of administration, and a barbarous people, expose her to continual peril. But if it be meant that a security is required for the maintenance of the integrity of Turkey against foreign aggression—in that theory I agree. But then the question arises, what is a security? The only point of difference between the terms offered on one side and those which will be accepted on the other—the only condition which the Allied Governments seek to impose, and which Russia refuses to concede—is the limitation of the Russian fleet.

Suppose that concession made, what then? No material guarantee for the security of Turkey will have been gained. The Russian armies in Georgia will remain still unreduced—there is no principle of limitation there applied—and what security have you if, while you guard Constantinople from the sea, a Russian army can at any moment sweep through Asia Minor, occupy the most fertile half of the empire, cut off the Persian trade, and encamp within fifty miles of the capital? That is of the two the more real and the more imminent danger. Russia is formidable, not as a great naval, but as a great military Power; yet, while you insist on the principle of limitation, you apply it only to her navy. I have shown that your third point contains no safeguard against an invasion of Turkey by land; but it does not even protect her against invasion by sea. The distance from Odessa or Sebastopol to the Turkish territory is short: a surprise is easy: there is no limitation of the number of transports which Russia may have in the Black Sea; nor can you prevent any number of troops being concentrated in those seaport towns. It is transports, not men of war, that are needed to carry over an invading force. Your security, therefore, even if you enforce it, secures nothing; but what guarantee have you for the observance of the terms imposed? You say, the limitation of the Russian fleet is a security for Turkey. Yes; but where is the security for the continued limitation of the fleet? No stipulation is so easily evaded as one which limits a naval force. To say nothing of ships which may be built ostensibly for trading purposes, and which will require only a little change to turn them into men of war, nor yet of the difficulty of ascertaining accurately what is passing in Russian dockyards, would England go to war because one ship had been added beyond the number agreed on? How easy the excuse, that that ship had been built to replace one which was decayed, and would be immediately withdrawn! When once peace has been made, when the military spirit has subsided, and when the nations are again disarmed, very large infringements of such a stipulation as the Government propose will be tolerated in preference to recommencing hostilities. What, then, is the use of this paper guarantee? You must rely, after all, on one of two things—either on the good faith of Russia, or on her fear of being involved in war by a breach of the treaty; but those same circumstances act already as securities for the integrity of Turkey. If Russia will not be bound either by good faith or by fear, the condition which you impose is useless; if either of those motives will influence her conduct, then that same condition becomes needless and superfluous. If Russia will abstain from increasing her fleet, lest by so doing she should provoke an European war, surely you have precisely the same reason to suppose—you have an equal moral security for it—that the same fear of war will restrain her from violating the independence of a European State. The condition, therefore, is valueless as a safeguard: it has no practical meaning, except as a defiance and an insult.

Precedents, no doubt, have been urged, and parallels cited, where terms limiting naval force have been submitted to by nations not less powerful than Russia. But it is easy to show that none of those precedents apply to the present case—that nowhere has the expedient answered its purpose, except in the single instance of the American lakes, where both England and the United States bound themselves to maintain no ships of war. But here the case was wholly different, because no ships except those of the two contracting Powers navigated, or could navigate, those lakes, so that danger from the interference of a third party could not exist. But with the Black Sea it is otherwise; there is there a free communication with the Mediterranean, and no material obstacle exists to the entrance of ships of all nations.

It is contended by many, and among them by persons well qualified to judge, were not their passions sometimes stronger than their reason, "We care little about terms of peace; only let us not make peace without taking Sebastopol, or achieving some decided military success." Is the House prepared to accept that theory? Is it prepared to affirm that peace shall never be made except after decisive victory? Because if so, understand it clearly, you are declaring that there shall be one law for England and another for all other Powers. If you allow that what is necessary for the honour of this country may be necessary also for that of Russia, if she too is to lay down the same principle and abide by it, then peace at any time becomes impossible, and the war is rendered interminable. But it is absurd that two great nations should continue to fight when little or no difference exists between them as regards terms of peace, merely because it is necessary that the honour of one or the other shall be satisfied by some signal success. Further, it is easy to say now that if you can only conquer in the field you will be content with moderate terms; but will it be so? Will not the expectations and demands of the country rise in proportion as the power of enforcing them increases? Will it not be argued plausibly, that those conditions of peace, with which, when victory seemed doubtful, we might have been well content, are below our acceptance now when our enemy lies prostrate at our feet? And will not the prospect of peace recede further and further, as every battle gained gives strength and encouragement to the party of war?

There is, I am aware, a feeling of disappointment in the public mind that more has not been effected by our armies; and there are those who think that England has not in this contest sustained her military reputation. But the best way to come to a fair conclusion on that point, is to reverse the relative positions of the two contending parties, and suppose the enemy's case our own. Suppose, then, that we had invaded a neighbouring State. Suppose that our invasion had been repelled with a vast loss of life—that our territory had been invaded in return—that our navy had been swept from the sea, shut up in our harbours, or sunk as a defence, that a strict blockade had been established along all our coasts, that in three pitched battles we had been defeated, should we, because the enemy had undertaken the siege of one place which he had not yet succeeded in capturing, contend that such a state of things redounded to our military honour? Compare, then, what we have done and suffered with what has been done and suffered by the enemy, and it will be plain that in the eyes of Europe we have lost nothing of our reputation. It may be asked, "If you are for peace, why not name your terms of peace?" To that question I answer, first, that to fix the precise conditions of a treaty belongs to the Executive; next, that in this struggle we do not stand alone. We are fighting by the side of an ally: it is not enough that the terms offered should satisfy us, they must satisfy him also; and all that Parliament can do is to mark generally its readiness to acquiesce in any honourable peace. But this at least is certain, that if we are to entertain any hope for the future, we must mark our sense of what is past. The Resolution of my right hon. Friend declares that the conduct of Government has been vacillating, and their language equivocal. I believe that to be the truth. If two years ago the language of Ministers had been plain and their conduct decided, I believe in my conscience that war would not have broken out. If you had told Russia that any aggression on Turkey would be held a *casus belli*, she would have taken the hint, and the Pruth would never have been passed; if, taking an opposite course, you had warned Turkey that it was not your intention to interfere in her behalf, she would have accepted the Russian interpretation of the Vienna Note, and peace might still have been preserved. But instead of taking either of these decided and intelligible lines of conduct, you lured on the Government of Russia by the ambiguity of your speech, and the vacillation of your purpose—you led them to believe that they had no opposition from you to expect—and then turned upon them at the moment when they had committed themselves to an aggressive policy, and when it was too late to recede with honour. That is the fault I find with the earlier stages of these proceedings; and as regards what has been done at Vienna, I find this grave fault—that the only point on which the British Government insisted was one which

Russia could not be expected to concede, and which, if conceded, would have been utterly without value. Yet on that point the conferences were broken off, as if there were no other means of guarding Turkey against aggression, and of counterbalancing the power of Russia in the East, besides that one expedient of limiting her fleet. On these grounds I acquiesce in the Resolution of my right hon. Friend, regarding it as, and avowing it to be, a vote of censure. I do so in the interests of peace. I have little confidence in those Gentlemen, who, occupying the opposite bench, are by courtesy styled a Government. I can scarcely hope that the First Minister, whom I respect, but who in his half-century of public life has always seemed to aim at the show and semblance rather than at the reality of success, and who has never scrupled to court the popularity of the moment, will, in these his last days of administrative existence, pursue a more exalted object, and aspire to a more enduring fame. But I have confidence in the clear perception, the dispassionate judgment, and the resolute will of England's Imperial ally. I have confidence, too, in the people of England. They may be misled for a moment by passion, or duped by political intrigue; they may, and it is their greatest political failing, allow a small and clamorous minority to usurp their name and to misrepresent their wishes; but ere long the sound practical common sense of the nation reasserts itself, and I believe that a year will not pass before the country with one voice will ask, "Tell us for what we are fighting—tell us, if we are victorious, what will be the results of victory—tell us what recompense we may expect, save only some barren wreaths of glory, for the sacrifice of uncounted treasure, and for mourning and misery entailed upon a hundred thousand English homes?"

MR. LAYARD trusted the House would bear with him while he addressed them very shortly upon this important question. Before entering upon it he begged to thank the right hon. Gentleman (Mr. Disraeli) for the courteous notice he had taken of him and the kind advice which he had offered. The account which the right hon. Gentleman had given of what passed between them was strictly correct; for before entering the House he had no idea of the Resolution which the right hon. Gentleman was about to submit; but the moment he heard of the intention of the right hon. Gentleman to raise this discussion he at once ceded his right of preaudience. He had refused the request of hon. Friends on that side of the House to postpone his Motion, but he thought this question one of so much importance that everything else, however in itself important, should give way to it; he wished the House, however, distinctly to understand that his Motion was only withdrawn for a time, and that it was his intention to bring it forward upon the first Motion for going into Supply after the Whitsuntide recess. He was also obliged to allude to what took place yesterday, lest he should be liable to some misrepresentation. He certainly did attend a meeting, called by the noble Lord at the head of the Government, and had the right hon. Gentleman opposite (Mr. Disraeli) invited him to a meeting he should probably have thought it his duty to attend to that also. He was no party man; he desired to hear what every one had to say; and when the noble Lord invited him, he went to hear what would be announced to his supporters on that occasion. As the hour was already late, he should endeavour to confine himself strictly to the subject before the House, and he ventured humbly to think he could throw some light upon it. He would recall attention to the origin of the war—for we were fast forgetting what we went to war about—and he thought he should demolish some of those splendid fallacies which had been advocated with so much eloquence by the right hon. Gentleman who sat behind him. What was the origin of the war? The Christians of Turkey were a population gradually increasing in wealth and prosperity; of their progress there was daily evidence; and the Sultan, a benign and beneficent ruler, was anxious to give protection to all his subjects. He did not mean to say that acts of oppression had not been perpetrated in the provinces; he had himself witnessed and protested against them; but those acts did not proceed from the central Government, and the central Government was no more responsible for them than was the Government of this country for any act of tyranny or outrage which occurred in a poor-house or other public establishment. He believed it was the main object of Russia in this war with Turkey to check that prosperity and put an end to that intelligence which was spreading among the Christians in Turkey. That it was so was no longer an opinion of his; it was an opinion which was warranted by the manifestoes of the late Emperor of Russia and the circulars of Count Nesselrode. The House would remember Prince Menchikoff's mission and its attendant circumstances. The mission ended with a Vote which, as an ultimatum, included all the demands which Prince Menchikoff made upon the Porte. That ultimatum stated that Russia desired to have those privileges granted to the Christian subjects of the Porte, professing the Greek religion, which were enjoyed by all members of foreign legations in Turkey. That was as much as if a foreign Power called upon this country to give to its Roman Catholic subjects all the privileges which were enjoyed by foreign missions in this country. After giving that ultimatum, Prince Menchikoff left Constantinople. The Sultan then issued a firman, which was communicated to the representatives of the Powers in Constantinople, and which guaranteed to the Christians all religious privileges and immunities, and confirmed any treaty in existence affecting them. Prince Menchikoff, when he heard of that firman, wrote a letter to the Grand Vizier, stating that he considered it an insult to the Emperor, his master, who did not want for the Christians religious but political privileges; so that that matter, he believed, was placed beyond all dispute. In consequence of the withdrawal of Prince Menchikoff, a conference was opened at Vienna, and that conference resulted in the celebrated Vienna Note. The modifications which the Turkish Government suggested in that Note were at first rejected both by England and France; but afterwards, when Count Nesselrode admitted that the interpretation which the Turkish Government had placed upon the Note was the interpretation Russia intended the Note should bear, there was not one Power in Europe, Prussia included, which did not declare that the Note could not be accepted by the Porte—that if the Porte accepted the Note with the interpretation placed upon it by Russia, she would forfeit her independence and place her Christian subjects at the mercy of Russia. It was upon the rejection of the Vienna Note that war broke out. He would not now stop to consider how far they were likely to obtain privileges for the Greeks, commensurate with the privileges which Russia insisted they should have, and how far the "Four Points" gave them those privileges. It had been said that, after all, there were no sufficient objects for this war; but would Russia, he asked, have gone to war if there had not been some great objects which she wished to attain? Surely, if the difference were so small and the modifications so trifling as was attempted to be proved, Russia would not have rejected the Vienna Note or gone to war, in order to insist upon the interpretation which she had placed upon it. He should always think, like the noble Lord (Lord Stanley), that if at that time we had held a dignified tone Russia would not have gone to war. He attributed this war to two things:—First, to the uncertain and ambiguous tone assumed by Her Majesty's then Government; and next, he regretted to say, to the tone adopted by the hon. Gentlemen behind him (Mr. M. Gibson and Mr. Bright). He did not mean to cast blame upon them, but unintentionally they were the main cause of the war. Having through ambiguity and uncertainty of conduct and language gone to war, we commenced with some capital mistakes. He thought the greatest of those mistakes was, the declaration that it was not intended to make any territorial changes in Russia, because such a declaration solemnly made was giving a premium to Russia to carry on the war, and preventing the Western Powers reaping any positive benefit from it. With respect to the conferences held at Vienna, to which the noble Lord was sent as negotiator, it was said by many Members that the first two points were insignificant, but that the third point was of great importance. He totally differed from hon. Members upon that subject, and he thought he should show that in the first and second points—in the first more particularly, but in the second also—we committed a most capital error. As usual, we went to Vienna and placed ourselves in the hands of Austria. The first proposal on the first point emanated from Austria. Austria proposed the mixing up of the three Principalities, Wallachia, Moldavia, and Servia; she said that the decree to regulate the government of these provinces was to be referred to the European Powers, that no armed interference should take place on the part of the Porte without a corresponding interference on the part of the protecting Powers, and she finished by a declaration that it would be an act of criminality for the inhabitants to interfere in the management of their own affairs. Those terms were not accepted exactly, but with very slight modifications. Why were the affairs of the three Principalities, which were perfectly distinct, mixed up together? The treaties which affected Moldavia and Wallachia were perfectly distinct from those which affected Servia. But Austria wanted to have the right of interference in Servia, and that was her object in making it appear that those three Principalities stood upon the same footing. But Prince Gortchakoff, that able diplomatist, saw through the scheme of Austria, and he pointed out that Servia did not stand on the same ground as the other Principalities. He knew that Austria by establishing a protectorate there would have the power of exercising great influence over the Slavonic population of Turkey. Prince Gortchakoff knew—though our Plenipotentiaries, probably, scarcely knew anything of Servia, or whether it was inhabited by Slavonians or by any one else—he knew that Austria, if she once got a footing there, might so use her power as to overthrow Russian influence in Turkey in Europe. But the point was not settled, for he suggested, as he always did on any question of importance, that it should remain over till the treaty was signed. It would be found that, whenever a question of great importance was raised, Prince Gortchakoff always got quit of the difficulty by putting off the discussion of it till after the treaty was signed, knowing very well that rather than go to war again we should probably accede to his views on the subject. Much had been said as to attending to the wishes of the Principalities with reference to their government; but how, in present circumstances, was this possible? The Principalities were now under Austrian bayonets; and here he must say it appeared to him extraordinary that the noble Lord, our Plenipotentiary, the leader of the constitutional party in this country, should have put his name to the protocol determining the first point at the conference. What did that first point decide? The article stated that, in the event of the internal tranquillity of the Principalities being compromised, no armed interference should take place without being the subject of agreement between the high contracting parties; and it was stipulated at the close not to allow the inhabitants to meddle with matters dangerous to the tranquillity of their own country and of neighbouring States. What did that mean? It meant that no change whatever should take place in the Principalities; that, however liberal in feeling and however remarkable for intelligence the inhabitants might be, no change whatever should take place in their circumstances. It was astounding that the noble Lord, who was always the advocate of constitutional doctrines in this country, and the representative of the great constitutional party, should have affixed his name to a protocol which had in it such an article as this. If hon. Gentlemen knew the state of these provinces, they would see that this article extinguished every hope that might arise of a Christian nationality in Turkey, crushed every chance of liberal government in that country, and put an end to the progress of civilisation in those provinces. Did the House recollect the protest of the Servian Senate, which was laid on the table some time ago? That protest was drawn up with an energy, a dignity, and an independence that reflected the greatest credit on the Servian nation; it contained an indignant remonstrance against the interference of Austria, stating that, whatever injuries they might have received from Russia, they feared Austria still more, and should be prepared to oppose her interference, if necessary, by force of arms. To Austria, however, by the concession of their first point, was given the right and power to interfere directly in the affairs of the Principalities. Let him next ask, had the Porte ever interfered with Wallachia and Moldavia? These were not provinces conquered by the Porte, and had never been treated as such. They became annexed to the Sultan's dominions by treaty, under which the Porte was bound to observe certain conditions, which she had invariably kept. It was Russia that had interfered in the affairs of the Principalities. From claiming the right to speak to the Porte, on behalf of her Christian subjects in Wallachia and Moldavia, Russia had gone on to assume the right of protection over them. When the revolution in Servia took place in 1853, and a new and a liberal Government was established, did the Porte interfere to put an end to it? No, it was Russia that interfered—the Porte it was that afforded an asylum to the Members of the new Government, and enabled them afterwards to return to their own country. It was the same in the other Principalities. In 1848 Russia interfered to drive out the liberal party from those Principalities, and the Porte afforded them an asylum and enabled them subsequently to return. But, if we sanctioned this proposed protectorate—if this protocol were to be carried into effect—we should sanction the interference of both Austria and Russia, and of them alone, for to talk of the interference of the other Powers was absurd, in all the internal affairs of those countries. England and France were too distant to take a practical interest in their concerns. He repeated that it was to him astounding that a man like the noble Lord should ever have put his name to such an article. The next point referred to the navigation of the Danube. Great credit was claimed for the concessions that had been obtained from Russia in this matter; but were they really concessions? By the Treaty of Vienna, Russia admitted the free navigation of the Danube; but we were told that she now consented to build no fortifications on the left bank of the Danube. This, however, she had agreed to in the Treaty of Adrianople; so that here Russia made no concession whatever. Well, but there was a concession in the stipulation that she was not to have a quarantine station there any longer. But what was the use of the quarantine? It was established in consequence of the prevalence of the plague; but there was no plague in the East now, consequently there was no longer any necessity for the quarantine. Could this then be regarded as any concession? But Lord Westmorland raised a question of great importance, which, however, appeared to have entirely escaped the notice of the noble Lord (Lord John Russell). This related to the boundary caused by the stream. Supposing the stream of the Danube should vary—as streams were ever ready to do when running over a marshy soil—and, instead of passing through the Sulina mouth, should pass through St. George's mouth, was the stream so changed to form the boundary? The question was important, because if the stream did vary, Russia might have the power to vary the boundary, and in the case supposed the whole mouths of the river would be in the hands of the Russians; yet this point seemed to have escaped the notice of the noble Lord. Then, by the treaty of Adrianople, the Turks were to withdraw to a certain distance from the Danube, and it became a question whether or not they should now be allowed to build establishments on the river's bank. To that proposal it appeared that Prince Gortchakoff replied that as the Turks were becoming more civilised than they were, there might be no objection to their doing so, but he added "we will reserve that point also until the treaty is signed." He asked what then had we gained by the second point? Russia had made concessions that were no concessions at all; she had merely conceded that which she was bound to by the double treaties of Vienna and Adrianople. The next point was the preponderance of Russia by sea. A great deal had been said of our courtesy in allowing Russia to take the initiative; but he would ask any one who had been attached to an embassy whether he could conceive it possible for a Power to make the first offer in such a case as this. A skilful diplomatist like Prince Gortchakoff would be careful not to make the first offer, and he accordingly said he would see what the other Powers would offer first. At this the diplomatists expressed their surprise, and then they made their offer. Count Buol made the first proposition, that the Turkish and Russian fleets should be limited; but his terms were so ambiguous that it did not plainly appear whether the fleet was only to be limited in the Black Sea, or limited altogether. There were two propositions—first, that of the allies, limiting the Turkish fleet; and, second, that of Russia, which in the first place opened the Dardanelles altogether, and in the second closed the Dardanelles, unless on extraordinary occasions, when the Porte might call for the fleets of its allies to come up. Now, with regard to the limitation of the fleet, he quite agreed with those who said that it was most difficult to have a limitation; it was a matter so difficult that it could never be carried out, for they certainly could not go to war if Russia should have one or two ships more than she was entitled to. How then could you enforce the stipulation? It would be impossible. There were a thousand different ways to escape from it. Therefore he put the limitation clause on one side.

The House would recollect that some time ago there was a considerable discussion in that House as to the meaning of certain words which fell from the noble Lord the Secretary for the Colonies; but that the noble Lord did say that Sebastopol and the Russian fleet should be destroyed was now pretty evident. In the evidence before the Sebastopol Committee there were produced two remarkable despatches from the Duke of Newcastle to Lord Raglan, written about the time when the noble Lord made the declaration he now referred to in that House; and, if there was any ambiguity in the words of the noble Lord the Secretary for the Colonies, there certainly was none in these despatches. In the second despatch, the Duke of Newcastle directed Lord Raglan to make a careful inquiry into the amount and condition of the enemy's force in the Crimea; the difficulties of the siege, the despatch stated, appeared to the Government more likely to increase than diminish by delay, and, as there was no prospect of a safe and honourable peace until the fortress of Sebastopol was reduced, and the Russian fleet taken or destroyed, nothing but insuperable impediments should prevent that being done. Therefore, whatever meaning the noble Lord might have wished to give to his words, the intentions of the Government were, at any rate, openly avowed in that despatch.

Now, with respect to the opening of the Dardanelles, would any one tell him that that was not a Turkish question altogether? By an article in the treaty of 1841, His Highness the Sultan declared that he was firmly resolved to maintain the principle invariably established as the ancient rule of his empire, in virtue of which ships of war belonging to foreign Powers were at all times prohibited from entering the Straits in time of peace. That article had been very much misrepresented. Russia had insisted on that article as solely made in her favour; but the fact was, that it was made in favour not of Russia but of Turkey. If the Dardanelles had been opened, Russia would have brought her ships into the Bosphorus upon Constantinople in the recent dispute. But the Dardanelles being closed by treaty against her ships, Menchikoff would not risk a war by bringing down the Russian fleet to back his demands. He believed had the Dardanelles been open, Constantinople would have been in the hands of Russia at this moment. Well, as a great concession, Turkey was to be allowed to call in the fleets of her allies should she be in danger. The right hon. Member for Oxford University had said that if you brought your fleets to Beshika Bay you insulted Russia, and war was inevitable. [Mr. GLADSTONE: I never said that.] He thought it was said by the right hon. Gentleman, but at all events the argument had been used in the debate. But suppose Turkey had the right to call up the fleets of her allies to her aid considering herself in danger, would not Russia look upon that as a declaration of war on the part of those allies? On that point, therefore, he did not consider that any concession had been made; and if any, it was by Turkey and not by Russia. Now, let the House consider the fourth point, relating to the quintuple protectorate, and inquire whether Russia in reality conceded anything in reference to that. It was not a treaty which gave Russia a protectorate over persons of the Greek faith in Turkey. The article in the Treaty of Kainardji was the only pretence for that protectorate, though it merely declared that the Sublime Porte promised to protect the Christian religion and the Christian churches, and permitted the representative of the Imperial Court of Russia to make representations in favour of the new church at Constantinople and of those who ministered to it. That provision gave Russia no right to make representations in favour of the Christians generally; but, by a misrepresentation of the treaty, Russia had assumed the protection of the Christian subjects of the Sultan, though the Porte had never admitted the right of Russia in that respect. But now, by the fourth point, the allies were going to concede to Russia that power; and, though other nations were to share in the protectorate, Russia, by a community of religion, would have entire influence over the 12,000,000 of Christian subjects of the Porte professing the Greek religion. If you gave the right to the other Powers the Christians of the Greek Church would still go to Russia. If anything in Bosnia happened they would appeal to Austria; and if anything in Syria, they would appeal to France. This united protection would ruin the Christians in the East. It would create constant dispute and constant interference. If complaint was made by the English consul and a pacha favourable to English views, the other Power would complain, and it would be the same if the interference were in favour of the views of the French, the Austrian, or the Prussian consul. There would always be four against one, and the poor Porte would not know what to do. It was this conflict of protectorates—this conflict of influence and interference that Russia wanted. She knew that the Greek Christians were the great majority of the Christian population of Turkey, and they would go to her—and she would use her influence, aided by them, to overturn every Minister who desired to improve the state of the country and of the people. Thus Russia would confirm her influence on Turkey, would undermine the Porte, and render the establishment of any independent Christian power in Turkey impossible. It had been said that he only advocated the cause of the Turks; but he told his hon. Friends behind him that the Christians in Turkey would be ruined if things there went on in the way they desired. They were told that it was a capital thing that the Christians in Turkey should be subject to conscription, as that would give them strength, and enable them to upset the Turks. Nothing, however, could be better contrived for the destruction of the Christians, for wherever there was a wealthy Christian, the conscription would always fall on him. During the last few years an immense change had taken place in Turkey. Leave the Christians alone, and the time might come when the Ottoman Christians would take that position in the East which every liberal-minded man and every zealous Christian would desire to see them occupy; but he was convinced that injudicious interference would retard that consummation. But to return to the Four Points. He had drawn up a sort of balance-sheet, showing what each of the five Powers had gained and lost during these transactions, and he would read to the House how he made the accounts stand. First of all with Turkey—what had she gained? It was said that she would perhaps be able to advance to the right bank of the Danube, but that was hardly settled yet, and could not yet be called a concession; and she had also gained this, that Russia was no longer to have quarantine. But what did she lose? She lost all that he had just described by the establishment of a protectorate of five Powers, instead of one; she had lost already an immense portion of her army, and a large part of her fleet; she had greatly embarrassed her finances, and she had been obliged to have recourse to a loan; and she would lose in this, that we had confirmed, or were about to confirm, to Russia the possession of Circassia and of those provinces which, though actually already in her hands, had never yet, as was stated by the noble Lord in this House, been acknowledged to be hers; but which now, by the abolition of all former treaties and the admission of the *status quo*, would be conceded to her. Then, again, from the want of principle in conducting this war, another loss had been inflicted on Turkey by our refusal to support her in her demand for an indemnity from Greece for the invasion of Thessaly and Epirus, and the acts of brigandage which had been committed there by the Greek invaders. That was the loss of Turkey. And how for Russia. She had lost a vast number of men, and no doubt she had had to submit to great financial sacrifices; but what was the loss of men and money to a despot in comparison with the loss of *prestige*—and had she lost that? But what had been her gain? She had given up the sole acknowledged protectorate, in exchange for a conjoint protectorate, but one which she would exercise with our sanction; she gained the extension of her protectorate to Servia, and she gained also the acknowledged possession of Circassia and those other provinces which she had hitherto held, but her right to which had not been admitted. She gained, moreover, an enormous *prestige* in the East and in central Europe—a *prestige* which might be fatal to the liberty and civilisation of the world, and which might be a great step to the ruin of Turkey. What had France and England gained? England had gained a glorious battle, had made a glorious charge, and a glorious defence when attacked, and we had raised higher than ever the military reputation of our soldiers. France had made the same gain. But what had we lost? We had shown the world corruption and rottenness within; we had shown that our institutions were far from being as they should be; we had proved that we could mismanage a great war; and we had given the world to believe that, after all, constitutional Government might not be so good as it appeared to be. Thus we had gained nothing but the reputation of our soldiers. France had gained and lost pretty much as we had done. But what had Austria gained? And really, on looking back to the whole course of the transactions, it would appear that, after all, Austria was the only Power which really had gained; but turning to inquire what she had lost, on the contrary, the account was a beggarly row of zeros. She had gained through us the navigation of the Danube; she had gained a right to interfere in Servia and the Principalities—a right the significance and extent of which few hon. Gentlemen were acquainted with; she had strengthened her own position at home; and all this she had gained without the loss of a single man. She had strengthened her position at home; hers had been all gain and no loss. Yet she was still holding aloof, and allowing us to fight her battles. It was quite time that the House should know how soon this state of things was to end. He would like to know what was taking place now at Vienna in the conferences, and how long Austria was to keep out of the war? The difficulties of Austria had been explained by the noble Lord; but what he said was not new, and those difficulties had existed for the last two years, and when she signed the treaty of December. The main article of that treaty said that, on the re-establishment of peace on the terms indicated in Article No. 1, France and England could deliberate on the effectual means of obtaining an alliance with Austria, and that was meant to apply to last year. But it was well known that there was a secret article in that treaty. The time had been exhausted in which we were to have her active assistance, to which she was bound by the treaty. How long was that state of things to last? How long was Austria to play off her allies? The whole thing was preposterous. Look at all she had done against us by her occupation of the Principalities. She had enabled Russia to pour her troops into the Crimea. What had Austria done in the Principalities? He had seen a report in the newspapers, drawn up by Mr. Doria, of the Embassy at Constantinople, which showed what Austria had been doing in the Principalities, and how great was the hatred and horror of the inhabitants entertained of Austria. Martial law was proclaimed in the Principalities, villages plundered, the taxes raised 25 per cent, the Principalities were made to pay for the Austrian occupation; and yet we were to sanction and protect Austria in this occupation. Such was the result of the balance sheet.

He now wished to say a few words on the speech of the right hon. Gentleman the Member for the University (Mr. Gladstone). The right hon. Gentleman had last night, with his unrivalled power of eloquence, built up a superstructure of magnificent and alluring proportions, but on a foundation of sand. The principal argument of the right hon. Gentleman was, that Russia has gradually made concessions until she came now to the minimum, and that it was unwise of us to press her any further, but that we ought to endeavour to meet her. Never was there such an enormous fallacy. What were the concessions that Russia had made? Russia had begun this war by making the most preposterous demands, and now that she chose to recede from those demands, it was said that we ought to meet her half way; so that for the future, if any Power chose to go to war with another Power, it might make sure of gaining all that it wanted by commencing with the most preposterous demands, and then giving way gently and gently until it got down to its real objects, which then, by comparison, would only seem slight and easy to be granted. Thus it was, in this instance, that, according to the right hon. Gentleman's argument, we must give up something to which we had a perfect right, in exchange for demands for which there was not the slightest foundation. That was the sum total of the right hon. Gentleman's argument. The right hon. Gentleman had asked, what was *prestige?* Not long ago the noble Lord at the head of the Government was asking what was merit? Certainly there were things which could not be accurately defined, but still it was impossible that any statesman should not know what the *prestige* of Russia meant, and in what it consisted. But if it could not be defined, it could be felt. It had been admitted that Russia had gained ground by treachery and by fraud; that she had incorporated kingdoms and provinces without the shadow of a claim—and this showed more forcibly than anything else the fallacy of that doctrine which had been laid down in the course of the debate, that we were not to invade the territories of Russia. Russia incorporated a province to which she had no right; we did not admit her right to hold it, though we did not choose to go to war with her on account of it; but when a war did come that stolen province was called part of her territory, and it was said that we were not to invade it. But her *prestige* was no less an instrument for the extension of her power than fraud and violence. Suppose that England and France were to retire defeated from this contest, did any one doubt that Germany would not at once fall almost under the complete dominion of Russia? With what success had we been endeavouring to induce the minor States of Germany to join us; and why did they not come to our side? Because they feared Russia. Was there no *prestige* in the East? If we withdrew our troops from Sebastopol, it was all very well for hon. Gentlemen to say that the people of Europe would be able to judge whether we had succeeded in our object or not; but what would be the feeling of the people of the East, who were influenced by appearances, and who knew that we started with attempting to take Sebastopol, and that we would have taken it if we could? They, at least, could not be made to think that our troops sat down there to carry out a mere sham, and if they saw our army retire they would conclude that it had failed, and they would not stay to inquire the why or the wherefore. The *prestige* of England in that case would be ruined, and would no longer be felt in Asia Minor, in Persia, and even on the confines of India. It was asked, what is that *prestige?* It was that which enabled Englishmen and English merchants to travel in security in Central Asia, and pursue in safety the largest commercial avocations in all parts of the world. It was the name and honour of England which alone had secured these advantages. Let that *prestige* but vanish and England would sink like ruined Venice, like deserted Genoa, and the mercantile cities of the middle ages. But the right hon. Gentleman (Mr. Gladstone) said our original demands upon Russia were enough; that they were now for the most part conceded; and why, therefore, should we raise them? To that the answer was, that having already succeeded by our efforts in making Russia reduce her pretensions, we had only to proceed further with the contest to secure from her still better terms and conditions more commensurate with the requirements of Europe. But it was said, we must not seek to humble or humiliate Russia. Now, they need not desire to do that; but certainly great Powers of Europe had before this been deprived of territory which they once possessed. The dominions of France once extended to the Rhine, and included Savoy; and, at all events, when we embarked in a war for a great object we must carry it out, and not set out by declaring that we would make no territorial changes. The right hon. Gentleman finished his speech with one of the finest perorations he had ever heard in that House, in which he dwelt on the horrors of war. Really, to hear hon. Gentlemen behind him, one would fancy that those who advocated his (Mr. Layard's) views gloated in war, and wished to make war for its own sake. It was astonishing that right hon. Gentlemen who had lately seceded from the Cabinet should have been so contaminated after sitting a few nights near the representatives of the school in whose close neighbourhood they had taken their places. This unfortunate contamination had been ably pointed out in the very eloquent speech of the hon. and learned Gentleman who opened the discussion that night (Mr. Whiteside).

His (Mr. Layard's) own views on this question were, perhaps, more extensive than those entertained by many Members of that House. He did think that this war might have afforded this country a glorious opportunity of doing great good. England might have sustained the ancient reputation which made her great as she was. When Cromwell interposed in behalf of the oppressed Vaudois, he did not ask if our trade would be benefited by such an intervention. He said, "Here is a miserable people of the same religion as ourselves — they shall not be trampled upon, and taking her stand on principle, England will step forward and defend them," — and they knew what was the result. [An hon. MEMBER here observed, that this was what Russia did in Turkey.] Now he (Mr. Layard) had had some little experience in Turkey, and begged to tell the hon. Gentleman that he had never yet known the Russians interfere to repress a real case of oppression, and he had seen a Greek bishop a suppliant at the British embassy; Russia only interfered when she thought the Greeks were becoming too intelligent and prosperous, and he challenged hon. Gentlemen acquainted with Turkey to contradict that statement if they could. Putting aside his individual views, the Government might have done more even acting upon its own. The protocols admitted that the declaration of war put an end to the pre-existing treaties. Then why revive those treaties? He would not now criticise the expedition to Sebastopol, though he thought it had been undertaken without the exercise of prudence or foresight. Still, the Government might have had information after all, warranting such an enterprise. But the treaties being at an end, why did we not stand on the defensive, and tell Russia that we would have no further protectorate? Neither Servia nor the Principalities required a protectorate. Their inhabitants, if examined at the bar of that House, would tell them that they dreaded Austria and Russia, but had no fear whatever of the Porte. The Sultan was far too humane, and had no disposition to interfere with the rights of his own Christian subjects; and, besides, public opinion was too strong to admit of his doing it even if he were so inclined. He (Mr. Layard) would answer for the disposition of the Porte, and he would assert that the Turkish Government would never oppress the Christians, and acts of that kind were never committed with its knowledge or authority. The whole of the protectorates might therefore have been safely abolished. But, if it were thought necessary still to maintain such a protectorate, let it be in the hands of a Sardinian mission or some agency of that kind, which should have authority to carry grievances when they occurred before the notice of the Turkish authorities, in which case they would be almost certain to be followed by redress. The next point to be considered was the proposal for a union of the Principalities. It must be remembered that the Moldavians and Wallachians were of different races, and almost of different religions; and that these provinces separated the two great Slavonian races of the world. It was said that we could not carry on a campaign in Bessarabia; and, of course, without medicine, transport, and other requisites of an army, we could not;—but had not the Russians carried on campaigns in Bessarabia; and could not we, with a properly equipped army, have done the same? The Wallachians, too, might have given us 60,000 effective troops, and afforded us important assistance, if the Austrians had not been allowed to enter the Principalities and prevent it. Russia might have been forced to maintain the defensive, and would not have dared to cross the frontier, while Turkey would have been enabled to husband her resources.

He had entered that House as an independent Member, and had laid on the table repeated Motions, the discussion of which had been stopped from circumstances which he could not control, and in spite of his own conviction of the immense importance of their being fully debated. He had thereby incurred much unmerited odium; but he had felt that a strong expression of opinion in that House might have prevented much of the complications that had arisen. But let him now refer for a few moments to the speech of the noble Lord last night. The noble Lord had said that the fortifications of Bomarsund threatened Sweden, Denmark, and the Northern Powers; and if all the noble Lord had said of Bomarsund was true, it would have deserved a war to destroy it. But, on looking at the protocols, no mention could be found of it. But were they to understand that the Four Points had been thrown to the winds? The noble Lord had, on a former occasion, said that they were not fighting for the Four Points, but for great principles. If this were so, he (Mr. Layard) would go with the noble Lord heart and soul, and vote for him night after night. He supposed that Bomarsund was not to be rebuilt, and he saw that the inhabitants of the Aland Islands were to be treated with consideration by Russia; but did any one suppose that these people would not be exterminated? The noble Lord had given them a picture of the corruption that was going on in the German Courts. But what were they going to do with reference to these courts? They were but going to strengthen the bands of their servitude, for there was no mention of them in the protocols. They had heard something of Polish nationality. Were they going to have a new Poland? If so, they ought to have spared the hon. and learned Member who had accepted some unknown office one more night at least to have witnessed his triumph. But, to finish all this, the noble Lord said that he would put himself at the head of administrative reform; but would the Secretary to the Admiralty get up and say that we were to have no more Bomarsunds, that we were to have Germany on our side, and Poland re-established, and have administrative reform also? If so, his (Mr. Layard's) vote was the Government's. But was this only the prelude to something like that which had happened before, when the Cabinet was not warlike enough for the noble Lord, and were they to find him some day again addressing the House from some remote corner of the benches? He wished for an explanation of the speech of the noble Lord. If those which he had expressed were the principles of the noble Lord, the whole country would be with him. Were they the principles of the Government. They had had from the noble Lord last year the same kind of speeches and statements, that the whole Government was with him; and yet, when there was a break up, it was found that half of them were for war, and half for peace. He (Mr. Layard) would say, let there be either peace or war. Where great principles were at stake, you could not go on with these half-and-half measures. If we were to have to war for a mere difference between what we proposed and what Russia proposed, then he said, with his right hon. Friend the Member for Manchester, that it would be a wicked war, and the man who carried it on incurred a guilt which few would be willing to incur. Last year there was no getting the peace party in the Cabinet to state their opinions in the House. The right hon. Gentleman (Mr. Gladstone) never spoke on the subject, and those members of the Government most strictly guarded themselves in the matter; but they had now had a declaration from those members of the late Government who were suspected of being of the peace party. What else would the speeches of the noble Lord (Lord J. Russell) be, if they were not what had been called to-night mouthfuls of moonshine? It would be only deluding the country. What had been the result of such proceedings? Though he did not like to use the word, the result had been disgrace, and there was no use in disguising it. If we had had a united Cabinet should we have gone on as we had? Should we have seen preparations for war put off to the last moment, and a great expedition undertaken in the manner in which it was undertaken? No. We should not have seen such things. What course was the House to take? As an independent Member of the House, he knew not what way to turn. The country did not know whom to trust. When the right hon. Gentleman (Mr. Disraeli) said he would make a definite Motion, he (Mr. Layard) willingly gave way to him, and he regretted to say that he had been deceived in that Motion. It was, perhaps, not the fault of the right hon. Gentleman; perhaps the pressure on him was too great for him? But, under these circumstances, could he (Mr. Layard) trust the right hon. Gentleman and his friends? He was no party man. He would trust any one who could maintain the honour and dignity of the country. There was only one way to get out of the difficulty in which they were now placed. The hon. Member for Kidderminster (Mr. Lowe) had proposed an Amendment which appeared to him (Mr. Layard) to be consistent with the honour and dignity of the country. It was a test of the feelings of Gentlemen opposite, and, if they voted for it, and carried it, there would be some hope of them; but as to their own Motion, it was a mere nothing. There was a feeling of distrust gaining ground in the country, and you could not be playing more dextrously into the hands of the Gentlemen who sat behind him than you now were. Those Gentlemen knew that that feeling was to their advantage. He entreated Gentlemen on both sides of the House to express themselves definitely, and to let the country know what they really meant. All that the country wanted was the adoption of a definite principle. No minister that ever came into power in this country ever possessed such a *prestige* as the noble Lord (Viscount Palmerston). He (Mr. Layard) did not wish to say much of that noble Lord, for he had not treated him with much courtesy; but there were greater considerations involved than mere personal considerations, and he would ask how had the noble Lord treated the country? Had the manner in which he had treated the country been creditable to that House or to the man who, placed at the head of a great country, might have led it on to glory and honour? He would not refer to scenes which had occurred in that House, for the recurrence to them was too painful. These were great times, and he called on the noble Lord to prove himself worthy of the position in which he was placed. The country was sick at heart, not sick of the war, for they would willingly go to a much greater extent than they had in its prosecution, for they believed it to be just, and that great things would yet come out of it; they were not sick of the war, but they were sick, heartily sick, of those who had the conduct of the war.

VISCOUNT **PALMERSTON**: Sir, the hon. Gentleman who has just sat down has truly said that this is a great country, that we are at present in a great emergency, and that the country will follow any leader who will lead it to honour and to glory. Sir, in spite of what has been said by the hon. Member, or by any hon. Member, on either side of the House, or by those out of it, who have found fault with the conduct of the Government, I venture to affirm that those now intrusted with the conduct of affairs will, as far as human powers will permit, lead the country through this struggle to honour and glory. I cannot say, I think that the Motion of the right hon. Gentleman on which we are now to decide is one befitting the greatness of this occasion or the magnitude of the subject. I could perfectly understand that a great party, which thought that power ought to be transferred to themselves, because those in whose hands it was placed were unequal to their task, should call on the House to pronounce a verdict of a transfer of power from those who hold it to those who wish to possess it; but, if that was the course that the party opposite were prepared to take, I must state that I think that this Motion is not suited to the object to which it is directed. I hardly like to descend to these verbal criticisms; but, if you wanted to find fault with the Government, you should have said what you disapproved of, and have called upon the House to express its dissatisfaction. You should have said, that you disapprove of certain conduct. But what is it, in regard to which the House is now called upon to express its dissatisfaction? Its dissatisfaction is invoked for the "ambiguous language and uncertain conduct" of the Government. Well, Sir, I deny that our language has been ambiguous—I deny that our conduct has been uncertain. I say, that if the party opposite are prepared to call down on us the censure of the House they ought to have had a better ground for doing so than that stated in the Resolution. However, I pass that by, and I accept their challenge. They call on the House to express dissatisfaction with our conduct; and, although they are not able to point out those courses to which dissatisfaction may apply, I care not for that, and I am willing to accept the challenge they have given us.

Sir, I heard the speech of my right hon. Friend who spoke last night (Mr. Gladstone) with admiration, no doubt, but also with considerable pain, because it appeared to me, taking the whole of the speech, especially the concluding part, that his opinions were adverse to the war, were adverse to the expedition to the Crimea, were adverse to the terms of peace on which we proposed to conclude the war; and yet my right hon. Friend was a party to all those courses; and I regret that any circumstances should have occurred since he quitted the Government to have so entirely altered his opinions. Now, it appears to me that among the supporters of the various Addresses and Amendments we have to discuss there are those who think, on the one hand, that we have not been sufficiently vigorous in the prosecution of the war, while there are those who wish, on the other hand, to drive the country to a peace upon terms which I think are not consistent with its honour, dignity, and interests. With regard to the origin of the war, it is, I think, unnecessary for me to go into any details or arguments as to its justice and necessity. That justice and that necessity have been admitted by all, except a small number of Members of this House. The necessity for the war arose not simply from the particular events which occasioned the rupture. For a long period of time it has been the standing policy of Russia to endeavour to weaken and crumble down, and ultimately to appropriate Turkey as her own possession. As has been openly avowed of late, this was the policy of Peter, of Catherine, of Alexander, and of Nicholas; and it was this settled policy of Russia which, breaking out on a particular occasion in a manner which rendered further passiveness impossible, drove this country into a war for just and necessary results. I am not now required to stand up to defend the justice and policy of the war, for the nation is unanimous upon that subject; and I quite agree with the hon. Member who has just spoken that the nation feels, being engaged in the war in a cause which is adequate, and for motives and objects which are worthy the exertions of a great country, that we are bound to carry it on with energy and vigour, and to close it by a peace which will not only be honourable to the country, but which will accomplish the purposes for which it was undertaken. That purpose is the protection and defence of Turkey, not simply on account of any sympathy which we may feel for Turkey as an independent state, but because the balance of power in Europe—an expression which involves the greatest interests of the civilised world—is concerned in preventing the colossal power of Russia from extending over those wide and important territories.

Viscount Palmerston

Sir, we have been told that the war has been misconducted. We are ready to admit, that, beginning on a sudden, with a peace establishment, a war with a great antagonist, after a forty years' peace, it could not but be expected that there should be in the administration of the different departments connected with the war mischances and mistakes, which were the cause of great evils at the commencement of our operations. But it has been said that we made a great mistake in going to the Crimea. I contend that that was precisely the expedition we ought to have undertaken, if we meant to bring the war to a successful and speedy termination. It is said, you ought to have sent your armies to Bessarabia, to have given your hand to Austria, to have gone into the Principalities, and to have fought side by side with your Austrian allies. Why, if our armies had gone into Bessarabia, if they had entered the Principalities, if they had gone into the interior of Russia, they would have been fighting far away from their communications, they would have had no basis of operations, they would have been far from any supplies and reinforcements, and there was no point which, when achieved, would have produced any important result, or led to any decisive issue of the contest. We went to the Crimea to endeavour to take the fortress of Sebastopol and to capture the Russian fleet, because it was in the Black Sea that the danger to Turkey principally lay; because if we had succeeded in taking Sebastopol and capturing the fleet we should have given Turkey the greatest security from the greatest impending danger. That being our object, it was most important to aim a blow which, once struck, would best accomplish the purpose of the protection of Turkey on the one hand, and, on the other hand, would deprive the Russians of those means of aggression which were most to be apprehended; and, therefore, I say, the Crimea was the place to which our troops could most advantageously have been sent. Then it is said that we put ourselves too much in the hands of Austria, that we trusted to negotiations, and did not, therefore, prosecute the war with sufficient vigour. That statement is utterly unfounded. I think it was sound policy for this country to accept to the utmost the good offices of Austria; it was sound policy for us to endeavour as far as possible to get Austria on our side—in the field if we could—but if she were not prepared to take arms to fight with us, it was at all events of the utmost importance to have her friendly to us, and to obtain her concurrence in policy with England and France—that we have accomplished. It has not suited the policy of Austria to declare herself an active ally; but we have her good offices, we have secured her neutrality; nor let the House imagine that the neutrality of Austria, the armed position in which she has been standing, has not been a powerful military diversion in favour of the operations of England and France. If, instead of engaging by treaty with Turkey to defend the Principalities, she had stood by and allowed the Russian armies to advance towards Turkey in that direction, Turkey would have been obliged to keep a large army on her frontier in order to protect her capital, and we might have been obliged to afford her military assistance for the defence of the heart of her empire. The treaty of Austria with Turkey has shut the door to an invasion of Turkey, and has enabled Omer Pasha, with the whole of his valiant army, which prevented the Russian forces from crossing the Danube, to go to the Crimea and co-operate with the troops of England, France, and Sardinia, in whatever operation they may be called on to perform. But, more than that, the Russian Government have been obliged to place a considerable army on the frontier of Gallicia, in order to watch the proceedings of Austria, which army might otherwise have been directed against our operations. It is, therefore, untrue to say that the position of Austria, has been of no advantage to the allies. Then, with regard to the negotiations—would it have been politic or right for England and France to refuse the offers and good offices of Austria in order to obtain, if possible, the consent of Russia to those terms of peace which had been settled between the three Governments. I say that if we had so refused the good offices of Austria, I think we should have exposed ourselves to the severe censure of this House and the disapprobation of the country. We might, indeed, have been blamed if, trusting to the chances of negotiations, we had abstained from taking measures for the vigorous prosecution of the war. But that has not been the case—although we have been negotiating at Vienna, we have omitted nothing that could possibly advance the prosecution of the war, and have acted, in that respect, as if no negotiations had taken place. We have adopted every measure which was calculated, in our opinion, to place our army and navy in a fit state to commence operations in the campaign now about to open. And what has been the result? We have in the Baltic a fleet which is blockading the Russian fleet, and as soon as the ice disappears, and an opening is made for the Russian fleet to come out, the British fleet will prevent it from leaving its ports. We blockade this year as we did last year, the whole of the Russian fleet in its ports in the Baltic, and we have in the Black Sea a fleet fully equal to any services it may be called on to perform. It is quite true that that army during the winter, from various circumstances—from the climate it had to endure, from the labours it had to perform, from the difficulties that it had to contend with—it is quite true that that army was exposed to great and lamentable sufferings. But this is now over, and that army is now in a state of perfect efficiency. It is provided with everything that can render it effectual for service in the field; its health is good, its equipment is complete; it is furnished with all the materials of war; the Commissariat arrangements are good, the hospital arrangements are excellent, and nothing has been omitted to render that army fitted to render any service that it may have to perform. Our allies in the Crimea are strengthened. The French army has been reinforced, the Sardinian contingent is arriving, and there is now a large Turkish army in the Crimea. The allies, have, I take it, at the present moment, not less than 200,000 men in the Crimea, and I say, therefore, that so far from having relaxed in our preparations for war owing to our negotiations for peace, we have done everything that, humanly speaking, it has been possible to do to carry on the war, notwithstanding the negotiations in which we have been engaged.

And now, Sir, with regard to those negotiations, I deny that the language we have used has been ambiguous or uncertain. When we have been questioned in this House what we have stated has been exactly the truth—namely, that the conferences were suspended, but that the elements of the conferences have remained; the answers given were invariably in perfect consonance with the existing state of things at the time. Much criticism has been lavished on the conditions in regard to which we have been negotiating. I will not go into the first point or the second point; they relate to the arrangements for the Principalities and the mouths of the Danube. But proceeding to the third point, which is more material, I must remark upon the manner in which my right hon. Friend (Mr. Gladstone) has been pleased to put the question. He said we had come to an agreement, either actual or prospective, upon three out of the four points and the half of the third point; and that therefore we have got three and a-half out of the four, and were only disputing about half a point out of four points. Why, Sir, that may be a very convenient method of getting out of the difficulty. But suppose that the remaining half of the fourth point referred to the possession of St. Petersburg; suppose it referred to the separation of Poland; suppose it referred to a great diminution of Russian territory, it might then equally have been said, you have got three and a half points conceded out of four, and it is a shame to go on negotiating and haggling for the remaining half. Sir, it is not the arithmetical computation that determines the question, but the political value of that half-point. What is that half-point? The third point is divided into two portions, one being that there was to be a revision of the treaty of 1841 for two purposes, one of which was to attach more closely the Turkish empire to the balance of power in Europe. That, I admit, might have been treated with comparative lightness, because there is more of appearance than of comparative value in such a statement. The Turkish empire has in form by the preamble of the treaty of 1841, been recognised as a portion of the European family of nations, and as belonging to the balance of power in Europe. But do you preserve a country from aggression by saying that it forms part of the European system? That clause would not preserve it from conquest by any other Power of Europe, for there is no country in Europe which has been attacked by a stronger Power that has not at the time constituted a portion of the balance of power in Europe. It is, indeed, the admission of a principle, but the practical value of such an assertion affords very little security to Turkey against the aggression of Russia. But the second point is of real value; and to that the Russian Government agreed—namely, that the preponderance of Russia in the Black Sea should be made to cease. That preponderance, no doubt, was the source of great danger to Turkey, and its cessation would afford the greatest practicable security to Turkey against the aggression of Russia. So long as Russia had the great harbour of Sebastopol, from which a powerful fleet of eighteen or twenty ships were ready to sally forth at a moment's notice, and carrying a large army, which fleet was within forty-eight hours' distance from Constantinople, it is evident that Turkey is exposed, as my noble Friend (Lord John Russell) has said, to a standing danger, and the existence of that fortress and that fleet is a standing menace to Turkey. Then, Sir, it is obvious that, to give security to Turkey, there must be a reduction in the naval preponderance of Russia in the Black Sea. But I understand my right hon. Friend to say, that to insist upon a diminution of her naval preponderance in the Black Sea is such a humiliation to Russia that it is unwise and impolitic to propose it. But why should it be a humiliation to Russia? Any condition by which a Power binds itself not to do that which it has a right to do, and which it desires to do, may be called humiliation; but if Russia is sincere in declaring that she has no intention to invade Turkey or to possess herself of Turkish territory, or to make any attempt against the independence or integrity of Turkey—to say that it would be a humiliation to Russia to prove by her engagements and conduct that her professions were sincere, and that the intentions she has avowed are those she really entertains—is, I think, unwarranted by the facts. But then it is said there is danger to Russia from that proposal, and that Turkey not being limited in the number of her ships in the Black Sea, she might bring in a large fleet from the Bosphorus and the Mediterranean into the Black Sea, with which she might threaten the Russian ports in that sea. This is the first time I ever heard that any security was necessary to be taken from the lamb against the wolf. That Russia should require security against the probability of an attack from Turkey, I own, appears to me to be absurd, and nothing but the most exuberant fancy could induce any person to put that argument forward. But then, on the other hand, we are told that the best security to Turkey would be the opening of the Straits to the ships of all the Powers, and the ability of the Sultan to call in his allies to his aid if his territories were attacked. Why, if Turkey should open the Straits, if we expose the Sultan to have before the windows of his palace any amount of foreign force, we should expose him to the greatest possible danger, and no individual placed in his position would give his consent to such an arrangement, since it would be a source of perpetual danger to the Sultan. But, then, it is said that Russia made a very fair proposal, because, when she claimed the right of having any amount of force she pleased in the Black Sea—twenty sail of the line or any other number—her Plenipotentiaries said that the Sultan might call to his assistance the fleets of his allies. Why, "Thank you for nothing for that," might be the language of Turkey, for the right to appeal to his allies if his territory were attacked is a right inherent in the Sultan as an independent Sovereign. By the treaty of 1841 the Straits were declared to be closed while Turkey was at peace; but will any man tell me that it is not a mere mockery to say that if Russia threatened the territory of Turkey—if a Russian fleet were collected and an army were ready to embark to invade the Turkish territory, any treaty would deprive the Sultan of the power of calling to his aid the fleet of any nation that may be ready to assist him to ward off the danger that is impending over him? The Sultan, without any concessions on the part of Russia, would be at full liberty at any moment to call the fleets of England and of France to his aid, if they were near enough, and strong enough to render it. No doubt, with sufficient notice, and with our armaments on a war establishment, the fleets of the allied Powers are sufficient to cope with the Russian fleets either in the Baltic or in the Black Sea. But we are contemplating in this arrangement not a period like the present; the danger is that, on the contrary, at a period of peace, when we have peace establishments, but when Russia, pursuing a system of her own in time of peace, maintains a standing army and fleet of enormous proportions, that an advantage may be gained by Russia when the allied fleets may be weak and at home, far away from the danger that threatened the Sultan, when not a voice can be heard by his allies until the danger has burst over his head, and when their voice cannot be heard in his defence until the blow has been struck. This is the very state of things that we are guarding against. It is all very well for Russia to say that when the Sultan is in danger he may call on you, and you can come to his assistance. That argument, as it was pointed out by M. Drouyn de Lhuys, implies that there is to be aggression on the part of Russia, and that she contemplates it; whereas, says the Russian Plenipotentiary, it is essential to the balance of power that Russia should always have a very large and respectable force in the Black Sea. Yes, "respectable" is the word. Whereas she contemplates that she will keep a force of that amount constantly in the Black Sea, she contemplates also its becoming a hostile fleet; and in that case Turkey has no resource but in France and England to support her. I remember some years ago, when the armies of the Continent were swelled to an enormous amount, and all Europe felt that such large forces could not be maintained in presence of each other without danger of conflict, a proposal was made that France, Austria, Prussia, and Russia should disarm and reduce their armies to a peace establishment. That was agreed to by France, Austria, and Prussia, and proposed to Russia. What was the answer? She said, "We think the proposal excellent. France is maintaining an army much larger than is necessary for any defensive operations. Austria is crippling her finances by a ruinous expenditure. Prussia is withdrawing her population from the pursuits of industry by having too large a number of men serving in her ranks. We think a general reduction of force excellent; but it does not apply to Russia. We have only the 800,000 men, which is our regular peace establishment. We have nothing to do to carry the proposal into execution." So it is with her fleet. She has regularly 30 sail of the line in the Baltic; she has from 18 to 20 sail of the line in the Black Sea; and I ask any man what degree of security could Turkey feel she lived in, if, far away from England and France, with England and France reducing their navies to a peace establishment, there were almost within sight of her capital that large Russian force, ready at any given moment to repeat with much more effect, and in a much more skilful manner, that which a year and a half ago Prince Menchikoff threatened and afterwards carried into effect. You may depend upon it Russia never will commit the mistake again of invading Turkey on the land side. Never again will she commit the mistake of going into the Principalities, exposing her armies to the losses by long marches and to the difficulties on the Danube. It is a much shorter cut from Sebastopol to Constantinople, and with a fleet of sufficient amount the operation is easy and the result does not admit of much doubt. That which appeared to France and to Austria the best security against that danger was to call upon Russia to renounce those local means of attack which predicated at all times danger to Turkey, with which she pretended she had no desire to interfere. For her own defence a fleet in the Black Sea is proved to be utterly unavailing. That which is now passing is a sufficient proof that for the defence of her coast and of her ports any amount of fleet which she can have must be unavailing, and must retire before the fleets of England and France. Against Turkey she needs no defence; against England and France the defence is unavailing. Therefore, in my opinion, there is no pretence on which Russia can refuse to give to Europe a pledge of the honesty of her intentions and her friendly disposition, by consenting to limit her naval forces in the Black Sea. I say the right hon. Gentleman has totally misrepresented the value of what he is pleased to call half of the third article, and instead of that being of little value, it contains the very substance of the provision for the security of Turkey.

The hon. Gentleman who spoke last, and others, have extended their views to a wider range. The hon. Member for Aylesbury (Mr. Layard) seems to imagine that any of those points falls short of what is required to reduce the proponderance of Russia. Nothing can be more unbecoming to a Government than to hold out expectations or boasting intentions beyond what they see their way to accomplish. We are engaged in a great operation in the Black Sea. We trust and hope that we shall be successful in that operation. We think success in that operation will lead to the obtaining those conditions which, in conjunction with France, we have thought, in the present state of the conflict, we have a right to demand. If, unfortunately, the war should take a wider range, and other Powers should take part in it, we have not tied our hands; on the contrary, we have recorded in the protocols our claim to make any additions to the proposals which the events of the war, or special reasons may render right and necessary for the general interests of Europe. Nothing can be more unworthy of a great country, when engaged in a war so important as this, than to hold out expectations which may mislead. I think our duty is to confine ourselves to that to which we see our way, and we do see our way to the success of the operations in which we are now engaged—in spite of all the difficulties which we have had to surmount, in spite of all the mischances which have happened, I think we have turned the point; and with respect to the Government with whom we are contending, I think that Russia, having refused those fair conditions which, in conjunction with France and the approbation of Austria, we have proposed, we are now in a position in which in full confidence we can carry on the operations of the war with a fair prospect of that success which England and France must, and are bound to obtain. I say "must, and are bound to obtain," because I say it is impossible for England and France, when engaged in a great contest, to fail in the accomplishment of that object. It will not be the simple disappointment; it will be the abdication of the proud position which those countries fill, and we shall sink into the condition of second-rate Powers. We have heard the right hon. Gentleman dwell upon the miseries and calamities of war. No man can be blind to those miseries. No man can be insensible to the calamities which war entails. But I say there are things worse than war. Dishonour to a country is worse than war. I do not mean worse only as respects reputation; but I say the physical evils which befall a country that descends to a lower rank, and permits herself to be worsted in a conflict, are far greater than the immediate results of war; and, therefore, I say that that party, be they who they may, that would induce this country to depart from the line of conduct which the general opinion of the public points out—the party who would induce the country to abandon the contest in which it is engaged, by making peace on insufficient grounds—grounds neither satisfactory to the country nor securing tranquillity for the future—that party, be they who they may, is one whose opinions, if they could prevail, would be most fatal to the best interests of this country.

I say, then, that this House is called upon to-night to pronounce an opinion upon two great and important questions. It is called upon, first of all, to pronounce an opinion upon the existence of a Ministry. If it turned upon a question of timber or sugar tax, the existence of the Ministry might be a matter of very slight importance, concerning which Parliament might decide simply on personal grounds, without much embarrassing itself as to the consequences. But there is a far greater question which this House has to determine this evening, and that is the policy of the country, the condition in which we are to stand among the nations of the world, our alliances with foreign Governments—I may also say the future reputation and honour, and the deepest interests of England. The obvious object of the Motion of the right hon. Gentleman (Mr. Disraeli) is, that this House shall pronounce that the Government is incompetent, and, therefore, remove us from office. Well, then, Sir, who are to succeed us? We are told we have not shown administrative ability or united ranks. I deny both the one and the other. Is it in the opposite ranks that we are to look for that perfection and unanimity which is to insure a Government which would answer the wishes of the people? Is that a party which possesses those administrative abilities which you would substitute for the Government which sits here? Is that the party—[The noble Lord was here suddenly arrested by the call of "Black Rod," who appeared at the bar to summon the House to hear the Royal assent given to certain Bills. On the return of the House the noble Lord resumed.]—I think I have some reason to complain of the impatience of the other House in not waiting for the censure which the right hon. Gentleman opposite is desirous of inflicting, but in prematurely administering the Rod. I was proceeding to say that the question which the right hon. Gentleman opposite has called upon this House to determine is, that the present Government does not possess its confidence, and is unworthy of its support. The inference naturally to be drawn therefrom, is that some other party is entitled to the confidence of the House and of the country. One reproach made against those who now form the Government is a supposed want of unity of opinion and a supposed disinclination to administrative reform. I was proceeding to ask the House whether they saw on the benches opposite greater unanimity of opinion than they see on those which are occupied by my Friends? If one were to take, for instance, domestic affairs, I ask whether the opinions which would be followed on matters of the highest importance by Gentlemen on the other side of the House, namely, with regard to the education of the people, would be taken from the right hon. Baronet the Member for Droitwich (Sir John Pakington), or from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). If we are to judge them by our information of their foreign policy, I would ask whether the foreign policy that would be followed by them, especially with respect to the matters now under consideration, would be such as might be inferred from the speech of the hon. and learned Member for Enniskillen (Mr. Whiteside), or from the speech of the noble Lord the Member for Lynn (Lord Stanley)—whether it would be the policy of war with vigour, or of peace on any terms. Then, with regard to administrative reform. Let people be judged by themselves. It is but a very little while ago since the head of that party opposite had a commission to form an Administration. Well, the noble Earl (the Earl of Derby), putting the good of his country above all questions of personal ambition or of individual feeling, to his own credit confessed that he had not in the party with which he is allied the elements from which he could form a Government suited to the exigencies of the times. That was but a short time ago; and what has happened since which enables those Gentlemen to present themselves with more confidence now, and induces them to declare their readiness to take charge of the great interests of the country? I will leave it to the House and the country to determine the question of preference between them and the present Government. This I will at least admit in their favour, that, judging from the speech of the right hon. Gentleman who made this Motion, and also from the speech of the hon. and learned Member for Enniskillen, and notwithstanding the very different opinion expressed by the noble Lord the Member for Lynn, still judging from the speeches to which I have referred, and from the Resolution now proposed, I am bound to say that, if this House and the country were to transfer the conduct of the Government from our hands to theirs, we have a pledge that to the best of their ability they would carry on the war with as much vigour and for the same objects as we are contending for. I see no difference in that respect. Therefore the appeal they make to the House to transfer power from us to them is not founded on any censure which they pass on the principles of this Government, but simply on the assertion they make that they think they have more capacity than we to carry on the same system of policy, which in fact they approve of, for their Resolution, setting aside some ambiguous and uncertain language, is a vote of approbation in favour of the Government—it being in the usual form in which Parliament affirms approbation of the Government. There are two alternatives for the House to choose. They may transfer by a majority to-night the Government from those who sit here (the Ministerial side) to those who sit opposite. There is another choice presented to them by the speech of the right hon. Member for Oxford University (Mr. Gladstone), and by the sentiments of those who are going to vote for the Amendment of his hon. colleague. That is a party, who may repudiate the denomination of a party of peace at any price, but who would be ready to accept peace on conditions which I think and the country thinks dishonourable—dishonourable and dangerous to the future interests of this country and of Europe. Without meaning any disrespect to those hon. Gentlemen, some of whom I have good reason to hold in the highest regard, and whose talents are well known to the House, I will venture to say that, if a new Government were to be composed of them, it would be a very great chance if any of them were re-elected to sit in this House. The choice then really lies between the two sides of the House; and I contend that we have done nothing to forfeit the good opinion which the hon. Member for Aylesbury was pleased to say was formed of this Government when first constituted. We were supported by the good opinion of the country because the country thought we were going to prosecute with vigour the war which the country has unanimously determined to be necessary and just. I say we have been taking every possible measure to prosecute that war with vigour, and I confidently expect that the result will show we are not undeserving of the confidence with which the country hailed our advent, and that we shall be enabled to realise the just expectations which were formed of our policy. The fate of battles is in the hands of a higher Power. It is not in our power to command success, but it is enough for us to do all in our power to obtain it. That we have done. In a cause which we consider to be just, necessary, and honourable, we confidently place our trust in a higher Power. I say that, if we succeed, we shall have the satisfaction of reflecting that our success has been brought about by perseverance; and, without boasting—without proclaiming from day to day the different steps we have taken, we shall be justified in believing that that success is, humanly speaking, owing to our exertions to secure it. If, on the other hand, we fail—a contingency I will not permit myself to anticipate—we shall, at least, have the right to feel that the failure was not owing to any want of diligence or exertion on our part. I am persuaded that whatever may be the decision of the House this night as to the relative merits of parties here—whatever may be the decision of this House as to where the executive power of the Government shall reside—this country is in earnest in the war, and that the people of England will give their support to any Government which honestly and vigorously executes the will of the British nation. On the other hand, I am confident that they will never sanction any Government which, abandoning our allies, and deserting the policy which has been pursued up to this moment, not merely in deference to the principles of justice and a sense of national interest and national honour, but because it is in accordance with the will and feelings of the country. Therefore, so far as the interests of the country are concerned, I look with comparative indifference to the result of the present Motion. I feel that, in whatever hands the Government is placed, the will of the country must and will be obeyed. I know that that will is, that England, having engaged in a war necessary and just, in concert with our great ally and neighbour, France, must and shall succeed. I am confident that this nation will never permit any Government, composed of whomever it might be, to be false to the trust reposed in them; and, though it may be the duty of the Government to exhaust the means of negotiation as far as those means can be pursued with honour, the country would call to a strict account any Government which should, in expectation of the success of those negotiations, abandon the performance of its duty in preparing the means of war. We have not shrunk from that duty; and I defy any man to accuse us, with justice, of a dereliction of duty in that respect. I am persuaded that events, at no distant period, will show that in claiming a verdict of approbation for the manner in which we have performed our duty we have not overstepped the limits of justice, and that without reason we have been accused of shrinking from the exertions which the country expected at our hands.

MR. DISRAELI: Sir, if I felt any necessity of calling evidence to vindicate the propriety of the conduct which I have pursued, and the justice and policy of the course which I have taken, it would be the speech which I have just heard from the noble Lord, who has positively warned us, in the way of the fulfilment of his duty to carry on the war with effect, not to be influenced by any hope or prospect of any further negotiation for peace. Is this the Minister who only on Monday last evaded every inquiry? Is this the Minister who, to every question that was urged upon him —I will not say shuffled, for that would not be a Parliamentary word, and I certainly will not use it, although it rose to my lips in the heat of debate—but who certainly used every artifice to prevent the House of Commons from obtaining a single expression which would give an indication of the policy of the Government or of the resolution at which they had arrived on the great question of peace or war? Is this the Minister who only on Monday last would not sanction a motion that was to be brought forward by the right hon. Gentleman the Member for Manchester, (Mr. M. Gibson), and which would have given an opportunity to the House to express, after a proper discussion, an opinion on the practical result of the negotiations, an account of which had been placed on the table? Is this the Minister who has declined over and over again to move an address to his Sovereign—which it was his duty as First Minister of the Crown, and as one who pretends to lead the opinion of the country, to have done, but who has most seduously opposed all expression of opinion on the great question that now agitates the minds of the people? Is this the Minister who for the last—I will not say weeks, but months, has been the object of suspicion and distrust to the country, because no one could for a moment believe that there was any earnestness in the intention of Government to carry on the war; and who deprecated in this House in every instance that inquiry —even inquiries—should be made upon the subject, on the ground that even inquiries might interfere with the course of that delicate negotiation that was pending? Is this the Minister who, only on Monday last, prevented a discussion (one which he himself had fixed for that very day), on the ground that negotiations might possibly be taking place even at that moment, or might occur at any moment, and who this night has assured us that negotiations cannot take place, although his own colleague but a few days before told us that the Minister he left behind him at Vienna was thoroughly authorized to negotiate? I say, then, that from what has occurred in this debate, not merely on the part of the colleagues of the noble Lord, but by the speech of the noble Lord himself, the course which I have taken has been fully vindicated, and the Motion I have made has been justified in the eyes of the country. Only so late as Monday last there was to be no discussion in the House of Commons on this absorbing subject. I give this notice, and there is not a shade of opinion in the House that does not immediately, in the form of an Amendment, offer multiplied evidence that every person, of every section of opinion, wishes and feels it his duty to express that opinion on the momentous question before us. Those who believed that peace might have been obtained under the offers that have been made; those who believe that the war has not been prosecuted with sufficient energy; those who have, I was going to say, confidence in the Government, but there is no such section, but those who wish to have confidence in the Government—all these representatives of opinion in this House have proffered Amendments which are to be placed in the hands of the Speaker. Every Amendment, I say, that has been proposed only goes further to justify my Resolution. Whatever may be the fate of that Resolution it has at least elicited this good—that we have something definite at last from Her Majesty's Government. The noble Lord for some time, in addressing the House on the subject of the war, has pursued his customary habit of making no allusion to the future, scrupulously shrinking from any expression of his own views, but carefully enumerating all the more the incidents of the past. "We have a fleet," says the noble Lord, "in the Baltic, we have a fleet in the Black Sea, we have a medical department, a commissariat staff, and many other establishments, of which we may be proud." The noble Lord reminds me always in this elaborate catalogue which he gives us so frequently, of the *parvenu* in one of Foote's farces, who used to recommend himself to his mistress's good graces by enumerating his possessions. "I have a house in the country, a house in town, a gallery of pictures, a fine cellar of wines," and so on. In that way the noble Lord for some time has been in the habit of informing us that he has a fleet in the Black Sea and a fleet in the Baltic, that he has a Sardinian contingent to assist his army in the Crimea; that he has a medical department established on the best footing—and those various other things which he has so often recounted—but at last he has felt that the time was come when this was no longer sufficient—when he must speak explicitly respecting the intentions of the Government on the question of peace or war. He remembered the engagement into which he entered at that meeting which had been referred to in this debate by one of his followers, and to which I am therefore justified in alluding, and he has at last made a declaration which he refused to make on every other occasion; he has made a declaration perfectly inconsistent with all the declarations which he has made on all previous days. The noble Lord now stands forward as a War Minister, who will be satisfied with nothing less than an achievement, the obtaining of which is perfectly inconsistent with the negotiations which he has been carrying on.

And then, Sir, I am told that ambiguity of language and uncertainty of conduct are expressions which it would be difficult for me to prove. Why, the whole course of this debate has entirely established the accuracy of those expressions; not a speech has been delivered by any Member who has risen all through this debate, whatever his views and whatever the policy which he recommends—whether united now in council with the noble Lord or severed from former connection—in which use has not been made of these very words—every remark and argument which have been elicited throughout this discussion, prove how accurately I selected the phrases which described the language of the Government as "ambiguous" and their conduct as "uncertain." I need not go further for evidence than to that which has recently passed before us, and to the declarations which are still ringing in our ears. What language can be more opposite to that which the noble Lord used only on Monday night than that which he has just now addressed to us? What line of conduct can be more contrasted to that which the noble Lord gave us reason to believe he was going to pursue only a week ago than that which he now tells us is to be the future rule of his policy? "Ambiguity of language and uncertainty of conduct" not proved? Why, Sir, not a Gentleman has addressed you during this debate who has not used those phrases—they have already become household words. A year ago when discussions occurred on this subject—partial but always interesting—it was urged against the Government that their councils were divided on the question of peace or war. This was felt to be a great calamity at that difficult period. We all knew that we had men of great ability at the head of affairs; but there was more than a suspicion that their councils were not in unison upon a question of such vital importance. But how were we met then? We were told that these suspicions were without foundation—that these were imputations which the imagination of faction alone could suggest. But what has not occurred since to demonstrate their accuracy? What light has not even this debate thrown upon the distracted councils of twelve months ago.

And who can refuse to ascribe to that want of union the feeble, uncertain, and ambiguous conduct of this war, and a great share of the calamities which have befallen us in consequence? It has been objected to the Motion that I have placed in your hand, that it is not in accordance with the speech I have made, and that it does not, in an unmistakeable manner, express the policy we propose to follow and are prepared to recommend. Having been some time in this House, and seen much of the conduct of its affairs, I have had some experience with respect to Motions that have been submitted to its consideration, and I can truly say that, although I have been called upon, as a Member of Parliament, to give my opinion upon Motions that have been drawn up by men of unrivalled sagacity and experience in Parliament, I never yet knew a Motion proposed which was not most critically received, and in which great errors were not discovered by those who had previously resolved to vote against it.

Sir, I am prepared to maintain, in every respect, the propriety of the Resolution I have laid upon the table. I am prepared to maintain not only its propriety, but its frankness and precision. The hon. Member for Kidderminster (Mr. Lowe), following in this respect some hon. Gentlemen who have preceded him, intimated that it was my duty to have expressed clearly the terms upon which we thought peace ought to be obtained, or the objects for which the war ought to be prosecuted. There is, indeed, upon the paper, an Amendment of the hon. Member for Kidderminster which, as coming from him, I have conned more than once, for he is a man who does not write without thought, and I am bound to say that I see, with respect to Amendments of that kind, very grave objections which I think upon reflection a Gentleman of the hon. Member's ingenuity will find not altogether unworthy of his attention. He must feel that of the last things the House of Commons should do, by any Motion proposed for its adoption, is to interfere with the terms upon which peace or war ought to be proclaimed. If I had brought forward a Motion stating what we considered the *sine quâ non* upon which peace was to be granted—if I had declared what were the precise objects for which the war ought to be waged—if, more particularly, I had pointed out the subjects to be attended to by Her Majesty's representative at a conference or a congress—I have no doubt the noble Member for the City of London (Lord J. Russell), who has still some respect for the constitution of the country, and who is always a powerful defender of the just prerogatives of the Crown, would at once have risen, and by the exercise of his rhetoric and the expression of his constitutional convictions would have carried with him even the support of my hon. Friends on this side of the House. I deny that it was possible for me to have expressed in any other manner than I have done the feelings which influenced us on this side. We were dissatisfied with the language and the proceedings of the Government, especially with reference to recent negotiations and with the conduct of affairs as affecting the great question of peace or war. We were precluded from definitely expressing what we might consider the terms on which peace ought to be negotiated, or the objects for which the war ought to be pursued, and we wished to guard ourselves carefully from any interference with the exercise of the prerogative. Therefore all we could do was to ask the House, if we proved our case, to declare that there were ambiguous language and uncertain conduct on the part of Her Majesty's Ministers, not vaguely and abstractedly, but with reference to the great question of peace or war; and if the House were of that opinion—which it would be if it were to adopt the Resolution—we asked it also to show that there was no ambiguity in its language, no uncertainty in its conduct, but under these circumstances, in order to prevent any misconception on such a subject, to affirm that it was still determined to continue to support Her Majesty with all its means, in the same spirit as when it first addressed the Crown in answer to the gracious Message of the Sovereign announcing that war had been declared. Sir, I say again that the Resolution which I placed in your hands is one that is proper in its tone, loyal in its language, perfectly adapted to the contingency, and a Resolution which every Member of this House who wishes to terminate the unsatisfactory state of things which has too long prevailed, and which has produced a general feeling of distrust throughout the country, ought to support. But, if the noble Lord disapproves this Resolution, because it is a vote of want of confidence in the Government, why does he not simplify the question at issue, and allow one of his Friends to propose a vote of confidence in the Ministry? For what can be more inconvenient than the position in which the leader of this House has now placed, not only this assembly, but Her Majesty's Government themselves. You may negative this Motion; but will you find that any one of the Amendments that have been offered to your notice, if you choose to adopt it, is equivalent to an expression of confidence in the Ministry? If, then, this Motion is tantamount to a vote of want of confidence, I say the noble Lord must meet it with a direct negative, or he does not clear himself from what he represents as an attack upon his position. The noble Lord, placing this interpretation upon this vote, is bound to meet it with a vote expressing an exactly contrary opinion. Now, let me ask the House, fairly and candidly once more, whether what has occurred within the last two nights has not perfectly justified the course which we have taken? Have we not had an expression of feeling from the noble Lord which only a week ago no one could for a moment have anticipated from him? Were we not going to adjourn for the Whitsun holidays, and would not the whole country have been subject to the same suspicion and acted upon by the same distrust which prevailed until the last moment, had the noble Lord not felt it his duty to rise and make the declaration that he has made, a declaration utterly inconsistent with the entire conduct of the Government, because utterly inconsistent with the negotiations that have been proceeding? And here I may say that I have obtained the very object for which I was working. What did I venture to say yesterday was the great point to which we ought to address ourselves? It was to prevent the prosecution of war and the carrying on of negotiations simultaneously. The noble Lord has reiterated to-night the commonplace observation that, while he was carrying on his negotiations, he was also carrying on his war. But the noble Lord never answered the remarks which I made yesterday on that subject. I repeat that you cannot carry on negotiations permanently and conduct war at the same time effectively—that by attempting to do so you depress the spirit of your own people, and also damp the ardour of your allies. The noble Lord has to-night made a declaration of views and principles of conduct which, if they animated him only last Monday, did not justify him in the course he then took. He was not warranted in the observations that he then made, and by his conduct on that occasion he has, in my opinion, incurred a serious responsibility. The noble Lord has treated this as a vote of want of confidence, and has adverted to his possible successors if he be displaced from office. Now, I do not know what the right hon. Gentlemen who sit below the gangway, and who were recently colleagues of the noble Lord, may think of the noble Lord's estimate of their electioneering prospects. I perceive from the public prints, that some of those right hon. Gentlemen attended the meeting at the noble Lord's mansion or office, and they are paraded as the most distinguished followers of the noble Lord. Could they have been conscious, when he was addressing them in that animated harangue which at certain moments leaders of parties feel it necessary to address to the flagging courage of their supporters, that the noble Lord had calculated their career and the duration of their Parliamentary existence? Why, at the very time the right hon. Gentlemen were paraded as the principal ornaments of this assembly and the most distinguished adherents of this strong and united Government—all that time those useful but less celebrated Members who are supposed to be intimately acquainted with all the chances of political existence had, in fact, numbered these great lights of our assembly as dead men in their books.

The noble Lord did us the honour of assuming that we may be the coming men; but the noble Lord thinks that there is some difficulty in that arrangement, owing to our divided opinions. The noble Lord has particularly impressed upon the House the great inconvenience Her Majesty might experience if she were to find among Her intimate councillors my two right hon. Friends who differ on the subject of education. Well, Sir, I should have thought that even in the strife of party rhetoric no one would have thrown any discouragement on the efforts of any Member of this House, whatever may be his opinions or connections, with regard to that all-important subject. All I can say is, that, though I hope I may keep the privilege of taunting my political opponents on their divided opinions as freely as the noble Lord — that would be a subject upon which I should scarcely be tempted to indulge; for I should feel, as I am sure the majority of the House would feel, only too grateful to those who might attempt to solve a knot which has been hitherto indissoluble. But when I hear of the dangers of a coming Government with divided opinions, what am I to think of the right hon. Gentlemen and the noble Lords before me? The church-rate, I suppose, is a question on which the followers of the noble Lord, so distinguished for their numbers and influence, are united. On the ballot, of course, they are all agreed. The debate on the consular branch of the diplomatic service, the other night, showed what a powerful Government an united Government is. Some of their followers, particularly the Secretary of the Admiralty, of course, are bound to the Government by every tie, since the Cabinet have acceded to their all necessary views on army reform. To take them altogether, there never yet was a body of Gentlemen less remarkable for their union of opinion than the present Ministers; and all that is required to show how admirably they agree is that the noble Lord the Member for London, when he has recovered from the great exertions of his exhausted instructions, should introduce a Reform Bill, or some small measure of that kind, to prove how compact is the alliance of these united colleagues.

The noble Lord has treated us with a stale taunt about the inability of Lord Derby to form a Government, and has said that Lord Derby was unable to form a Government because he had not political Friends competent to sustain a Ministry. If that were the case I should leave the observations of the noble Lord unnoticed; but, inasmuch as there is no man in this House who is more cognisant that the statement which he has made is, inadvertently of course, utterly erroneous, the noble Lord must permit me to say that he has not the slightest authority for that assertion. Lord Derby refused to form a Government, because it was his opinion, constitutionally expressed to his Royal Mistress, that England was in such a condition that the gratification of individual ambition was no longer to be thought of; but that the formation of a strong Government was a public necessity for which every sacrifice should be made. Lord Derby or his friends might have sat on that (the Ministerial) bench, or upon a similar bench in another place, if they had chosen to take the Government without being assured of that commanding majority which he believed was necessary to carry on affairs in the present state of the country. The noble Lord knows something about it, because he had some conversation with Lord Derby at that time. The noble Lord, however, has elected to carry on affairs with a very weak Government. By his meeting of yesterday, by his speech of this night—utterly inconsistent with his opinion as expressed last Monday—by suddenly adopting views and a policy utterly inconsistent with the instructions given to his own diplomatic administrators—by suddenly taking a course which we all know from his own expressions he could not a week ago have meditated; by the pledges he has given in this House to-night that he intends not only to prosecute the war, but to prosecute it for objects which only last Monday either he did not anticipate pursuing or which he veiled from this House, and the confession of which, therefore, this Motion has extorted from him—by such means as these the noble Lord may possibly defeat the Motion which I have submitted to the House. But that is only the first of many Motions which the noble Lord will have to meet, now that the policy of the Government has, by this discussion, become more precise. He may rest assured that though the month of May is far advanced, he is but at the beginning of his Parliamentary campaign. He will find that, from the very language he has used, and from the position which he has taken to-night, such consequences will ensue that it will become him to marshal his legions; and it will be well for him if he can give evidence to England that he has that strong Government which Lord Derby thought essential to the interests of the country.

Sir, I would sit down here, were it not that observations have been made in this debate which I must notice, not only because it is due to myself, but because it is due to others to do so. An hon. Gentleman has noticed the remarks which I made upon the conduct of the recent Plenipotentiary at Vienna. I think it was the Member for Kidderminster (Mr. Lowe) who said that these observations were not fair, that they would not have been made had not the person employed been in this House and a Minister of the Crown, and that had Lord Westmorland, for example, committed all the mistakes which were laid to the door of the noble Lord the Colonial Secretary they would have passed unnoticed. Well, I make this admission to the hon. Gentleman, that it is always more agreeable for me to make remarks of that kind upon those who are present than upon those who are away. So far I agree with the hon. Member for Kidderminster. I would much sooner criticise the conduct of the noble Lord (Lord John Russell) than that of Lord Westmorland, who is not in his place. But does the hon. Member for Kidderminster, or any one else, for a moment pretend to deny that if a Member of Parliament believes that a Plenipotentiary of the Queen, to whom has been intrusted an important and delicate duty, has ill-discharged that duty—that his conduct has been pernicious to the public welfare — that he has committed gross errors, leading to the abrupt termination of important negotiations—I say, in such a case, is the hon. Member for a moment prepared to deny, as I was astonished to hear that he did deny, that it is not merely the right, but the duty of a Member of Parliament to bring that conduct before the House and ask the opinion of the House upon it? Was I to be stopped because, in the language of the Member for Kidderminster, such a person was the servant of his Sovereign, and engaged on duties of the highest importance? I always thought that this House was the assembly which was to exercise a control over the highest servants of the Sovereign. If an Ambassador does take a course which is detrimental to the interests of his country, or has not the qualities necessary for a proper discharge of his duties, then I say it is incumbent on this House to bring his conduct under consideration, and to ask the opinion of the House upon the subject. If it be true that when the noble Lord was Secretary of State he did acknowledge that Russia had the right of protectorate over the Christian subjects of the Porte—(which she had not)—if it be true that in the principal act of the Conference the false interpretation of those treaties by the noble Lord has been alleged as the principal cause of this war, was it not my duty to bring this before the House, or am I to be stopped by such observations as have been made? The noble Lord knows that there are not two kinds of protectorates, and his objections to my observations were contradictory and inconsistent. He knows that he amply and completely acknowledged that Russia had a protectorate over the Christian subjects of the Porte.

Lord JOHN RUSSELL: I never used the word "protectorate" at all.

Mr. DISRAELI: Well, the word I find is protection;—where is the difference?—and I say that in these treaties there is no such protection granted to Russia; and is the noble Lord, by this quibbling as to the difference between protectorate and protection to free himself from so grave a charge? I assert that the noble Lord's despatch to which I have alluded gave the form and colour to the fortunes of England with respect to this question. When Russia found that its protectorate was sanctioned by that despatch her course was clear. I say, this was a fatal admission made by the noble Lord as Secretary of State, and that, when he subsequently went to carry on negotiations, he made another admission equally detrimental to the interests of this country. I maintain that the noble Lord has not, in the slightest degree, invalidated the truth of any observations I have made on this part of the question. The noble Lord says, because I criticised his conduct as a Minister Plenipotentiary employed in the most awful service that a man could be engaged in, and in which he showed his utter incompetency, that I degraded this debate—degraded a debate on a question of peace or war, involving the lives of thousands, and the expenditure of millions of taxation. I will not quarrel with the noble Lord as to this; I will leave it for the country to decide whether, in exposing the conduct of the noble Lord—conduct on which further sacrifices of taxation and of the lives of other thousands of Her Majesty's subjects were dependent—I did my duty or not. The noble Lord says I degraded the debate; but, whatever I have done, I have done this—I have tried to prevent the noble Lord from degrading the country.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 219; Noes 319: Majority 100.

List of the Ayes.

Adderley, C. B.
Alexander, J.
Annesley, Earl of
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, C.
Baillie, H. J.
Baldock, E. H.
Bankes, rt. hon. G.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Bective, Earl of
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bignold, Sir S.
Blackburn, P.
Blake, M. J.
Boldero, Col.
Booth, Sir R. G.
Bowyer, G.
Bramley-Moore, J.
Bruce, C. L. C.
Buck, L. W.
Buck, G. S.
Buller, Sir J. Y.
Bunbury, W. B. M'C.

Burrell, Sir C. M.
Burroughes, H. N.
Burrowes, R.
Butt, G. M.
Butt, I.
Cabbell, B. B.
Cairns, H. M‘C.
Campbell, Sir A. I.
Chandos, Marq. of
Chelsea, Visct.
Child, S.
Christopher, rt. hn. R. A.
Christie, S.
Clinton, Lord C. P.
Clive, R.
Cobbold, J. C.
Cocks, T. S.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.
Davies, J. L.
Dering, Sir E.
Disraeli, rt. hon. B.
Dod, J. W.
Duckworth, Sir J. T. B.
Duffy, C. G.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
Egerton, W. T.
Egerton, E. C.
Elmley, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Fitzgerald, W. R. S.
Follett, B. S.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G.
French, F.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
George, J.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Gooch, Sir E. S.
Graham, Lord M. W.
Greaves, E.
Greenall, G.
Grogan, E.
Guernsey, Lord
Guinness, R. S.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Gen.
Hamilton, Lord C.
Hanbury, hon. C. S. B.
Hayes, Sir E.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hill, Lord A.
Horsfall, T. B.
Hudson, G.
Hume, W. F.
Jones, Adm.
Kelly, Sir F.
Kendall, N.
Kennedy, T.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Langton, W. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, hon. H. G.
Lindsay, hon. Col.
Lisburne, Earl of
Lockhart, W.
Lowther, hon. Col.
Lowther, Capt.
Lucas, F.
Lushington, C. M.
Lytton, Sir G. E. L. B.
Macartney, G.
MacGregor, Jas.
MacGregor, John
M‘Mahon, P.
Maddock, Sir H.
Maguire, J. F.
Malins, R.
Mandeville, Visct.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Michell, W.
Mitchell, T. A.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, John
Neeld, Joseph
Newark, Visct.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakenham, T. H.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, R.
Parker, R.
Peacocke, G. M. W.
Peel, Gen.
Percy, hon. J. W.
Portal, M.
Repton, G. W. J.
Robertson, P. F.
Rushout, G.
Scott, hon. F.
Seymer, H. K.
Shirley, E. P.
Smith, W. M.
Smith, A.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stirling, W.
Stuart, W.
Sturt, H. G.
Swift, R.
Thesiger, Sir F.
Tollemache, J.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vernon, L. V.
Vivian, J. E.
Vyvyan, Sir R. R.
Vyse, Col.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Welby, Sir G. E.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Woodd, B. T.
Wyndham, Gen.
Wyndham, H.
Wynn, Lt.-Col.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Taylor, Col.
Jolliffe, Sir W. G. H.

List of the NOES.

Acland, Sir T. D.
Acton, J.
Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, Sir J.
Antrobus, E.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Baring, T.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Beaumont, W. B.
Beckett, W.
Bell, J.
Bellew, T. A.
Berkeley, A.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Bruce, Lord E.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Burke, Sir T. J.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cayley, E. S.
Challis, Mr. A.
Chambers, M.
Chambers, T.
Chaplin, W. J.
Cheetham, J.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobbett, J. M.
Cockburn, Sir A. J. E.
Coffin, W.
Cogan, W. H. F.
Collier, R. P.
Coote, Sir C. H.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Currie, R.
Dalkeith, Earl of
Dalrymple, Visct.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Deedes, W.
Denison, E.
Denison, J. E.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, F.
Dungarvan, Visct.
East, Sir J. B.
Ebrington, Visct.
Egerton, Sir P.
Elcho, Lord
Ellice, rt. hon. E.

Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Esmonde, J.
Evelyn, W. J.
Ewart, W.
Ewart, J. C.
Feilden, M. J.
Fenwick, H.
Fergus, J.
Ferguson, Sir R.
Ferguson, J.
FitzGerald, Sir J.
FitzGerald, J. D.
FitzRoy, rt. hon. H.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, C.
Forster, J.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Gordon, hon. A.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Greene, T.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Gurney, J. H.
Hadfield, G.
Hall, Sir B.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Harcourt, Col.
Hardinge, hon. C. S.
Hastie, Alexander
Hastie, Archibald
Headlam, T. E.
Heard, J. I.
Heathcote, Sir G. J.
Heathcote, G. H.
Heathcote, Sir W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Higgins, G. G. O.
Hindley, C.
Hogg, Sir J. W.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hutt, W.
Ingham, R.
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Keating, R.
Keating, H. S.
Keogh, rt. hon. W.
Kershaw, J.
King, hon. P. J. L.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langston, J. H.
Langton, H. G.
Layard, A. H.
Lee, W.
Lemon, Sir C.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Littleton, hon. E. R.
Lockhart, A. E.
Lowe, R.
Luce, T.
Mackie, J.
Mackinnon, W. A.
M'Cann, J.
M'Taggart, Sir J.
Mangles, R. D.
Marjoribanks, D. C.
Marshall, W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Miall, E.
Mills, T.
Milner, Sir W. M. E.
Milnes, R. E.
Milton, Visct.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncrieff, J.
Monsell, W.
Morris, D.
Mostyn, hon. T. E. L. M.
Mowatt, F.
Muntz, G. F.
Murrough, J. P.
Norreys, Sir D. J.
North, F.
O'Brien, P.
O'Brien, C.
O'Brien, J.
O'Connell, D.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Owen, Sir J.
Paget, Lord A.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Paxton, Sir J.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pellatt, A.
Perry, Sir T. E.
Phillips, J. H.
Phillimore, R. J.
Pilkington, J.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Powlett, Lord W.
Price, Sir R.
Price, W. P.
Pritchard, J.
Ramsden, Sir J. W.
Reed, J. H.
Ricardo, J. L.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, James
Sadleir, John
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Scully, V.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shee, W.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smyth, J. G.
Somerville, rt. hon. Sir W.
Stafford, Marq. of
Stanley, hon. W. O.
Starkie, Le G. N.
Steel, J.
Stephenson, R.
Strickland, Sir G.
Strutt, rt. hon. E.
Stewart, Sir M. R. S.
Sutton, J. H. M.
Talbot, C. R. M.
Tancred, H. W.
Thompson, G.
Thornely, T.
Thornhill, W. P.
Tomline, G.
Townshend, Capt.
Traill, G.
Tynte, Col. C. J. K.
Uxbridge, Earl of
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walmsley, Sir J.
Walter, J.
Warner, E.
Waterpark, Lord
Watkins, Col. L.
Watson, W. H.
Wells, W.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Williams, W.
Wilson, J.
Wise, A.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wyndham, W.
Wyvill, M.

TELLERS.

Hayter, W. G.
Mulgrave, Earl of

Question proposed, "That the words "having seen with regret that the Conferences of Vienna have not led to a termination of hostilities,' be inserted, instead thereof."

MR. LOWE, amidst general cries of "adjourn" and "divide" proposed his Amendment—

Amendment proposed to the said proposed Amendment, by inserting after the words "regret that," the words "owing to the refusal of Russia to restrict the strength of her navy in the Black Sea."

Question proposed, "That those words be there inserted."

MR. MILNER GIBSON: Sir, I move that the further consideration of this question be adjourned until Monday week—[Loud calls for a division on the Opposition benches.]

VISCOUNT GODERICH protested against the adjournment of the discussion. It was highly objectionable that the House should separate for so unusually long a period at that season, for their private purposes and amusement, in the midst of a great debate like that. For himself, he would say that had he any idea that the decision of the whole question would be attempted to be postponed he should certainly have opposed the adjournment for the holidays. To adjourn without coming to a decision would be to lay themselves open to great public censure.

Mr. J. G. PHILLIMORE expressed his entire concurrence in the views of the noble Lord.

Viscount PALMERSTON: I think, considering the importance of the subject which has been brought under our notice, and considering, moreover, the ground upon which the present debate is raised, namely, that the House ought not to separate for the Whitsuntide holidays without expressing its opinion relative to the position of affairs—I think the House, although the hour certainly is very late, might proceed to dispose of the Amendments. For my part, I have no objection to accepting the first section of my hon. Friend's (Mr. Lowe) Amendment, as it merely recites a fact which cannot be denied; but to the second, I am decidedly opposed, for the same reason that I have opposed that of the right hon. Member for Bucks, namely, because it contains a principle of interference with the prerogative of the Crown. While, as regards the Amendment of the hon. Gentleman the Member for the University of Oxford, I am also opposed to it.

Sir JAMES GRAHAM: I voted against the Resolution which was proposed by the right hon. Gentleman the Member for Bucks, because it appeared to me that it would not raise the question of peace or war, but more directly raised the question of confidence in Her Majesty's Government; and I thought that at this moment a change in the Ministry was not advisable, and would not be conducive to the welfare of the State. That was a question implying censure on the Government, and it seemed to me that, although the debate, from the House having determined to adjourn over the holidays from this morning, was necessarily comprised within the compass of a few hours, quite inadequate to the ample discussion of the entire subject—it seemed to me, on the whole, only fair that the decision of the House should be taken to-night on the question whether a change in the Administration should take place. The House by a decisive majority, has pronounced its decision that that change at this moment is inexpedient; but the great question raised by the hon. Member for Kidderminster, namely, whether the Conferences of Vienna having now ceased on the ground that the limitation of the Russian force in the Black Sea cannot be accepted by Russia, other means cannot be found which would be acceptable—that question, I say, is not yet fully debated. The noble Lord the First Minister has threatened me—though I have not yet had an opportunity of expressing my opinion on the subject—and the Gentlemen who sit near me with the censure of our constituents. I think it right that we should have the opportunity of stating what is the opinion we entertain, and what are the reasons by which we sustain that opinion. That opportunity has not been afforded us, and I think it only conducive to the public good that the adjournment proposed by the right hon. Gentleman the Member for Manchester should be agreed to. The question now is fairly before us, frankly put by the hon. Member for Kidderminster in the most convenient shape. If we go to a division I shall certainly vote for the adjournment. I know not what may be the decision of hon. Gentlemen opposite, but the course of the debate has entirely changed the circumstances under which it commenced. As I understand the speech of the noble Lord at the head of the Government all negotiations are at an end. I have heard that statement for the first time; and I must say that the speech of the noble Lord the Member for the City of London delivered last night does place the state of our relations with Russia on a footing which would appear to me to lead to an interminable war—at least to the commencement of a war of thirty years' duration—and although I am not satisfied with the declaration of Gentlemen opposite as to the policy they would recommend, and making every allowance for their position in opposition, as not imposing on them the necessity of declaring such a policy, yet I am bound to say that the speech delivered by the right hon. Member for Buckinghamshire in the opening of this discussion did lay down principles, with reference to the war in which we are engaged, which appeared to me to afford a prospect of a fairer settlement than that announced by the Government. The right hon. Gentleman declared that, in his opinion, there were only two modes in which the war could be conducted against Russia. One of them was the revision of the territorial arrangements of Europe—an attack upon the extended frontier of Russia throughout its enormous extent—in point of fact, that a war of nationalities should be raised; and he expressed an opinion, in which I concur, that a war of that description would be interminable, if not hopeless. He then proceeded to point out the second mode of giving effect to the objects avowed by this country—namely, that the war should be conducted upon the principle of protection to Turkey, so that her independence and integrity should be preserved, and that that operation should be effected without the invasion of the territory of Russia. It would be superfluous for me at this moment to enter on the question of why was not adherence given to that principle, and why was the Crimea attacked. I am ready, on a fitting occasion, to defend the steps which were taken by the Government of which I was Member in attacking the Crimea; but I repeat that, with respect to the future policy of this country, I am convinced that the view taken by the right hon. Member for Buckinghamshire is a view which, if steadily pursued, does not exclude the hope of peace; whereas the doctrine laid down by Her Majesty's Government—that negotiation or the principles on which it has hitherto been conducted being abandoned, and the ground of the war being changed, it is no longer a question of terms; but that terms being abandoned the question becomes reduced to a war of nationalities—I say that a more serious question was never raised in the British Parliament, and I feel that an opportunity must be given for the discussion of the question.

Lord JOHN RUSSELL: No doubt a very important question has been raised by the right hon. Baronet; but in the first place I must, before saying anything on the question immediately before the House, utterly and entirely deny the meaning which he has in some manner or other extracted from my words and the words of my noble Friend. I said the object of the war should be beyond the immediate defence of Turkey from the aggression which was committed by Russia—security for Turkey for the future. I said we should endeavour to obtain that security. I have never gone beyond that declaration. I said nothing of nationalities. I said that we were precluded at Vienna from entering into the question of diminishing the territory of Russia; and neither with regard to territory nor with regard to nationalities did I give expression to any opinion whatever. I conceive that when security for Turkey is obtained—that when we are able to say, if we make peace on these terms, Turkey will not be attacked in the course of the next six months nor in the course of the next eighteen months by Russia, and on more unfavourable terms to Turkey than those on which she was attacked lately—that when you can obtain terms of that kind, which will give security to Turkey, you ought not to hesitate to make peace. With regard to what the right hon. Gentleman (Mr. Disraeli) has said, that we cannot at the same time carry on negotiations and conduct the war —I say it is for him to choose which of these two things he would do, and he declared that negotiations ought to be broken off, and that war should continue. That was the decision to which he came. How out of that state of things he was to evolve a state of peace hereafter, I know not. But, with regard to the question immediately before the House, I beg to observe that there are four declarations by hon. Members entertaining different opinions, all agreeing that the House will give every support to Her Majesty in the prosecution of the war, until Her Majesty shall be able to obtain a safe and honourable peace. I do think that before we adjourn for the holidays we ought to agree to some declaration—to some terms which shall contain these words—a declaration in which all parties are agreed—a declaration of great importance both in this country and in Europe. The right hon. Gentleman opposite (Mr. Disraeli) thinks it strange that my noble Friend's language to-night does not agree with what was said by him on Monday evening. But the fact is, that from day to day and from hour to hour changes take place. I should say if the House would agree to words containing the declaration to which I have alluded, it would be far better for the right hon. Member for Manchester (Mr. M. Gibson) to bring on a discussion on the views which he entertains on the earliest day after the recess, and we shall then be able to give a complete and definite answer as to the result of the conference, and we shall now be in a condition to carry the declaration which has been proposed.

Mr. DISRAELI: I congratulate the supporters of the noble Lord upon his present tone. The majority is obtained, and the noble Lord has risen to recant the speech which most legitimately called for the observations of the right hon. Baronet the Member for Carlisle. It was only yesterday that we had a picture drawn, not of the power only, but of the policy of Russia, which rivalled the spirit and pencil of a Dante. The House was terrified at a description, which following up the views of the noble Lord, proved that this kingdom was in danger from the aggressive policy, increasing power, and systematic aggrandisement of Russia. It was received with cheers—it was received with enthusiasm by those peculiar benches which particularly represent the war feeling of the country; and no sooner is the majority obtained—a majority, allow me to say, which has expressed no confidence in the Government—than the noble Lord, when his attention is called to his remarkable statement by a Member of this House who is not apt to make mistakes, rises and, in fact, recants his views—withdraws from our discussion that powerful picture which influenced the debate, and which is at this moment influencing the people of England. It is a second edition of the Sebastopol speech. It is the very same circumstance. There is no difference, except that in the case of the Sebastopol speech the noble Lord recanted it the same night on which it was delivered. And yet I am told this is a Government whose language is not ambiguous! I congratulate the triumphant majority who represent a policy so lucid and politic, and which must end in consequences so successful and triumphant for the country. And now the noble Lord tries to do something still more remarkable than the recantation of his own speech. Last Monday night the First Minister declined the necessity of expressing any opinion on the subject. What do the Government want to do now? They want to pass without discussion a vote of this House—an unanimous vote of this House—that we are determined to support Her Majesty in carrying on the war. Who is the leader of this House? Is the First Minister the leader of this House? Or is the noble Lord the leader of this House? When on a point no less important than a Resolution of the House of Commons to support Her Majesty in carrying on the war, the Ministry hold two opinions on the subject? One night they tell us it is not necessary, or not expedient; and then suddenly finding out that three or four Members are of a different opinion, these profound statesmen immediately feel that it is the duty of the House of Commons not only to do it, but to do it without discussion. I told the First Minister, before the division, not to plume himself on the vote, which I knew must be in his favour. I told him he was but at the beginning of prolonged and protracted discussions, which would end probably in consequences different from what he anticipates. I say now it would be most indecent and impolitic to hurry on a vote of this description. I am against further discussion at this moment. You have come to a conclusion upon the Resolution which I myself proposed. I knew when I introduced it that there was not sufficient time to give it as much discussion as it required; but we did everything we could to facilitate that discussion. But as to approaching a subject so important as that which the noble Lord proposes to settle, I am sure it is the feeling of the House that no further debate shall at present take place. They had now to come to a decision of ten thousand times more importance than anything that had been decided by the vote which had just been given. They had a question to decide not between parties in that House, but one which affected the whole of Europe. He for one was not prepared precipitately, and without discussion, to come to a decision upon a subject of the most vital importance that has ever been submitted to Parliament since he had the honour of a seat in the House. He appealed to the Government and to the House not to allow their own convenience, or a desire to go for a few days' holidays into the country, to interfere with the due discussion of this question, when the civilized nations of Europe were looking for the grounds upon which they were entering on this new war. They could not arrive at that decision until they knew what were or what were not the opinions of the Government. The question was now raised for the first time, and he hoped the House would insist upon debating it before they pretended to arrive at a decision upon it.

MR. SIDNEY HERBERT thought the House had been perfectly right in deciding at once upon the Resolution, which was one of great importance to be settled, and declaring the opinion of the House as to whose hands the Government should be intrusted. But now that it had decided a great question as between parties, it was called upon to decide upon a question affecting the country—to dispose of, without discussing, two Motions on which the meaning of words required to be minutely weighed. He was not now prepared to come to a decision upon those Resolutions which related to a subject the most important which had occurred since he had had the honour of a seat in that House. It would be indecent and destructive to their character to allow such questions to be treated as mere postscripts to a party debate. The noble Lord (Lord John Russell) had complained of having been misrepresented by his right hon. Friend (Sir J. Graham), and surely the accuracy of that complaint was a matter of importance. Now that the country was called upon to enter upon a new Russian war, when the prospect of other interference was held out, he (Mr. Herbert) called upon the House to vindicate its privileges, and not to allow the convenience of a few days' holidays to interfere with their duties at this important moment. He for one would not consent to dispose of the matter until he knew the opinions of the Government upon this new Russian war.

Mr. ROEBUCK thought the House must be conscious that they had acted injudiciously in consenting to adjourn for the holidays, and he appealed to the House to get itself out of the difficulty. Could the Speaker inform them whether it would not be competent to adjourn for a shorter period than ten days?

Mr. SPEAKER said, that it was not competent for the House to rescind a Resolution which it had come to the same night.

Mr. BARROW thought a fair opportunity ought to be afforded for discussing the Amendment, although he had already made up his mind on it.

Viscount PALMERSTON said, that at this hour, and in the present state of the House, he could not resist the proposal to adjourn the debate.

Debate *adjourned* till *Monday* 4th June.

The House adjourned at a quarter after Three o'clock till Monday 4th June.

HOUSE OF LORDS,

Monday, June 4, 1855.

Minutes.] *Took the Oaths.*—The Bishop of Killaloe, Kilfenora, Clonfert, and Kilmacduagh.

Public Bills.—1ª Militia (No. 2); Personal Estates of Intestates.

2ª Roman Catholic Charities; Weights and Measures.

Reported.—Newspaper Stamp Duties.

THE "MEDWAY" TRANSPORT—QUESTION.

The Earl of ELLENBOROUGH wished to ask the Secretary of War whether he had received any information in detail with respect to the manner in which sixty-five horses were lost on board the *Medway*, and several so much injured that they were obliged to be sent on shore when the ship arrived at Gibraltar? He was induced to put that question because he had seen a gentleman who had been on board the *Medway* before she sailed, and who, on his return to town expressed his anticipation of some disaster, from the manner in which the horses were packed on deck, unless the vessel should have fair weather the whole way to Balaklava. So far from that, however, she encountered a severe gale in the Bay of Biscay, and hence the great loss of animals. The plan of placing the horses on deck was one which should never be adopted, except in cases of necessity—never, certainly, on account of mere economy. In the present case, the horses were placed under a shed on deck, and were so closely packed that the man whose duty it was to arrange the slings was obliged to lie down at full length on the backs of the animals. He understood that the shed gave way bodily during the gale, which happened to be a very severe one; the deck was entirely crowded with horses, dead, dying, or fighting; and if any accident had occurred to the machinery, the vessel would probably have been lost. The matter was a very serious one, and he hoped it would receive the attention of the noble Lord.

Lord PANMURE said, he had received information with reference to the accident that had taken place on board the *Medway*, and was able to state that the origin of that accident was a very violent gale—it could hardly be called a gale, it was rather a hurricane—which came on unexpectedly. He did not think he could do better than read a portion of a letter which he had received from the admiral at Gibraltar on the subject; but, before doing so, he wished to observe that in sending out horses to the seat of war at this time of the year, that they were not only justified in availing themselves of every possible means of sending horses to the seat of war, but, at this period of the year, there was every reason to expect that the weather would be such as to justify them in putting them upon the deck of a steamer, though not perhaps of a sailing vessel, under proper protection. With reference to the *Medway*, the letter from the Admiral, dated Gibraltar, May 22, gave the following statement—

> "In my letter of the 20th instant, by the *Alice*, I had the honour to report, for the information of their Lordships, the arrival of the steam transport *Medway*, which put in here owing to the loss of horses, occasioned by a very violent gale on the 13th and 14th instant. A case of small-pox having broken out on board, it was necessary to summon a Board of Health and to take measures for landing the sick man, isolating him from the rest of the garrison. In consequence she did not get pratique until 2.30 p.m. on the 20th. I went on board shortly afterwards, and put every carpenter I could procure at the disposal of the captain, to make good the damage that had occurred. In the meantime the military authorities ordered several wounded horses to be landed and preparations made for the embarkation, on the following morning, of mules to replace those killed, and landed in all, I believe, about eighty. In going over the ship with the captain I was astonished at the little comparative damage done to the fittings, considering the gale which was described to me, and the signs of which were evident from the way the paddle-boxes were stove in. It seems that on one side of the quarter-deck nearly the whole framework had fetched way, but had been stopped by the combings of the hatchways. This was effectually remedied by large cleats nailed to the deck, and the carpenters were ordered to repair whatever was pointed out by the captain and chief officer."

All he could say in addition was, that the greatest care was taken in all cases to secure the safety of the animals sent to the Crimea, and that at the present season of the year such an event as a heavy gale could not have been anticipated.

RIGHTS OF NEUTRALS—TRADE WITH RUSSIA—QUESTION.

THE EARL OF ALBEMARLE wished to ask Her Majesty's Government whether they had any objection to state the exact words which Captain Watson of the *Impérieuse*, addressed to the authorities of Port Baltic in announcing the blockade of that port on the 28th of April of this year; and also to ask whether the Russian Government were warranted in the assertion which they were supposed to have made, that the Government of England had now renounced the principle adopted a year ago, that the flag covered the cargo? He fully anticipated what the answer would be, and the explanations which he should receive from the Government. He assumed, as a matter of course, that the answer would be, that the Government did adhere to the precise terms of the Order in Council dated the 15th of April, 1854, waiving the right of seizing enemies' property in neutral vessels, unless it was contraband of war. Although he anticipated that Her Majesty's Government would give such assurances as would be satisfactory to the neutral Powers, he thought it was also advisable the neutral Powers should understand that there was in that House a nearly unanimous—if not an entirely unanimous—opinion on the subject, and were not prepared to sanction any departure from the principle of last year. When, about a fortnight ago, he had moved certain Resolutions with the object of putting an end to trade with Russia, he had been very much astonished to hear three Members of Her Majesty's Government—the President of the Board of Trade, the Lord President of the Council, and the Under Secretary of State for Foreign Affairs—attribute to him a wish to enforce that very right of blockade which the Russian Government now attributed to England. He was utterly astonished when he heard such a desire imputed to him, and he thought that in the hurry of debate he might have said what he did not mean to say; but in the first newspaper he saw the next morning he found the words he used were, "Neutral flags should make neutral cargoes;" and the Resolutions he had proposed did not contemplate directly or indirectly any interference whatever with neutral Powers. As the statement he was then making would probably find its way to the public, and would come to the knowledge of the neutral Powers, he might observe that he believed he spoke the unanimous—or the almost unanimous—opinion of their Lordships, when he said that they thought the Americans were perfectly justified in claiming that a neutral flag should protect a neutral cargo; and he was only at issue with Her Majesty's Government on this question, because they had done ungraciously and unwillingly what he thought they ought to have done readily and unhesitatingly. He trusted, now that two great Powers of Europe had expressed their intention on the subject in an unequivocal manner, that the course they had resolved to adopt would henceforth become part and parcel of the law of nations. In consequence of the intention which had been attributed to him by Members of Her Majesty's Government, a State paper which had been issued by the Russian Government, and which purported to come from the office of M. de Nesselrode, had given an inaccurate representation of the proposition he had submitted to their Lordships, and he (the Earl of Albemarle) thought it was desirable that on a subject of so much importance a clear understanding should be established.

Earl GRANVILLE did not quite understand why the noble Earl had departed in the present instance from the usual courtesy in giving notice beforehand of his intention to bring an important question under the notice of the House. He was happy, however, to inform their Lordships that there was no foundation in anything said by Captain Watson, or by any officer under his command, to warrant the interpretation given of it by the Russian Government. No such question was asked and no such answer was given as those stated in the Russian circular.

The Earl of HARROWBY said, he might as well state to their Lordships the exact circumstances as they occurred. The first lieutenant of the *Impérieuse* was sent into Port Baltic to see what ships were loaded and what were unloaded, in order that those only which were loaded at the time might be permitted to leave with their cargoes, and that no additional goods might be taken on board. He went over the harbour with the Governor, and found two vessels loaded. He never inquired to whom the property belonged, but merely said that those vessels, being loaded, might go out; adding that such vessels as might be loaded after the date of his visit would not be allowed to leave the port. The Governor asked him if some small Russian fishing vessels which were in the harbour might go out. His answer was, "We have never interfered with these small fishing vessels, which may go out as before." He (the Earl of Harrowby) was able to assure their Lordships that no such question was addressed to Captain Watson or his first lieutenant as that put into the mouth of the Russian Governor by Count Nesselrode, and there was no foundation whatever for the statements of the Russian Government.

ROMAN CATHOLIC CHARITIES BILL.

The LORD CHANCELLOR, in moving the second reading of the Bill, stated the circumstances under which it was introduced. Before the passing of the Roman Catholic Relief Act the foundation of charities belonging to that body was illegal, and the consequence was that Roman Catholic charitable institutions were formed and conducted in secret. The Relief Act passed in 1829, but it still remained doubtful whether charities already existing, or charities which might afterwards be founded, would be valid or not. At the instance of Lord Brougham, an Act—the 2 & 3 *Will.* IV.—was passed, making it lawful to create charities for Roman Catholics; but the question was raised soon after, whether that Act was or was not retrospective in its operation. Lord Brougham thought it was; and Lord Cottenham, upon the question being raised before him in the Court of Chancery, acted upon that view, without, however, expressing any opinion of his own. The question was afterwards raised in Ireland, and great doubt existed as to whether the Act was retrospective. He must own that he thought it was doubtful whether it was retrospective, and whether it did apply to charities not registered according to the provisions of the Mortmain Act. When the Charitable Trusts Act passed two years ago, there was a special provision to the effect that it should not apply to Roman Catholic charities for the space of two years. It now became necessary to legislate on the subject; and what he proposed was simply to put the Roman Catholic charities upon a footing as nearly as possible analogous to that of those Dissenting charities which stood in the same situation with regard to the law about ten years ago. What Parliament enacted in 1844 was, that Dissenting charities, which were then illegal, should be held as valid as if they had been founded subsequent to the removal of the disabilities. That was substantially what the present Bill proposed. It enacted that all Roman Catholic charities which would be valid if they had been created since the Act of 1832 should be now valid, although they were invalid at the time of their foundation.

Lord CAMPBELL was afraid that the words, "or other charitable purposes," introduced into one of the clauses of the Bill, were too extensive, and might give a legal sanction to institutions of an objectionable nature.

The LORD CHANCELLOR said, that as the Bill applied only to such charities as might be legally created under the Act of 1832, there was no ground for the apprehensions of his noble and learned Friend.

The Earl of DERBY desired to know whether the Bill would not set aside the provisions of the Mortmain Act with respect to mortgages upon land?

The LORD CHANCELLOR said, it would not, although it of course applied to charities which in no case could have been enrolled under the Mortmain Act, they being void in law.

Bill read 2ª, and *committed* to a Committee of the whole House on Friday next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 4, 1855.

Minutes.] Public Bills.—1° Youthful Offenders.
2° Mortmain; Grants of Lands.
3° Edinburgh Lands.

The House met; and the Clerk at the Table acquainted the House, that he had received a Letter from Mr. Speaker, together with a Medical Certificate, which he read to the House, as follow:—

> "89, Eaton Square,
> "Monday, June 4, 1855.
>
> "Sir,—I trust that the enclosed Certificate from the Surgeon who has been attending me during my indisposition will satisfy the House with regard to the cause of my unavoidable absence on the present occasion. I can only express my sincere regret at being thus prevented attending the service of the House.
>
> "I have the honour to be,
> "Your obedient Servant,
> "C. S. Lefevre,
> "Speaker.
>
> "Sir Denis Le Marchant, Bart., &c., &c."
>
> "I hereby certify that the Speaker has sprained his leg in mounting his horse. A considerable amount of inflammation has resulted from the injury, which has not yet sufficiently subsided to enable him to take the Chair.
> "Edwd. Headland, M.R.C.S., &c., &c.
> "32, Guildford St., June 3rd, 1855."

Whereupon Mr. FitzRoy, the Chairman of the Committee of Ways and Means, having counted the House, took the Chair, according to the Resolution of this House.

VIENNA CONFERENCES—QUESTION.

Mr. T. DUNCOMBE: I should be glad, Sir, to ask a question of the noble Lord at the head of the Government. I perceive there is a report in this day's papers that the Ministers of the Five Powers will meet, and the conference be formally dissolved to-day. I wish to ask the noble Lord whether this be true; and, if so, whether he expects the conferences really to be closed this day? because, if it be so, I think it would be a perfect waste of time to continue the discussion of the Amendments to the Motion of the right hon. Member for Manchester (Mr. M. Gibson), now on the paper.

Viscount PALMERSTON: It is perfectly true, Sir, that Her Majesty's Government expect that the Conference of Vienna was to be reassembled this day, at one o'clock, for the purpose of its being finally closed. The consent of the Governments of England and France to such closing was conveyed to their respective Ministers, and I believe it was the intention of the Austrian member of the conference to declare that the conference was closed. The result cannot be known until a late hour this night, if at all; but my expectation is, that we shall hear in the course of to-night, or to-morrow, that the meeting did take place to-day, and that the conference had been finally closed.

Mr. T. DUNCOMBE: And a good riddance too.

Mr. BRIGHT: I wish to ask the noble Lord when he will be able to lay on the table of the House the further papers with reference to the conferences, giving the particulars of any propositions which have been under the consideration of the Government, forwarded by the French or Austrian Governments, and the answers that have been returned, so that the House may know, up to the latest moment, the precise condition upon which the country is entering into a prolonged war.

Viscount PALMERSTON: I am not at present able to give a reply to the hon. Gentleman, but I hope to be able to do so to-morrow.

THE CRIMEAN MEDALS.

Mr. A. STAFFORD said, that previously to the recess he had received an answer from the hon. Gentleman the Under Secretary of War on this subject, which, he believed, was not strictly accurate, and he would therefore now ask the hon. Gentleman to state the precise mode in which soldiers from the Crimea now at home or in hospital would be able to get the medal and clasps lately issued for services in the Crimea?

Mr. FREDERICK PEEL said, he believed there was some inaccuracy in the answer which he had formerly given to the hon. Gentleman on this subject. The course, however, which would be pursued would be this: The depôt officers of the

Crimean regiments would be called on to furnish returns of all the men belonging to their regiments who had been in the Crimea, and who were now in this country, and upon this list being forwarded to the Board of General Officers the medals would be sent to the depôt officers for distribution. At the same time, soldiers at their own homes would be able, on application to the Secretary of the Board of General Officers, to have their medals sent to them.

MR. SPEAKER'S INDISPOSITION.

VISCOUNT PALMERSTON said, he had seen that morning the professional gentleman who was in attendance upon Mr. Speaker, and had been told that, although the right hon. Gentleman was only suffering from a sprain which he received last week on alighting from horseback at a yeomanry review, still some days' rest, he thought, would be essential to a rapid recovery; and therefore it would not be advisable that Mr. Speaker should come down to the House for a few days. Under these circumstances, and in order to avoid the delay which would take place every day in complying with the forms required by the Standing Orders, he would, with the consent of the House, move the following Resolution—

> "That in the event of Mr. Speaker's absence continuing for more than this day, Mr. FitzRoy take the Chair in like manner as on this day, on each subsequent day during Mr. Speaker's absence."

The Standing Orders at present required that Mr. Speaker should write a letter every day explaining his absence, and as that letter had to be read to the House, and a Motion made, some delay would always be caused to public business.

LORD ROBERT CECIL said there had been no prayers that day, and in consequence Members were unable to secure their seats for the evening. He wished to ask whether, in the event of the Resolution being agreed to, that disadvantage would continue to exist?

MR. FITZROY said, that there had been no prayers that evening, because prayers were never said in that House on the occasion of the election of a Speaker; but if the House would agree to the Resolution, prayers would be read as usual on the next and following days.

SIR FREDERIC THESIGER said, he would suggest that the words, "in like manner," should be omitted from the Resolution, otherwise there would never be any prayers till Mr. Speaker came back.

VISCOUNT PALMERSTON said, he would agree to leave out the words, "in like manner."

SIR WILLIAM HEATHCOTE said, that if it were intended to pass this Resolution indefinitely, they would be introducing a grave alteration in their proceedings. For one or two days it might be unimportant, but the House could not appoint a Speaker without the approval of the Crown.

VISCOUNT PALMERSTON said, the original Resolution providing for the occasional absence of the Speaker had received the approbation of the Crown. It was competent for the House to rescind this Resolution at any time, and thus the whole matter rested entirely in its own hands.

MR. DISRAELI said, it would be placing the House in an invidious position to call upon them to rescind any Resolution to which they had agreed on a former occasion. He thought this very question had been discussed in the Committee, and they were of opinion that the course the noble Lord now asked the House to take would not be expedient.

VISCOUNT PALMERSTON said, perhaps it would be sufficient to say that the proposed arrangement should continue during the present week, if necessary.

LORD ROBERT GROSVENOR said, he would beg to suggest whether it might not be possible for the House to avail themselves of the absence of Mr. Speaker to get rid of a complication of Amendments in one of the most useless and mischievous debates that had ever taken place in that House.

Ordered—That in the event of Mr. Speaker's absence continuing for more than this day, Mr. FITZROY do take the Chair on each subsequent day during the present week.

BLOCKADE OF THE GULF OF FINLAND.

MR. J. G. PHILLIMORE said, it had been stated that Captain Watson, of the *Impérieuse*, had notified to the authorities at Port Baltic, that foreign neutral vessels would be permitted to depart either in ballast or not having Russian property on board. Upon this the Russian Government observed that, by such a step, Her Britannic Majesty resumed the right which she had abandoned by Order in Council at the commencement of the war—namely, that of confiscating neutral vessels having Russian property on board other than goods contraband of war; in other words, rescinded the principle that "the flag covered the merchandise." He trusted that such was not the case, and that the First Lord of the Admiralty would be able to give a satisfactory explanation of the circumstances alluded to.

Sir CHARLES WOOD said, he was in a position to give the most complete and satisfactory explanation to the hon. and learned Gentleman in reference to the interpretation put by Russia on the notification given by Captain Watson, of Her Majesty's frigate *Impérieuse*, to the Russian authorities at Port Baltic. It appeared in one of the public papers that the Russian Government had issued a circular stating that a notification had been sent in by Captain Watson, which was in contravention of the declaration of Her Majesty at the commencement of the war with reference to the rights of neutral vessels. He was happy to be able to say that there was not the slightest foundation in the world for the statement which had emanated from the Russian Government. He had seen Captain Watson, who was now in this country, and also Lieutenant Godsell, the officer who carried the notice into Port Baltic; and he was able to state precisely what that officer had said, which statement, the House would see, was in strict accordance with his duty, and totally at variance with the account given of it by the Russian Government. The facts of the case were these:—The First Lieutenant of the *Impérieuse* was sent into Port Baltic, where he met the civil governor on the pier, and told him for what purpose he had come—that vessels then in the harbour must leave in ballast, or with whatever goods they had on board; but that they would not be allowed to take in further cargo after the intimation of the blockade. The officer, in company with the civil governor, then visited every ship in the harbour, and found that only two had any cargo—one a Dutch vessel laden with lime, and another a Danish vessel laden with spirits, both Russian produce, and probably the property of Russians. Those vessels were allowed to leave the harbour, and no questions were asked as to the ownership of the property, and thus it would be seen that the principles contained in Her Majesty's declaration that the flag should cover the cargo, had not been at all interfered with. This was the substance of what passed. He might also refer to another statement which had been made with reference to a request made by the civil governor to Captain Watson, to allow four Russian vessels to proceed to Riga. What Captain Watson said on that occasion was, that the vessels were free to leave so far as he was concerned, but that he could not say whether the Commander in Chief of the fleet, who was coming up the Baltic, might not interfere with them.

PROSECUTION OF THE WAR— ADJOURNED DEBATE (THIRD NIGHT).

Order read for resuming Adjourned Debate on Amendment [25th May] to Amendment [24th May], which was, to leave out from the first word "House," in the Original Question, to the word "feels," in line 6, in order to insert the words, "having seen with regret that the Conferences of Vienna have not led to a termination of hostilities,"—(*Sir Francis Baring*,)—instead thereof:—And to which Amendment, an Amendment had been proposed on the 25th May, to insert after the words "regret that," the words "owing to the refusal of Russia to restrict the strength of her Navy in the Black Sea:" —(*Mr. Lowe*).

Question again proposed, "That these words—namely, 'owing to the refusal of Russia to restrict the strength of her Navy in the Black Sea,' be inserted in the proposed Amendment."

Debate *resumed*.

Mr. MILNER GIBSON said, that from the question which had been asked that night of the First Minister of the Crown by the hon. Member for Finsbury (Mr. T. Duncombe) relative to the closing of the conferences at Vienna, it had been attempted to be inferred that it would be inconvenient at present to discuss the Amendment of the hon. Member for Kidderminster (Mr. Lowe). He (Mr. M. Gibson), for one, was not responsible for that Amendment, and, therefore, seeing that its proposer persevered with it, he should state the reasons why he must vote against it. The doctrine of the hon. Member for Finsbury was certainly somewhat startling, because the House was often asked to postpone discussion while negotiations were pending, and often agreed to do so; and, therefore, to say that, inasmuch as negotiation had now closed, they ought not to discuss the conduct of the Government, was tantamount to contending that the Government should not be responsible to the House of Commons at all. After the prolonged discussion on the Motion of the right hon. Member for Buckinghamshire (Mr. Disraeli), he felt it his duty to move the adjournment of the debate, in consequence of the change introduced by the Motion of the hon. Member for Kidderminster. He could not consent to that change, because it involved considerations of great magnitude, which, in his opinion, it was unadvisable for the House to adopt. Now, the debate which took place before the recess was one of a party character, the House having been asked by the right hon. Gentleman (Mr. Disraeli) to pass a vote of censure on the Government in consequence of its ambiguous language and uncertain conduct on the great question of peace and war. The right hon. Baronet the Member for Portsmouth (Sir F. Baring) undertook the defence of the Ministry, and moved what, considering the nature of the occasion, was certainly a very feeble Amendment. From the speeches which had been delivered by both the Friends and the opponents of the Government it undoubtedly appeared that both parties advocated the prolongation of the war; but, then, it was difficult to discover that either of them entertained any definite views as to the ultimate objects of the contest. Indeed, the position of both of those parties in relation to this subject resembled that ascribed by an eminent political writer to two reviews which strongly opposed each other, though politically there was little difference between them. They reminded him of two opposition coaches, which raised a great deal of dust and bespattered each other with mud, but were in reality travelling the same road and would arrive at the same destination. This remark he must, however, qualify by observing that he entirely concurred in the opinion expressed by the right hon. Baronet the Member for Carlisle (Sir J. Graham)—namely, that the views propounded by the right hon. Gentleman opposite (Mr. Disraeli) did not so completely exclude all hope of an early and satisfactory peace as did the portentous announcements conveyed in the speeches of Members of the Government—speeches that, in fact, indicated a policy which, if pursued by this country, must land us in a war of thirty years' duration. In order that the House might clearly see what it was about to vote upon, in respect to the Motion of the hon. Member for Kidderminster, he would read the words of the Resolution. It would stand thus after the insertion of the words proposed by the hon. Gentleman—

> "That this House having seen with regret that, owing to the refusal of Russia to restrict the strength of her navy in the Black Sea, the Conferences at Vienna have not led to a termination of hostilities, feels it to be its duty to declare that the means of coming to an agreement on the third basis of negotiation being by this refusal exhausted, it will continue to give every support to Her Majesty in the prosecution of the war until Her Majesty shall, in conjunction with Her Allies, have obtained for this country a safe and honourable peace."

Now, it should be remarked that his hon. Friend (Mr. Lowe), though apparently advocating the sentiments of what might be termed the war party, did not, after all, really represent their views. The hon. Gentleman—like many other persons—was open to the reproach of having been prepared to agree to what was called "an ignominious peace;" for it had been stated in numerous publications and speeches, that the country thanked Heaven that the proposals made to Russia by the Allies were not accepted, because a peace based upon such terms would have disgraced and dishonoured us. Therefore, if the hon. Member truly represented the opinions of the party the views of which he professed to advocate, instead of regretting, as he did, that the offers of the allies had not been accepted, he should rather have worded his Resolution thus—"That this House, having seen with satisfaction that owing to the fortunate refusal of Russia to promise to restrict the strength of her navy in the Black Sea, the Conferences of Vienna have not led to the termination of hostilities, feels it a duty to declare that it will support Her Majesty," &c. However, taking the Resolution as the hon. Member had actually framed it, what did it ask the House to do? Why, deliberately to pledge itself to insist upon the principle of the limitation of the maritime forces of Russia as a *sine quâ non* for peace, and to declare that Russia's refusal to accept that condition was a sufficient cause for the prolongation of the war. In point of fact, it also asked the House to affirm its approval of the proposals made by the allies at Vienna in reference to the third point, and its adoption would be equivalent to a vote of confidence in the noble Lord the Member for London, who had been characterized by the right hon. Gentleman (Mr. Disraeli) as "the unsuccessful negotiator."

The noble Lord, the First Minister, stated that he would not object to the first part of the Amendment, but that he should resist the words asserting that the means of coming to an agreement on the third basis of negotiation had been exhausted by the refusal of Russia. The ground on which the noble Lord opposed this portion of the Amendment was that it would interfere with the prerogatives of the Crown. Such a doctrine, however, ought to be received with great caution, because the prerogatives of the Crown, it should be remembered, were usually exercised under the advice of the responsible Ministers. Indeed, the noble Lord and his colleagues would, in this respect, do well to recollect the ancient maxims of the great luminaries of the Whig party during the French war. Mr. Fox, Mr. Sheridan, and others, then contended that the House of Commons ought to retain the power of advising the Crown and of saving the country from the expense and the calamities into which it might otherwise be plunged by the recklessness or the imprudence of Ministers, and they held that to deprive it of this most important function would be to destroy its chief use as a deliberative assembly, and to reduce its authority to two dry points, namely, to the mere power of impeachment and the power of the purse. Now he was prepared to discuss the second part of the present Amendment upon its own merits; and he should say "No" to it, not because it would interfere with the perogative of the Sovereign, but because he could not admit that, in consequence of Russia's refusal to restrict the number of her ships, all hopes of peace by means of negotiation were therefore necessarily at an end. He had brought forward a motion the converse of that proposed by the hon. Member for Kidderminster, and had been charged with entering into an intrigue or party arrangement to avoid discussion, but he would at once frankly state that the responsibility of not proceeding with his motion rested on himself. He was aware that he should be appealed to, but at the same time he was told by the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) that he left the matter to his (Mr. Gibson's) discretion, and that if he went on with his motion the right hon. Gentleman would support him. He had had no communication with the Government, but he thought, on hearing that the conferences were not concluded, that there might be some risk of injuring the cause he advocated if he proceeded with his motion; and he did not do so because he conscientiously believed that it would injure the cause of peace. In discussing the proposal of the hon. Member for Kidderminster, he did not think it necessary to travel over the ground which had been so often trodden, nor to narrate the circumstances connected with the origin of the war, but he would state that he took the theory of this war to be—for he viewed it as a war in support of political theory—that the rule of the Sultan in the particular part of Europe, where he now exercised his power was a political necessity, and that this country was bound to defend him against his enemies. He believed it was totally apart from the consideration of the question of whether Russia was right or wrong at the commencement of these hostilities, but that, whether right or wrong, if this theory was a sound one, Turkey was a European necessity, and that it must be defended against the attacks of its enemies—and, in point of fact, the policy of the advocates of this theory was that the Turk could do no wrong. Now he for one was not strong in the faith of the political necessity of upholding the rule of the Sultan, but he would adopt the situation and take his departure from this point without disputing the soundness of this political theory on which the war was placed; but this he would say, that this theory of always supporting Turkey against its enemies, and of laying down the doctrine that they meant for all time to support the rule of the Sultan in his dominions, would have the effect of alienating the sympathies of the whole of the Greek Christian population of those countries, and of driving them into the arms of Russia; and it would also have the effect of enervating the Turkish Government, and of relieving it from the obligation of attending to the duties of a good Government, and the necessity of producing contentment among its people; and these, in fact, formed the only basis on which the strength and independence of Turkey could permanently rest. He felt bound to reply to an attack, if it might be so called, which had been made by the hon. Member for Aylesbury (Mr. Layard) by the hon. Member for Lambeth (Mr. W. Williams) and two or three other Members, who had said that this war was caused by the advocacy of peace by certain Members on his (Mr. Gibson's) side of the House, who by dwelling on the blessings of peace and the calamities of war, had produced an impression that England was averse to war, and would not take up arms to defend its safety or its dignity. Surely it was not necessary to go to so far-fetched a cause as this for the origin of the war. He certainly wished that his hon. Friends who advocated peace had more influence than they had in the country. He thought, however, that Russian diplomacy must have been asleep, and that Russian consuls and ambassadors must have had their eyes shut, if they did not see that, while certain individuals were advocating peace, at the same time the doctrine so advocated had no hold on the great majority of the people of this country. Now he thought that he could find a more plausible reason for the origin of the war. Had not for nearly two years, and certainly for one, the press of this country, and the leading journal, day by day contained most envenomed attacks on the ruler of France? Had they not charged the French nation with secretly plotting the invasion of this country? and was it not natural for foreign powers, when they saw the press of this country so engaged, to believe that alliance between England and France was highly improbable, and that it might not be a bad opportunity for pressing certain views with reference to the East? He could find, still later, another probable cause of the origin of the war. After the attacks on the French Government, *The Times*, only the year preceding the war, proclaimed that England would never be induced to go to war in defence of Turkey. There followed a succession of articles on this in *The Times*, and, be it observed, it was believed, whether rightly or wrongly, on the continent that *The Times* expressed the public opinion of England, and a succession of articles in it with a given aim certainly produced the impression that public opinion was in that direction. He found that, early in 1853, immediately before the declaration of war, *The Times* stated:—

> "It is effrontery to compel the English people to carry on war for the preservation of Mahomedanism in Europe, and to protect a Power which has so badly governed one of the most beautiful empires in the world—a Power depending principally on foreign Ministers for counsels, on foreign fleets for defence, and on foreign renegades for the command of its armies."

The Times also contained many other passages of a similar purport, and was it not natural for foreign Powers to suppose that a considerable section of the British public was not prepared to take up arms in defence of Turkey, if she should be attacked by Russia? When they talked of the advocacy of peace having caused this war, he would ask the First Minister of the Crown whether he had not been concerned in advocating peace? Hon. Members would, perhaps, recollect that it appeared from a correspondence that had been published by Mr. Addington, of the Foreign Office, that an engagement had been entered into shortly previous to the war, between the noble Lord the now first Minister of the Crown, and a gentleman named Wykoff, who was to write and spread certain opinions in the continental and American newspapers. Mr. Wykoff could write in French and German as well as in English, and he was engaged to represent to the world that the policy of the British Government, of which the noble Lord the Member for Tiverton was a leading Member, was liberal, but especially pacific, and an impression was to be produced through Europe that England was disinclined to engage in war. He (Mr. M. Gibson) thought that these facts were more likely to produce a belief on the part of Russia that England would not defend Turkey than any speech or any advocacy of peace which had fallen from the lips of any of his hon. Friends. In order to divert attention from the consideration of the objects for which the war was being carried on, the noble Lord the Member for London (Lord John Russell), in the last speech which he made before the recess, stated that, "when Turkey was secure we ought to have no hesitation in making peace with Russia." From this it was evident that the war was carried on for the defence of Turkey, and for that alone; but, in order to distract them from the consideration of this the real object of the war, hobgoblins were conjured up from time to time, and it was said that Russia was going to overbear Europe, that civilisation, liberty, and constitutional government were to be swept away, and that Europe would fall into the arms of this colossus, Russia. He was surprised to see what had been stated by the Foreign Secretary in another place. The noble Lord said:—

> "Why, Europe was really standing upon a mine without being aware of it, while the influence of Russia was so skilfully exercised as to paralyse both Governments and people, to render them unconscious of the danger to which they were exposed, and to diminish their ability to meet that danger. For this state of things every Govern-

ment in Europe has been partly to blame, for, during the last thirty-five years, an amount of deference has been paid to Russia to which she has no claim, and she has been allowed to interfere, to meddle, and to bribe, in different countries, without check. . . . . Long before this war began the Russian Government ordered a large increase of their steam fleet, to the number of sixteen or seventeen ships of the largest size. Orders had been given for converting all the Russian men-of-war and ships of the line into screw steamers, and the Russian Government were also actively employed, and had been for a considerable time before the commencement of the war, in completing a system of railways." [3 *Hansard*, cxxxviii. p. 1148.]

He was very glad to hear that the Russian Government had been actively employed in completing a system of railways, for we had an interest in the prosperity of Russia and the development of her internal resources; no nation in Europe was independent of the rest; all nations were a part of one family, and the prosperity of one was the prosperity of all. Why were they to be frightened by alarming phantoms of Russian power being about to overbear Europe? He would bow to high authorities upon such a question, but unfortunately those high authorities said sometimes one thing, sometimes another, and left him in no little perplexity. He would ask if Russia had interfered with the arrangements of Europe. Had not the Western Powers been always begging Russia to be a party to those arrangements, had not England asked her assistance for the invasion of France, and had not France also sought her alliance? Whatever interference there might have been on the part of Russia in the arrangements of other European countries, she had been drawn into those arrangements by the entreaties of the countries themselves, and had never forced her alliance upon unwilling Governments. Could it be believed that the noble Lord the Member for London had penned the despatch he would now read, if he was of opinion that Russia had long entertained serious designs against Europe? The noble Lord, in a despatch written at a recent period said—

"Upon the whole, Her Majesty's Government are persuaded that no course of policy can be adopted more wise, more disinterested, more beneficial to Europe than that which His Imperial Majesty has so long followed, and which will render his name more illustrious than that of the most famous Sovereigns who have sought immortality by unprovoked conquest and ephemeral glory."

If the noble Lord told them this on one day, was he to be permitted on another day to tell them that Russia was threatening to overbear the liberties of Europe, and had been carrying on a secret system of bribing and intermeddling, for the purpose of bringing all Europe under her sway." Which of the two statements were they to believe? He frankly owned that he believed neither, but thought the truth lay somewhere between them. The noble Lord the Foreign Secretary also said, in a despatch recently laid before the House, that "he feels entire confidence in the rectitude of His Imperial Majesty's intentions, and has the satisfaction to know that the interests of Russia and England in the East are identical." They ought to ask the noble Lords connected with the Government not to endeavour to alarm the timid portion of the world by such frightful visions of the advance of Russia as they had lately been indulging in; it was clear that they did not really believe them; that, in their opinion, the question was simply a question of taking care of Turkey, and that when Turkey was safe peace would be made with Russia. There was another mode of distracting attention from the real question. They heard about nationalities and oppressed peoples, and the noble Lord, speaking with all the responsibility of a Prime Minister, told them that the condition of Poland was a standing menace to Germany. Did the noble Lord mean any inference to be drawn from that statement? Was he going to do anything, or was this a mere sham? The noble Lord was not justified in raising the expectations of these unhappy Poles if he had no intention of realising them. The noble Lord knew as well as he (Mr. M. Gibson) did that this country was not prepared to support him with its blood and treasure in carrying on a war of nationalities. He believed Government had no intention of undertaking such a war, and therefore they deserved a severe rebuke if they allowed a misunderstanding to be circulated which placed in jeopardy our friendly relations with other European Powers. He trusted no man wanted them to have a Polish question as well as a Turkish question on their hands. The same reasons which rendered it difficult to take care of Turkey—the divisions among the people—would render it still more difficult to take care of Poland; and if the Western Powers intended to reconstruct Poland they would be bound permanently to maintain its independence and integrity, so that when they did not happen to have a war upon their hands in reference to their obligations in the East, they would be sure to have one in reference to their obligations to Poland. An eminent Pole said, in a work lately published, that he believed the reconstruction of Poland was about as practicable as the reform of the *Koran* and the reinvigoration of Turkey. He (Mr. M. Gibson) entirely concurred in that opinion. They had great obligations to discharge; they had to rule over a greater portion of the earth than any other country in existence; let them, then, consider whether they could do justice to the population of the United Kingdom and to their distant colonies, before they charged themselves with the maintenance of the independence and integrity either of Poland or of Turkey. It might have been necessary to go to war in the first instance in order to repel a then existing aggression, but it did not therefore follow that the prolongation of the war would be beneficial to the interest of Turkey; on the contrary, they had been told by the Foreign Minister that a prolonged war would lead to the inevitable destruction of the Ottoman Empire. The policy they were pursuing was, therefore, held by the Foreign Minister to be pregnant with danger to the empire they had undertaken to defend. He found, from a correspondent at Constantinople, what the Turks were beginning to think on this subject. "Every day," said the correspondent—

> "Every day that sees the strife continue and the capital of the Ottoman occupied by newly-arriving forces witnesses also the weakening of the independent action of the Porte, and the substitution for it of the will of the allies. Now that immediate danger from Russia is past, and the enthusiasm of a few months since has died away, or been drowned in blood and losses, the feelings of the Turkish race have been much changed. Every other impulse is now swallowed up in the desire to get rid of the Western armies. The terrible image which is ever before the eyes of Mussulmans is the elevation of the Christian races to an equality with themselves. This they believe the West will insist upon, and they have a not unnatural feeling that the presence of two armies in their territory will give them little choice in the principle or details of any changes. No one who has any acquaintance with the Turks can doubt their utter discouragement as to the result of the present occupation, and of their wish, at any cost, to bring it to a close. The feeling is deepest among those in power, who have most to lose in the shape of unworthy influences and illegal gains. If, when peace is concluded, the allies should urge a further stay of their armies on Turkish soil, it is most certain that the project will be opposed with all the desperate pertinacity which is characteristic of the race, and which so often baffled the most vigorous diplomatists armed with the justest arguments. As to the future, the world may be assured that the Turk will never call in allies again."

But was the Turk safe now? Were there now any Russian soldiers within the Turkish territory? Did Russia contend that the integrity and independence of the Ottoman Empire were not to be supported, or had Russia declined to bind herself by moral engagement to respect the territory and independence of the Sublime Porte? She did not. But that was not enough; and it was said that Russia must promise to have only four ships of war, four frigates, and smaller craft in proportion in the Black Sea, and that then Turkey would be safe, and we should be in a condition to make peace. That was the view of the hon. Member for Kidderminster. But if a promise on the part of Russia to respect the territory of Turkey were worth nothing, what would be the value of a promise to keep only four ships of war, four frigates, and smaller craft in proportion in the Black Sea as here suggested? The Government did not propose to acquire any jurisdiction in Russian territory. We had bound ourselves in a military convention to acquire in this war no advantages for ourselves, and the noble Lord (Lord J. Russell) had stated that it was not intended to diminish the territory of Russia. The noble Lord said he meant to leave Russia one of the great Powers of Europe. But he would ask what the feeling of Englishmen would be if any Power told us that we kept many more ships than were necessary for commercial purposes, that we had frequently been an aggressive Power, that we must promise to keep only a certain number of ships in our own waters, and that some other Power would decide for us the amount of maritime force we must keep up? Why, was there any man in England who would not scout such a proposal? He could understand the argument if England and France had made a proposal to Russia of mutual disarmament, so that they might all maintain the same equilibrium, but he could not understand the conduct of two countries, not proposing themselves to disarm, but who went to a third great Power and said it was consistent with the honour of that Power that other nations should dictate for it the amount of its maritime force? He thought the proposal puerile in the extreme, and to insist upon it as a *sine quâ non* and to place a great war upon such narrow ground was unheard of in the history of this or any other country. The noble Lord (Lord J. Russell) appeared to him to have made an unnecessary journey to Vienna. The noble Lord, in fact, did not go there to negotiate but to deliver an *ultimatum.* To negotiate was to treat—to examine different plans, and to compare them; to give and take, and thus to settle some ground for a treaty. But the noble Lord went to Vienna with the single object of exacting a promise from Russia to limit her maritime force in the Black Sea, and when this demand was refused the noble Lord said his instructions were exhausted, and he could not consider the plans proposed by the Russian envoy. Why, the Government might just as well have sent that *ultimatum* in a letter as to send the noble Lord to exact a promise that was never likely to be given as the only condition for peace. For himself, he thought the Russian proposal better than our own for Europe and for Turkey. Indeed, if he had taken up the two proposals without knowing who had made them, he should have said the Russians had made our proposal and we theirs. He believed the best security for Turkey was to open the Straits to the ships of all nations, whether mercantile vessels or ships of war. The right of free access was all in favour of the strongest navy, and if we wanted to protect Turkey from Russia there was no plan so likely to be effectual as to let Russia keep what ships she pleased in the Black Sea, and to admit our own ships of war also. Was it to be supposed that none of these five Powers were to be trusted, and that if they were permitted to pass through the Straits they would in time of peace and without provocation stop and plunder Constantinople? What harm had happened from the liberty which ships of all nations possessed to pass into the Baltic? None whatever; and why not, therefore, assimilate the practice in the Black Sea to the practice in the Baltic? Which would the House prefer—that our ships should be excluded from the Baltic and that Russia should only keep a certain number of ships in that sea, or that Russia should make no such promise and that our ships of war should go into the Baltic when we thought fit? He said the latter plan was much better than to make a *mare clausum* of the Baltic, and to limit the number of ships at Cronstadt. The power of England consisted in free access to every ocean, and it would be impossible to establish a lasting and satisfactory peace on the basis of a policy derived from the superstitions of the Ottoman Empire, which for 300 years excluded every merchant flag from the Black Sea, as it now did every vessel of war. If we based our policy upon such narrow and retrograde views we should never enter upon a lasting and satisfactory peace. A little while ago the demand of the people of this country was, that the Black Sea should be opened and that we should have liberty to go in. A short time since *The Times* very clearly stated what were the objects of the war, which was more than any Member of the Government had done lately. *The Times* said—

> "But the most immediate objects of the war are the permanent vindication of Turkish independence, the permanent clearing of the territory invaded, and the permanent opening of the Black Sea and Danube to all nations."

That was what we claimed, and what the public believed to be the objects of the war. But now we were told that to open the Black Sea would be dangerous to Turkey, and that no power, and above all Russia, was to be trusted with regard to this Eastern Empire. To give Turkey the power to let in the ships of other nations when the security of Turkey was menaced was what was proposed in a plan submitted to the Russian envoys, for, after all, we had misgivings about proposing to limit the number of Russian ships in the Black Sea, and it was added that Turkey was to have the power to let in the ships of her allies. It was upon that power on the part of the Sultan that the Western Plenipotentiaries, after all, relied, and that was what the Russian Government had offered to consent to. What, then, was the difference between the two parties? The hon. Member for Kidderminster said that equalisation was not putting an end to preponderance. But, if forces equal to those of Russia went into the Black Sea, surely that was as much putting an end to the preponderance of Russia as limiting her forces to a particular number of ships. The Austrian envoy thought so, and in his (Mr. M. Gibson's) opinion took a very rational view of the question. The Turkish envoy said nothing as to the second of the propositions of Russia, namely, the giving access to the Black Sea to the ships of the allies when the security of Turkey was menaced. He presumed Turkey did not object to that discretion which Russia proposed to place in her hands. The allies did not propose that the Russian forces alone should be limited. They proposed that the Turkish forces should also be limited, and he presumed the Turkish envoy said nothing, because the Sultan preferred the simple power of sending for his friends when he was in a difficulty to the complicated arrangement, on which there could be no dependence, of Russia promising to keep only a certain number of ships in the Black Sea, upon the understanding that Turkey should lessen her navy. He thought, at all events, that to vote for the proposition of the hon. Member for Kidderminster, which declared there was no possible way of satisfying the third point but by limiting the ships of Russia, would be very unadvisable. The hon. Member for Aylesbury had views different from those of the Government with respect to the objects for which the war was to be carried on. The hon. Member had said that, to carry on the war for such a difference as now existed between Russia and England — whether Russia should promise to limit her navy, or the allies should have access in some form to the Black Sea—was wicked and indefensible: [Mr. LAYARD made a gesture of dissent.] Certainly the hon. Member used the word "wicked," and therefore, if he voted for the Motion of the hon. Member for Kidderminster, he would be voting for what he himself designated as a wicked war. With regard to the safety of Turkey, he would ask was there danger only from the East? Was there no danger from the West? Had the West never interfered in such a way as to threaten the independence and integrity of the Ottoman Empire? Our policy should not be based upon the mere circumstances of the moment. We should look back as well as look forward. The noble Lord at the head of the Government, in a remarkable debate, had said, "It was a narrow policy to hold that any country had perpetual enemies or eternal allies." England had no perpetual enemies and no eternal allies. The noble Lord said, "We have our interests; they may be perpetual; and those interests we are bound to support." He (Mr. M. Gibson) said the same of Turkey. Turkey had no friends that could be relied upon, and the enemies of one day were the friends of the next. During the French war, Mr. Pitt announced that the Ottoman Empire was in danger. There had been a secret despatch communicating a conversation which had passed between the then ruler of France and the British Ambassador, and Mr. Pitt said:—

> "In the course of this conversation the First Consul did not attempt to disguise his ultimate views upon Egypt; and, though he professed to disclaim any intention of seizing it at present, he assigned, as the reason for his forbearance, 'that sooner or later it would belong to France, either by the falling to pieces of the Turkish Empire, or by some arrangement with the Porte.'"

They had recently been told by the noble Lord the Member for the City of London, that the French Government on this occasion was the first to disturb the *status quo.* There was no doubt that the claim made by France to set up a religious Roman Catholic supremacy in the East was in the highest degree offensive to the Greek Church and to the head of that church. The claim was withdrawn, but Colonel Rose informed the Government that M. de Lavalette had said, "If the Porte did not consent to these proposals of France, in reference to the Roman Catholic supremacy, a French fleet would come, and they would take possession of Jerusalem, and then France would have all the sanctuaries." We were in cordial alliance with the French Government at this moment. He thought it was for the permanent interests of this country and of France that the alliance should endure, and he thought it would endure; but, in discussing these matters, they must look at the different Powers engaged and the rivalries which existed in the East; they must look at the possible designs of some future Government in England; they must also look at the possible designs of some future Government in France. A few years ago a war broke out, in order to defend the integrity and independence of the Ottoman Empire against the attacks of the Pasha of Egypt. It was said that the Pasha of Egypt was acting in conjunction with M. Thiers and the French Government of the day, and that, as England was afraid to support Turkey because it would involve her in a quarrel with France, it became absolutely necessary to send for a Russian fleet and a Russian army if the integrity of Turkey was to be maintained. Upon the occasion the then Member for Youghal (Mr. Chisholm Anstey), supported by the then Member for Stafford (Mr. Urquhart), bringing forward what was called the impeachment of the noble Lord (Lord Palmerston), for being in the interest of Russia, the late Sir Robert Peel said:—

> "Was it not the universal impression in all Europe that Ibrahim Pasha was acting against the Sultan on a secret understanding with France? Was it not the impression of all Europe that the army of Ibrahim was, in all the principal departments, officered and directed by French officers, acting with the consent of France? Was that true, or was it not? . . . . If that were so, and if England felt herself so bound with her intimate alliance with France that her hands were tied up, that she was compelled to connive, at least, at an aggression upon Turkey which France had directly encouraged, then we see in these circumstances reason for the forbearance of England (to help Turkey) better, or at least more intelligible, than any that Lord Palmerston had stated."

The noble Lord the Member for Tiverton (Viscount Palmerston) upon that occasion said—

> "If he understood the argument it was, that because Great Britain did not grant any assistance, the Sultan was compelled to have recourse to Russia for aid, and that we had no right to complain of Russia for having enabled the Sultan to secure himself from the danger with which he was threatened. Great Britain never complained of Russia granting that assistance. He had stated, on a former occasion, when he was interrogated on that point, that Great Britain did not complain of the assistance which Russia had afforded to Turkey, but on the contrary, was glad that Turkey had been able to obtain effectual relief from that quarter; and he had stated, that our Government reposed perfect confidence in the assurances it had received from the Russian Government, that when the force so sent had effected the object for which it was despatched—namely, the defence of the Sultan and his capital—it would retire to the Russian dominions. In that confidence Ministers were not deceived—that force did retire; and, therefore, not only were they justified in not remonstrating against the aid given by Russia to Turkey, but they were fully borne out in the belief that, when that defence had been effected, the troops so sent would be withdrawn."

Did they intend to call upon Russia to disarm in the Black Sea, although the Western Powers were to retain a large armament in the Levant? How could they guarantee that the independence of the Ottoman Empire might not be in danger at a time when Russia might not have it in her power, as she had in 1833, to come to the rescue? They talked of the balance of power. Well, here was Russia on the one side and the Western Powers on the other; and if there was a force on the one side there must be an equal force on the other. You could offer no security to Russia that, if her fleets were to be reduced in the Black Sea, some Power other than yourselves might not attack her? It was physically possible. English vessels of war had before now forced the Straits of the Dardanelles, notwithstanding the opposition of Turkey; and who was to say that at some future time Russia might not be at war with some country not Western, not at all Turkish—and was she to be left with 1,000 miles of coast without any protection in her own waters? The doctrine of keeping yourselves out of the Black Sea upon the ground of limiting the number of ships of Turkey was perfectly absurd, because if England were at war with Russia, not on a Turkish but on some other question, and having a large trade in the Black Sea, and being by treaty unable to enter that sea, what would be the consequence? Russia would sweep all your merchant vessels from the face of those waters. He believed that no security could be given that Turkey was only to be threatened from the East, and would always be safe from the West. Whatever might be the feelings and impressions of the moment, they ought not to guide the House in the adoption of a policy which was to be of a permanent character. He believed that the best security for Turkey, if it were the duty of England always to defend that unfortunate country, was to let matters rest where they now were, aggression having been put a stop to, and to rely upon our own power of resisting further aggression, should such aggression take place again. He would ask the noble Lord at the head of the Government, since they were to consider the conferences at an end, and the Four Points to have been done with, and, as they were now commencing a new war, in order, by the conquest of some part of Russia, to get security for Turkey—he would ask him to be clear and definite in his statements. The House had a right to frankness. They had a right to know what it was they were fighting for. They were called upon to spill blood and expend vast treasure, their trade was to be crippled, taxation was to be increased, and the permanent interests of this great country were, perhaps, to be placed in jeopardy. They had a right, therefore, to ask the Government what it was that they contemplated effecting by carrying on this new war. If they could penetrate into the misty void he could not, and if they could they were bound to tell it to those who had not so clear a vision as themselves, but who had as deep an interest as they had in the fortunes of their country. It appeared to him that they were embarking into a war that would only end in what was called a war of extermination. Unless some definite object were pointed out they must go on crippling and humbling as long as there was anything left to cripple and humble. When they had taken the Crimea there would still be something left to do until they had made a conquest of Russia, and reduced that country to entire submission. Therefore, it behoved the noble Lord to let the House know whether the Four Points were abandoned, and what the new war was undertaken to effect. What were the advantages which the noble Lord proposed to confer on the people of this country by way of return for the vast sacrifices that were demanded of them? Let the country know what was to be the countervailing benefit which they were to derive from those prolonged sacrifices. A deputation waited on the noble Lord with a memorial in favour of the negotiations for peace, and, in reply, the noble Lord told the deputation that his Government would not make war for glory; and that it would only make war for the interests of England. If, then, Turkey were safe, as he contended she was, what were those English interests that were consulted by the prolongation of these hostilities? The noble Lord justly said that those who fought the battles of Alma, Inkerman, and Balaklava did not need glory. Well, then, if it was not for glory that they carried on this war, he would ask, was it from fear of disgrace? What disgrace had they to fear? Turkey was safe; the whole that had been demanded of Russia in respect to Turkey had been conceded; there was not a Russian soldier on the Turkish territory; and Russia had bound herself to respect the independence and integrity of that country. If, then, they had no fear of disgrace, and if they were not prepared to carry on a war for mere military success and glory, he did call upon the House to pause before they gave their deliberate sanction to a Motion that went to perpetuate a war that in its consequences was calculated to bring the most formidable disasters on the country.

SIR WILLIAM MOLESWORTH: It is somewhat difficult to tell what is at the present moment the precise question which the House has to consider. The original Motion of the right hon. Gentleman the Member for Buckinghamshire was a vote of censure on Her Majesty's Government.

Mr. M. Gibson

That Motion was negatived, and now the Motion for the consideration of the House is the first part of the Amendment proposed by the hon. Member for Kidderminster. But, before the second part can be put, the Amendment of the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote), to the effect that we ought to have made peace with Russia on the terms proposed by Russia, will be put. On the other hand, the Amendment of the hon. Member for Kidderminster was, that we ought not to make peace on the Russian terms. According, however, to the right hon. Gentleman the Member for Manchester, the prolongation of the war by the refusal of the terms offered by Russia was most unwise. Therefore, I may assume that the question which the House has now to consider is whether we ought or not to make peace upon the Russian proposal with regard to the third point. The opinion of the right hon. Gentleman the Member for Manchester is that we ought to be satisfied with the Russian proposal. He began his speech by admitting that the existence of Turkey was a political necessity; he then went on to state what he considered to be the causes of the war; he declared that it was caused not by the peace party, but by the attacks made on France by the Press and by the articles in *The Times* against Turkey; he then proceeded to express his opinion that the power of Russia was a mere bugbear, and that the continuance of the war would be most injurious to Turkey; and he urged that Turkey was in no danger, for there was not a single Russian soldier in that country. The right hon. Gentleman also asserted that we had already gained the objects of this war; that those objects could be secured as well by the Russian proposals with regard to the third point as by the proposals of the Allied Powers; that there was no substantial difference between those proposals, and if there were, that the Russian proposals were rather better than ours; and, therefore, he asked, what are we fighting and quarrelling about? I will consider and endeavour to answer the positions of the right hon. Gentleman. Now, have we already gained the objects of this war? The right hon. Gentleman said that all we asked for before we went to war and much more have been conceded by Russia; that we ought therefore to be satisfied, because, as a general rule, a nation when it draws the sword does not enlarge its demands. This rule was laid down on the first night of this debate by my right hon. Friend the Member for the University of Oxford. Notwithstanding his high authority, I hold this rule to be a bad one, contrary to common sense, and, if generally recognised, that it might lead to most pernicious consequences; for what greater inducement could you hold out to a wrong-doing despot to persevere in doing wrong, and to reject fair and reasonable terms, than to assure him beforehand that he will not put himself in a worse position by so doing? The sound rule of war for a great nation is—

> "Beware
> Of entrance to a quarrel; but, being in,
> Bear it, that the opposer may beware of thee."

This rule is especially applicable in the present case, because, in order to avoid drawing the sword—in order to maintain peace as long as possible, and to avert from Europe the calamities of war, we lowered, in the first instance, our demands on Russia, as much as we could do with honour, and asked less than we were entitled to ask; but, having been compelled to draw the sword—having incurred a vast expenditure, having sacrificed many valuable lives, the chief reason for abating our demands no longer exists. We are now entitled to stand upon our full rights, to require that those rights should be rendered secure, and we are also entitled, if we think proper, to increase our demands with the continuance of the war, and in proportion to the success of our arms. I should remind my right hon. Friend, that the right to increase our demands on Russia with the continuance of the war has been repeatedly and distinctly asserted by Lord Aberdeen's Government in their communications with foreign Powers. For instance, in the note of the 8th of August, and in the memorandum of the 28th of December, the power to put forward conditions beyond the four guarantees was expressly reserved. Therefore, if the position of the right hon. Gentleman be true that Russia has conceded all we asked for before the commencement of hostilities, that does not prove that we have gained all that we are now entitled to ask for, and obtained all the objects of the war. On the contrary, I maintain that if we were now to make peace on the Russian terms, we should abandon the chief object for which we engaged in war. What were those objects? I cannot admit the definition of them given by the right hon. Gentleman. We engaged in this war, after a protracted and fruitless negotiation that showed our earnest desire to maintain the peace of the world—we engaged in this war with the all but universal approbation of the people of England, and even with some censure for tardiness in so doing, for the purpose of preventing the dangerous aggrandisement of Russia at the expense of the Ottoman Empire—an aggrandisement which threatened the stability of the system of European States, of which system we held that the Ottoman Empire ought to be a member. We also engaged in this war to enforce the obligations of the European law of nations—to punish Russia for her wanton violation of that law by the invasion of the Danubian Principalities—to teach her that she cannot with impunity disregard the rights and liberties of weaker States, and that there are at least two European Powers who are ready and willing and determined to curb her insolent and aggressive spirit. To avenge the occupation of the Principalities, the closing of the Danube to commerce, and the outrage at Sinope, and to take security against future danger from Russia, we declared it to be indispensable that an end should be put to the preponderance and prepotency of Russia in the Euxine; and we asserted, amid the cheers of this House, and with the assent of the nation, that the numerous Russian fleet stationed at Sebastopol was not required for the defence of that empire, but was a standing menace to Turkey that ought not to be permitted to exist. For these objects we went to war with Russia—sent our fleets to the Baltic and Euxine—sent our army to the Crimea, and caused it to endure the sufferings of a winter campaign. For these objects, also, we agreed to negotiate at Vienna on the basis of the Four Points. With regard to the first two points Russia readily came to terms. But why did she do so? She did so with the view of detaching Austria from the Western alliance, and of securing the neutrality of Germany. On the third point, which contained the security for the other points, Russia used every diplomatic trick and device to escape from honestly fulfilling her agreement to put an end to her preponderance in the Euxine. She rejected the moderate—by some considered too moderate—terms of the allies, and proposed in their stead terms, the adoption of which would, in my opinion, be a worse alternative than the abandonment of the third point. On this subject I am quite at variance with the right hon. Gentleman. He maintains that the objects of this war would be as well secured by the Russian terms as by those of the allies, and that as far as the security of those objects is concerned there is little substantial difference between the terms in question. On the contrary, I think the difference between those terms is very great, namely, all the difference between the cost of a war establishment and the cost of a peace establishment, that is, the chief and substantial difference between a state of war and a state of peace; for the terms of the allies would only require a peace establishment and a peace expenditure in the East. The Russian terms would, if we did our duty, impose upon the allies a permanent war establishment and a permanent war expenditure in the East; or, if we did not do our duty, they would put Turkey completely at the mercy of Russia. I will very briefly compare the terms of the allies with those of Russia. According to our terms, Russia would be bound by a treaty which would form part of the recognised international law of Europe, and which all European States would be bound to assist in enforcing, not to maintain in the Black Sea more than a certain specified and moderate number of ships of war—a number not exceeding our ordinary force in the Mediterranean. If she were to attempt to exceed that specified number, we should be entitled to ask for explanations, to remonstrate with her, to remind her of her treaty obligations, and, if all this were vain, we should be entitled to denounce her to Europe as a treaty-breaker, and alone, or with the aid of our allies, to compel her by force to keep faith with Europe. For this purpose it would not be necessary for us to maintain in the Mediterranean a fleet larger than the limited fleet of Russia, and consequently our ordinary naval establishment in the Mediterranean and our ordinary peace expenditure would be sufficient to guard Turkey. Very different would be the case if either of the Russian proposals were adopted. We should then have to run a never-ending race with Russia in naval armaments and naval expenditure in the East. The first Russian proposition was the opening of the Bosphorus and the Dardanelles; this was unhesitatingly condemned by the representatives of Turkey, of France, of England, and even of Austria. Ali Pasha declared "that his instructions prescribed to him the maintenance of the principle of closing the Straits; that the Sublime Porte had at all times considered this principle as a guarantee of its independence; that the opening of the Black Sea would, in her eyes, constitute not only a danger to the Ottoman Empire, but would also multiply the occasions for a misunderstanding between the European Powers." I think that this observation of the Turkish Plenipotentiary was most just; for, according to this proposal, Russia would be entitled not only to re-establish her fleet, but to increase it to eighteen or twenty or more sail of the line, and to send this menacing force into the Mediterranean. To counterbalance it we should have to maintain a force of equal magnitude in the East. It would be difficult to imagine two such mighty fleets fully manned, armed to the teeth, sailing up and down those narrow seas, watching and suspecting each other, without coming to blows; in fact, in such a state of things a battle and a great victory, giving a superiority to one or other fleet, would be a relief from intolerable anxiety on the part of both nations and of all Europe. At the same conference M. Drouyn de Lhuys said that, "he was not authorised to discuss the details of the Russian plan, the fundamental idea of which is diametrically opposed to the system which France would have wished to have seen maintained." Count Buol said that "Austria having nothing more at heart than to contribute to the re-establishment of peace, he regretted sincerely to see Russia proposing a principle of opening the Black Sea, while the other Powers are unanimous in proclaiming the contrary poinciple as necessary to the tranquillity of Europe." In fact, the opening of the Black Sea would not only not put an end to the preponderance of Russia in the Euxine, but would tend to extend that preponderance to the Mediterranean, to the waters of Greece, and to the Bay of Naples. Peace, therefore, on such terms would not only be an abandonment of the chief object for which we went to war, but a surrender of Turkish rights which we ought to do our utmost to maintain. The second proposition of Russia was merely the *status quo ante bellum* respecting the Black Sea, with the exception that the Sultan "should reserve to himself the power to open by way of temporary exception the straits of the Dardanelles and of the Bosphorus to the fleets of foreign Powers which the Sublime Porte should think it necessary to summon whenever she should think her security menaced." That is, the Porte was to have the power to summon into the Euxine the fleets of England and France, whenever she should consider herself menaced by Russia; and, on the other hand, the Porte would also have power to summon into the Mediterranean the Russian fleet whenever she imagined herself to be menaced by France or England. Now, it is evident that, in order that this power of summoning fleets should be of any use to the Porte, fleets must be at hand to be summoned; and, therefore, if France and England had agreed to this proposition, they would have been at least morally bound to keep fleets in the Mediterranean ready at once to obey the summons of the Porte, and in sufficient force to cope at any time with the Russian fleet in the Euxine. On the other hand, as this proposition contains no limitation of the Russian fleet, Russia would be entitled to re-establish, and would re-establish, her fleet to its former amount, and she would also be entitled to augment it to any extent she might think proper; and she would be able to assign as a specious reason for so doing, that she, too, was morally bound to obey the summons of the Porte to defend her against danger from the Western Powers, and, therefore, that the Russian fleet in the Euxine should always be equal to cope with the combined fleets of France and England in the Mediterranean. Peace on these terms would, therefore, impose upon us the duties of perpetual police in the East, it would be a peace founded upon provisions for a renewal of war, it would bind us to be always ready for war, it would require us to be prepared to send into the Black Sea armaments as powerful as we now maintain there, on every occasion when the Porte was in danger, and therefore considered her security menaced. But the Porte would always be in danger from a re-established Russian fleet in Sebastopol, which would become again, what we have so often proclaimed it to be, namely, a standing menace to Turkey. Therefore, peace on these terms would not only be an abandonment of the chief object for which Great Britain engaged in war, but would permanently impose upon us—if we fulfilled our obligation—all the chief burdens of war. Peace, on these terms, would be worse than the present state of things; for, though at present we have to bear the burden of war, yet we have, in fact, accomplished our object—we have put down the preponderance of Russia in the Black Sea, and the fleet which menaced Turkey no longer exists, the greater portion being under the waves of the Euxine. Shall we permit her to raise it or rebuild it? Now that we have got it down, would it not be better to keep it down, than to incur at no distant period the risk, the trouble, and the expense of sinking it again, and of sending for that purpose another hazardous expedition to the Crimea? I think, therefore, that, instead of there being, as the right hon. Gentleman said, no difference between the Russian terms and our terms, there is a most substantial difference, namely, the difference between the cost of a peace and the cost of a war establishment. With regard to the expedition to the Crimea, my right hon. Friend the Member for the University of Oxford made some remarks the other night which deserve consideration. He defended it—he denied that it was rash or ill-considered—he asserted that it was a wise and prudent expedition; and then, from these premises, he arrived at the most extraordinary conclusion, that we ought to hasten to abandon the chief, the only object for which that expedition was undertaken, and which most important object we are probably on the eve of attaining. My right hon. Friend asked us to "note the language of Russia in August, 1854, before the expedition to the Crimea, and to note the acts and language of that Power in December, 1854, after that expedition." Then my right hon. Friend proceeded to show that in December, 1854, "the Emperor of Russia promised an unreserved acceptance of those very terms which in the preceding August he had contemptuously and contumeliously rejected." Then, said my right hon. Friend, "you have got your first point; you have got your second point; whenever you choose you may get your fourth point; and you have got the first half of the third point. What, then," he asked, "are we quarrelling about?" I answer that we are quarrelling about that very thing, without which we can have no security either for the first or the second point—without which the first portion of the third point would be little better than an empty phrase—that very thing which induced Lord Aberdeen's Government to send the expedition to the Crimea, namely, the destruction of the preponderance of Russia in the Euxine. To put down that preponderance was the sole object of the expedition against Sebastopol; except for that object no valid reason can be given for that expedition; for that object it was all-important; it was the only means of striking a body-blow at Russia that was likely to accomplish the great end of the war. We might have fought battle after battle in the Principalities, we might have crossed the Pruth and gained victory after victory in Bessarabia, we might have destroyed Odessa, and slaughtered Russians by myriads, but all in vain; the Russian fleet, safe in Sebastopol, would have continued to be a standing menace to Turkey, ready to issue forth from that stronghold, and to attack us in flank or rear, should any accident of winds or waves in the treacherous Euxine have dispersed the allied fleets. I therefore agree with my right hon. Friend in maintaining that the expedition to the Crimea was a wise and prudent one. I have never regretted that expedition. I was convinced that it was undertaken at the right time; that if it had been postponed, so great would have been the further accumulation of force and of the materials of war that it could not have been undertaken with any chance of success; but by our winter campaign we have exhausted to a considerable degree the immense force and material of war which had been accumulated there. We now open the campaign with a fair prospect of the speedy success of that expedition. Of its ultimate success I have never doubted, provided that we were not wanting in courage and perseverance. At the same time I could not conceal from myself—what every reflecting man in Europe must have perceived—that the expedition to the Crimea involved us in a struggle from out of which there was no honourable issue but success in putting down Russian preponderance. Without such success, either by means of the sword or of diplomacy, the expedition to the Crimea will be an inglorious failure, and the lives of the brave men who perished there will have been sacrificed in vain; for without that success, I repeat, we can have no security, either for the first or second of the four points; that portion of the third point which my right hon. Friend says Russia has conceded to us would be but an empty phrase, and all the other concessions of Russia would be valueless. But supposing the Russian concessions are as valuable as my right hon. Friend imagines them to be, in my opinion they should not induce us to abate one jot of our pretensions, but should embolden us to persevere at least in the demands which Lord Aberdeen's Government considered to be just and necessary. For, what has induced Russia to yield as much as my right hon. Friend says she has yielded. Was it repentance? She is incapable of such a feeling. Was it shame? She knows not the meaning of the word. Was it the public opinion of Europe? That was expressed against her long ago, and she remained unmoved, insolent, and defying. What was it then? Fear—nothing but fear; fear based upon Alma and Inkerman—fear founded upon the consciousness that her resources are rapidly diminishing—fear produced by the knowledge that her armies are perishing—fear arising from the belief that the strength of the allies is steadily increasing—fear emanating from the conviction that if we persevere we must be victorious. Therefore, she has recourse to diplomatic wiles and State intrigues. She hopes by a show of moderation, combined with audacity, to sow dissensions among us, to cajole the weak, to frighten the timorous, to strengthen the peace party, to impose upon the simplicity of some, on the credulity of others, to create a Russian party in this House and in the country, and to trick us all as she did the diplomatists of Europe in the year 1829. Let the history of the campaign of that year, as given in the pages of *Moltke*, be a warning to us. Then the ignorance or perfidy of European diplomatists saved Russia from a complete and ignominious rout, gave her an undeserved victory, and forced upon Turkey a disadvantageous peace. Let us not, by following timid counsels, enable future historians to tell a similar tale of this war, and to record in history that, on the eve of success, the Parliament and statesmen of England consented to an ignominious and dangerous peace. In my opinion, peace on the terms propounded by Russia would be, under existing circumstances, both ignominious and dangerous; for it would be a confession of defeat on the part of England and France, which would elevate the renown and reputation of Russia to an eminence menacing alike to Europe and Asia; it would embolden her to new aggressions, and teach her to despise the menaces of the Western Powers. Such a peace would make Austria less ill-disposed, Prussia more friendly, and all the petty potentates of Germany more cringing to the Czar—it would, in proportion as it elevated Russia, lessen the repute of England and France, it would cover the allied armies with shame and dishonour, it would produce mutual recriminations between the commanders, the officers, and the men—it would weaken our alliance with France—it would be a heavy blow to western civilisation—an enormous triumph to the barbarism of the North, and it would necessitate France and England, ere long, to seek new battlefields whereon to regain their lost honour and renown. A recreant peace would be especially dangerous to this country. It would shake the foundations of our empire in India, an empire based upon the opinion of our irresistible might, entertained by a fickle and excitable Oriental people, easily moved from the extreme of fear to the extreme of audacity—an empire encompassed by bitter foes, who now watch with intense anxiety our struggle with Russia, ready to attack us if the result of that struggle should persuade them that we are less formidable than they conceived us to be. A dishonourable peace would also make every man of English descent, every colonist of Great Britain, ashamed of the humiliation and pusillanimity of the mother country, and would tend to convert the feelings of affection, so strongly expressed towards us by our colonists at the beginning of this war, into sentiments of contempt dangerous to our colonial dominion. We should bear in mind that though the British empire is a mighty one, encircling the globe and extending from pole to pole, yet the British islands, the centre, the heart, and the mainspring of our imperial system, are a small territory not exceeding in magnitude many a second-rate kingdom. The strength of our empire consists in the universal belief in the indomitable vigour, in the untiring energy, and in the invincible courage of our race; but, if we show that we have lost these qualities, that we are degenerate sons of those men, of that yeomanry, of that gentry, and of that aristocracy, who half a century ago bade defiance to Europe in arms, and that we are become craven and emasculated by long peace, then our mighty empire will soon crumble to pieces, our external dominions will be torn from us, we shall sink into a second-rate State and hold an insignificant position among the nations of Europe. It was the boast of the British soldier, it was the boast of the British sailor, that he knew not when he was beaten, that when, according to every principle of strategy, according to every rule of war, he was defeated—when he was surrounded by overwhelming forces, still he fought on undismayed, and frequently victory beyond expectation crowned his indomitable valour and his everlasting courage. Now, it is in fact proposed by those who wish to make peace on Russian terms, and, therefore, to give a victory to Russia, that the British soldier and sailor shall run away and abandon their colours without having suffered one single reverse or endured one single defeat. For we have suffered no reverses, we have endured no defeats; though we have not as yet accomplished all that we expected to do, though it may be true that blunders have been committed in the administration of the war, though it may be true that abler men might have been placed at the head of our fleets and armies and in the councils of the State; yet the fact is that we have suffered no reverses nor defeats. In the Baltic we have swept the mercantile marine of Russia from the sea, and compelled her men-of-war to skulk ingloriously behind her granite fortifications. In the Euxine we have forced Russia to commit naval suicide, and put an end to a preponderance which she can never re-establish without our consent. In the Sea of Azoff we have inflicted immense damage on Russia, destroyed her stores, and cut off her chief means of provisioning her army in the Crimea. In every encounter by land—at Alma, Inkerman, Balaklava, and in the trenches—we have been more than a match for foes superior in number. Our army is now in excellent condition, our fleets are matchless, our finances are most flourishing; we can carry on this war with ease for the next half-a-dozen years; we can annually repeat, without detriment to the resources of the country, the naval, military, and financial efforts which we made last year, and are making this year. If we are not faint-hearted and timorous, but bold and self-relying, long before the expiration of that period we shall bring this war to a satisfactory termination, and conclude an honourable peace, worthy of the reputation and renown of allied France and England.

MR. JOHN MACGREGOR said, he was far from agreeing that the Government had done all that was possible before entering upon the war, either to maintain peace, or to make efficient preparations for hostilities; but he must admit that the nation was impatient that war had not sooner been commenced. He blamed the late Government for having neglected all ordinary precautions against climate, disease, and famine; and he likewise contended that, if the same zeal and activity which pervaded every department of the French Government had been evinced by our Government at home, thousands of the gallant fellows whose corpses now mingled with the soil of the Crimea might have been alive and well. He could not agree with the right hon. Member for Manchester (Mr. M. Gibson) that we had gone to war solely for the purpose of defending Turkey from the aggressions of Russia. He would point out to the House the attempts which Russian princes had made in the ninth and tenth centuries to capture Constantinople, and to the subsequent marriage of a Russian Czar with the niece of the last Greek emperor, on which the designs of Peter and Catherine were founded. Throughout the whole aggressive history of Russia we find nothing but perfidy in her foreign policy; and he believed that there would not be the least dependence to be placed in any treaty into which she might enter. As to the proposal for limiting her naval force in the Black Sea, never was there a greater delusion in the world. Such was the character of that sea and of its harbours that the most prudent course under any circumstances would be for her to keep her ships of war upon the stocks till the moment they were wanted. He well knew what could be done on the Clyde, where the largest ship might be completely finished, so as to be ready for sea, before launching; and there was nothing in the world to prevent Russia from keeping, in addition to the number of ships to be allowed her by treaty, a large number of men of war ready to launch and fit to proceed to sea the day after. He regarded this proposition therefore as the wildest chimera that ever entered into the brain of a diplomatist. The wisest course the allies could take would be to have the Euxine declared open to ships of all nations. To expect that Austria would ever enter upon an aggressive war against Russia would be to indulge in an illusion as vapoury as the passing clouds. He knew Vienna and its leading statesmen well; and, taking into consideration the mixed character of the Austrian population, and the vulnerability of the Austrian empire on the side of Russia, it would be idle to hope that she would do more than occupy the Principalities for defensive purposes, and use her good offices in the way of diplomacy. Prussia had been treated with great severity by Russia even later than the treaty of Tilsit, but she had nevertheless entered into relations with Russia which, although they might in the end prove fatal to her, would render it impossible for her to take arms against the common foe of Europe. The other German courts were all Russian; but the German people had no sympathies with Russia, and they had no more confidence in their sovereigns than Her Majesty's subjects had in her Majesty's Ministers. He hoped that neither the Government nor the public would be too highly elated with the recent successes of the allies. So far as appeared, those successes might have been obtained, just as well eight months ago as now—and if Ministers had the same want of foresight and sagacity, and the same divided councils, they might yet expect to meet with disasters. What was wanted was one supreme command, and if France, which had the greatest number of troops, were allowed to appoint the generalissimo of the army, and England to appoint the chief admirals of the combined fleets, the whole difficulty of a divided command would be removed. He did not agree with his right hon. Friend the member for Manchester that we were in a position to make peace. He contended that we must, under any circumstances, destroy Sebastopol. Moreover he thought that, considering the political crimes of Russia, and her uniform disregard of past treaties, we ought, in justice to the people of England and of France, to insist upon a full indemnification for the whole expenses of the war. By that means we should permanently weaken the power of Russia more than by any other course. It would compel her to make a loan; and before persons would lend they would require the amplest securities. Those securities, and the payment of the interest, would constitute a much better safeguard than any such illusory proposal as a reduction in the number of Russian ships of war in the Black Sea. The most gratifying circumstance in connexion with this war was the French alliance, and he trusted that the maintenance of that alliance would be made the first consideration in the minds and acts of the British nation. At all events any Government that should dare to entertain even the idea of making peace on any terms but such as would prove equally honourable and satisfactory to the people of this country and of France would find themselves branded with eternal disgrace in the pages of history.

MR. G. E. VERNON said, that he should be failing in his duty if, in deference to the enthusiasm of the hour—if, for the temporary purpose of courting popularity, he were to refrain from expressing his opinion that the negotiations ought to have been continued, and that the opportunity had been lost of a satisfactory termination of the war. He found fault with the Ministers for having pursued a course the policy of which he could not understand. Matters either were ripe for negotiation, or they were not. If they were not ripe in the judgment of the Government—then, no matter how delicate our relations with Austria might be, no matter how complicated might be our position with regard to our allies, the Government would in the end have done better if they had declared definitively what their requirements were. If they had announced their views in a manner which Russia could not misunderstand or misinterpret—if they had declared themselves willing, not to negotiate so much as to receive overtures of peace upon the conditions which they had laid down—if, in short, they had assumed the attitude of a great Power embarked in a mighty cause, strong in their military position, and confident of success. If, on the other hand, the Government was of opinion that there was a fair opportunity of negotiating on terms honourable to the allied Powers and not discreditable to Russia, a prospect of settling this matter, not by a miserable compromise, but by the substantial gain of more than we had asked or hoped for in the commencement of the war, then the negotiations ought not to have been broken off. And he would say this, that if we were to negotiate at all, we must negotiate on terms not repugnant to the safety or honour of either party. If we were to treat with Russia not as a conquered and reduced country, but as one which we still acknowledged as a first-rate Power, we must treat with her in that spirit of fairness and consideration which ought to characterise the dealings of nations as of individuals.

It had been the fashion to talk of those who held what he (Mr. Vernon) considered moderate and reasonable opinions upon this question, as men who desired peace at any price; he denied the justice of the expression. There was a party in that House, and in the country, who conscientiously thought that all war was wrong—who believed that the spread of civilisation and religion, that motives of self-interest, that the habits of association and the interchange of commerce, would sufficiently correct and restrain the ambition of monarchs, and the jealousies of nations. He respected the opinions of these Gentlemen, but he entirely dissented from them. It seemed to him that in the view which they took of human affairs, they closed the eye which they ought to apply to the telescope. Nor could he agree with that small fraction of politicians who, not denying the necessity of war in the abstract, do deny the necessity of the present war, and are anxious therefore to terminate it as soon as possible. If, on the one hand, however, there were men who would get peace at any possible rate, there were also those who seemed to think that when once war was waged, when once the sword was drawn—he would not say that peace must never be made (though that would be the logical consequence of the arguments used by the Member for Enniskillen, whose brilliant and eloquent speech reminded them of the eloquence of former days), but that we must always strain after some condition of peace beyond what we could fairly expect to attain, or what would give an effective hope of a settlement of the question. With none of these opinions could he (Mr. Vernon) agree. So long as human passion, as well as human intellect, were concerned in influencing the government of nations as well as of men, so long would armaments be necessary, so long would occasional war be unavoidable.

He believed this war to have been necessary and just. It was called for in protection of an oppressed ally, in defence of violated treaties—in vindication of personal good faith and international law. A weak State unjustly attacked in a time of profound peace by a strong and allied neighbour excited the sympathies, and aroused the generous feelings of men. Nor could statesmen disregard the invasion of territories, whose independence is held of vital importance to the equilibrium of power in the European system of nations. History had nothing more lamentable to record, than that a monarch, who as much by his moderation as by his energy had won the respect of Europe, should have closed his career by acts which had spread misery and confusion, and tarnished a reputation which once stood so deservedly high. After all, be it remembered, he had gone to war rather with a dynasty than with a nation. The more convinced he was that we had justice and right on our side when we undertook this war, the more important he felt it was that by no false step should we give to any one cause to doubt the purity of our motives and the sincerity of our intentions.

Now, that the negotiations were broken off, the Amendment of the hon. Baronet the Member for the University of Oxford was clearly inapplicable, and could not be put; but by what right were those who had intended to support it, stigmatized by the Member for Wilts (Mr. Seymer) as friends of Russia—by what right were they termed by the Member for Enniskillen and the First Lord of the Treasury "men of peace at any price"? He (Mr.Vernon) entertained as strongly as any one the sentiment of pride in the chivalry of our army and in the success of our arms—his pulse beat as strongly as that of any man at the announcement of each fresh feat of the heroes whom we had sent forth to victory, aye, to that succession of victories which he believed that strong arms, stout hearts, and a good cause would continue, under God's Providence, to secure to them. But, after all, war is a great curse, and is only to be justified as a means, and the only means to a secure peace.

If we had gone to war without a definite object, we should have committed a crime. If we had a definite object, we ought to be satisfied when it was in substance attained. Let us carefully keep in view the object for which we are fighting, and if we saw a probability that our end would be attained—that further waste of human blood, and, what was of less importance, of treasure, could be spared. If we thought that Europe could again be restored to tranquillity and improvement, and all this without loss of prestige or sacrifice of honour, he felt bound then to state (however unpopular might be the view he took) that in his opinion the negotiations ought not to have been broken off. He did not go to the extreme length to which the argument of his right hon. Friend the Member for the University of Oxford would seem to point—he did not think that we ought to ask for, or to be content with the terms which would have satisfied us previous to, or at the commencement of the war. Altered circumstances of belligerents, and successes in war, though they might not justify an alteration of the purpose for which the war was entered upon, did doubtless give a right to increased demand as additional security for our object.

It might fairly be argued that we ought not to have entered upon negotiations at all until we had struck some singal blow which should give unmistakeable evidence of our superior power. We might have said this—we will teach a haughty and powerful monarch that he shall not override Europe, that he shall not be the arbiter of the destinies of nations, that craft and diplomacy and violence of arms shall not for ever prevail; that as a member of the European system of nations he must set bounds to his ambition. Nay, more, we might have said,—We will give him such a lesson as he will not forget, we will reduce him to the level of a second-rate Power, we will take his territory from him, and cripple him till he sue for peace. This might be possible, and probably was so where two nations like England and France combined to make it so, but he (Mr. Vernon) doubted the wisdom or morality of such a course. We did not go to war for the purpose of setting nation against nation. We did not go to war for a fresh partition of Europe. We did not go to war to take territory from one power in order to give it to another which could not keep it. We did not propose to ourselves to keep armies and fleets of occupation on the Russian soil; least of all did we go to war in the mere pride of heart or from the lust of conquest. But, on the other hand, if we did negotiate, we ought to do so with singleness of purpose. Certain points were agreed upon as the bases of negotiation, and to those points the question at issue should, as much as possible, be confined.

When it was remembered that the proposition made by the allied negotiators, and rejected by Russia, had been denounced and ridiculed by men of every party and section in that House, he (Mr. Vernon) thought it was not too much to say that such a proposition ought not to have been made our ultimatum.

No problem, perhaps, was more difficult of solution than a satisfactory arrangement of the artificial balance of power in the Black Sea. He thought that the Russian plan, if modified, had the elements of a better settlement than our own. It appeared to him that the rejection of that plan had been caused by a suspicion analogous to that expressed in the hackneyed quotation which they had often heard used by the gallant Member for Lincoln—

> "Timeo Danaos et dona ferentes."

He felt sure that the course taken was the one least likely really to assist the country which we professed to support. If we made peace now we should have gained our real object; if we held out for extravagant conditions we might indeed, and no doubt we should, gain great military successes. But the result would be this, that when during years of war we had lavished our blood and our treasure, when we had arrested the march of improvement and demoralized the minds of millions, we should at the same time have exhausted the finances and destroyed the bone and sinew of the wretched Turks, and instead of an ovation we should receive the curses of a beggared and decimated people. He had little sympathy or respect for those who, with singular inconstancy, had cheered to the echo the announcement last year of the intended invasion of the Crimea, and who now denounced it as a wild and rash scheme. He did not consider that there had been the failure which was assumed; he denied the assertions that our honour was in any way tarnished, but he said on the contrary that with the successes which we had obtained, with the confidence which we possessed in our resources, we could afford to show to Europe and to the world, that while we did not shrink from a just and righteous war, we, above all things, valued the progress of civilisation and the blessings of peace.

VISCOUNT DUNGARVAN said, he thought the late speeches of the right hon. Gentlemen the Members for Carlisle (Sir J. Graham) and for the University of Oxford (Mr. Gladstone) on this question of peace or war were greatly to be regretted, for, coming as they did from Gentlemen who had recently held office, and who had been parties to the commencement of the war, there could be no doubt that they would have a most discouraging effect both on the people at home, and also on our brave allies abroad. He was glad to hear that the negotiations at Vienna were not likely to be renewed after our late successes, for the state of uncertainty in which the public mind was kept during the progress of those negotiations, and the manner in which the Government had discouraged all discussion of them, had prevented the people from placing in the noble Lord at the head of the Government that entire confidence which was necessary for the successful carrying on of a great war. The House of Commons had been told last Session that Europe stood in no danger from Russian aggression; but the accumulation of vast stores in the Crimea, her refusal to limit her fleet in a quarter where it could only be needed for aggressive purposes, her former intrigues in the Danish succession, and her efforts to paralyse Germany, were the best answers to those who made such an assertion. Neither was that the opinion of the first Napoleon, for, according to him, a brave, able, and ambitious Emperor of Russia might have Europe at his feet. Engaged in a war with a Power like Russia, the question for us to consider at the present moment was, whether the terms offered by Russia at the late conference were such as to dispel all doubts as to her tortuous policy. He had no hesitation in saying that he rather rejoiced than not that the Plenipotentiaries of Russia had refused the conditions offered by the allies; for he believed that it was a condition which France and England would have had no means of seeing properly carried out. With regard to the counter propositions of Russia, the noble Lord at the head of the Government had the other night most successfully shown that the first was no security at all for Turkey, and that the second was no concession at all, for ever since the treaty of 1841 the Porte had been in full possession of the power of calling for the assistance of the fleets of the Western Powers whenever it judged that assistance necessary. The only construction, therefore, which could be put upon the proposals of Russia was that by making them she was seeking to throw the *onus* upon us, in the eyes of the German Powers, of continuing the war. Let us accept the challenge, and Russia would find she had made a great mistake if she thought that the active co-operation of Austria and Prussia was necessary to enable the Western Powers to wage a successful war against her. No one could more sincerely deprecate a war undertaken for the sake of *prestige* alone than himself; but all history showed us that an untarnished and unbroken *prestige* was one of the mainstays of a great nation. No doubt, many misfortunes had befallen us—no doubt, many faces formerly well known on the benches of the House would never more be seen there; yet nothing, he felt sure, would abate the resolution that England had taken in this case. Careful as we ought always to be to foster the interests of commerce, England, to maintain her high position among the nations of the world, must never cease to stand forward as a protector of the weak and the oppressed. He should support the first part of the Amendment of the hon. Member for Kidderminster (Mr. Lowe), believing that it gave expression to the feelings of the people that this war should be prosecuted to a successful termination; but the latter part he could not support, as it tended to fetter the hands of the Government in this important struggle.

MR. BAXTER said, that as no one directly connected with trade and commerce had yet spoken on the question before the House, and as the trade with which he was connected, the linen manufactures of Forfarshire, was peculiarly interested in the struggle with Russia, he would ask leave of the House to allow him to explain the view he took on the subject under consideration. He had thought from the beginning that both the Amendment of the hon. Baronet the Member for the University of Oxford (Mr. W. Heathcote) and that of the hon. Member for Kidderminster (Mr. Lowe) could be correctly enough objected to on constitutional grounds. His impression was, that it would be both unusual and imprudent in the House of Commons to pass any Resolution which would have the effect of hampering or fettering the Executive Government at the present moment. It was scarcely within their province to say whether or not negotiations should be renewed, or what were the precise terms to obtain which they thought it worth while prosecuting the war. Whether they should, in the first place, give way to Russia as soon as possible, or whether, in the second, they should not make any peace with that Power till she consented to the diminution of her fleet in the Black Sea, were points to be determined, not by the House of Commons, but by the responsible Ministers of the Crown; and the House should either treat those Ministers with a generous confidence or at once take measures for displacing them. The hon. Member for Manchester (Mr. M. Gibson) said, there were two courses open to them, viz., the impeachment of Ministers, or the stopping the supplies. For his part, he thought that a third course was open to them, and he even felt surprised that the hon. Member for Manchester had not taken that course and voted for the Motion of the right hon. Member for Buckinghamshire (Mr. Disraeli). He thought it would be unwise in that House to adopt either of those two courses. No terms had yet been proposed which Russia thought it consisted with her honour to accept; but no one could say that we should not obtain even better terms than any that had yet been spoken of. He could not understand that Russia should be guaranteed the continued peaceable possession of provinces which she had acquired by violence and fraud; but he was not prepared to shut the door to any offer of terms that Russia should make, even though that offer did not contain a stipulation that she should limit her Black Sea fleet. She might, for instance, propose to give up those provinces withdrawn from Georgia, retire behind the Caucasian Mountains, destroy Sebastopol, or indemnify the Turks for the expenses of the war. It might be preferable in the interest of the Powers of Western Europe that she should accede to the reduction of her fleet; but it could hardly be said, because she refused to do that, that all means of arriving at an agreement were exhausted. He had listened with great admiration to the speech of the right hon. Member for the University of Oxford (Mr. Gladstone). No man was more sensible than he (Mr. Baxter) was to the description given by the right hon. gentleman of the horrors of war; yet all through that splendid oration he felt that the right hon. gentleman was taking a one-sided view of the question, and, in his anxiety to stay the present tide of bloodshed, was overlooking the future security of Europe. The right hon. gentleman passed by quite unnoticed the gradual and almost unexpected development of the Russian plan of spoliation since the present contest began; and he overlooked entirely the fact that if the 200,000 men, English, French, Turks and Sardinians, in the Crimea retired without having effected their object, without having shown in the sight of the whole civilised world that the despotism of Russia, even though backed by 1,000,000 of soldiers, was no match for the civilised West, then the projects of that Power would be encouraged and fortified. There was not a Court in Germany that would not bow down more and more before her; the political enfranchisement of the Continent would be postponed, and the superiority and invincibility of Russia would be published in every village of Tartary, Persia, Armenia, and Thibet, till it reached the frontiers of our own gigantic dominions in Hindostan. For himself, he was in favour of peace. War was contrary to the spirit of Christianity, was adverse to the progress of civilisation, and tended to increase the taxation and add to the difficulties of the poor. Besides, he had, in common with his constituents, a direct pecuniary interest in putting a stop as soon as possible to a conflict with a Power on which they were, to a great extent, dependent; but, looking to the whole circumstances of the case, he had come to the conclusion that any peace likely to be made now would not endure long, and that the integrity of Turkey, the future security of Europe, and even that cause of international concord which hon. gentlemen had so much at heart, would be best served by a vigorous prosecution of the campaign in the Crimea, Russia would be much more likely to make a peace safe and honourable to herself and to all parties concerned, and to keep that treaty of peace when made, when she had no longer a single fort, or harbour, or ship in the Black Sea. He had no wish to continue a conflict merely to humble any Power, but a Power which had violated the public opinion of Europe and outraged their sense of public justice must be content to bear the consequences of persevering in an aggressive and unprincipled policy. These were the reasons which would guide him in the course he should take that night. He must say he believed the Ministers might be safely trusted to make for them not a patched-up peace, but a peace which would not be likely to be broken during the present century.

MR. H. BAILLIE said, he could not help remarking the very great discrepancy between the language used by the Government previous to the present debate, and that which they had held in the course of it. At first, they had stated that negotiations were still pending, and, next, they had told the House that all negotiations were positively at an end. Now he wished to ask which of these irreconcilable announcements was to be believed? But, if the language of the Government had been ambiguous, what had been their acts in the management of the war? The First Minister of the Crown had thrown down a challenge on this subject, and claimed credit to the Government for their conduct of the war. The noble Lord said the army was now ready to take the field, that its medical department was efficient, the commissariat working well, the land transport corps organised; and he seemed inclined to ask, "What more, then, could be required of a Prime Minister?" Now, an army when encamped and having a railway to its port could hardly want a land transport corps; neither, when lodged in huts, could it greatly need tents; and they must therefore wait till that army had actually taken the field and engaged in active operations before the noble Lord's glowing description of the state of the various auxiliary departments could be properly tested. But admitting his representations to be unexaggerated, what was this magnificent boast of the First Minister? Why, that England, with its vast wealth and almost infinite resources, had been able to furnish an army of 40,000 men fit for taking the field. Any second-rate German Power, such as Bavaria or Wurtemberg for instance, would have achieved the feat in much less time. But in furnishing forth the efficient army which he had described the noble Lord had denuded England of regular troops, there not being four regiments of the line left in the United Kingdom at that moment, and the Mediterranean garrison had been stripped and replaced by the militia. We had, moreover, no army of reserve whatever; so that, if in the next three months, any great mortality from battle or disease unhappily occurred in the Crimea, we had no means of making good our losses. No army could be efficiently maintained in the field unless it were backed by a reserved force, and why, then, had we not an army of reserve? Because the noble Lord neglected his duty, and did not avail himself of the means which Parliament had placed at his disposal—because the noble Lord had left the army 40,000 men below the number voted by Parliament. And what excuse did the Government offer for leaving the country in such a state at such a moment? It could not be the want of men, for it was well known that men were to be had if the proper steps were taken. The pay of the British soldier was just half what was received by a common labourer, and the bounty given by Government was little more than sufficient to purchase those necessaries which a common soldier was required to possess. Did the Government suppose that it was possible, in time of war, to maintain the efficiency of the army on such terms? If they were resolved not to have recourse to a conscription, which in time of war he thought they ought to do, they should pay the soldiers a rate of wages equal, at least, to the labourers of this country: or, if they would not do that, they should raise the bounty so as to give an equivalent—making it 20*l.*, instead of 8*l.*, if such were found necessary. Then, why had not the Government availed itself of our Indian resources? From 10,000 to 15,000 Sikhs and Goorkhas might easily have been obtained, and 5,000 Indian troops might have been sent to the Cape of Good Hope to relieve the garrison there, so that thus an additional army of 20,000 men could have been made available for the service of the country. He had already said that we ought to have raised 40,000 more men in this country, and therefore, if the Government had fairly performed their duty, we should now have had an additional army of 60,000 men to rely upon for the future. With respect to the Amendment of the hon. Member for the University of Oxford (Sir W. Heathcote), if it meant anything, it must mean that the Russian propositions ought to have been accepted—propositions which amounted simply to this, that we should return to the state of things that existed in the Black Sea previous to the war. Was it possible to conceive that such a state of things could be satisfactory? He was surprised that, in the course of the negotiations at Vienna, the noble Lord at the head of the Government, who was so fond of talking of Polish nationality, never gave a thought to the nationality of Circassia. He was the more surprised at this, as the Government last year appointed an envoy to Circassia, Colonel Lloyd, with a salary of 2,000*l.* a-year, and he supposed their object was to acknowledge so far the Circassians to be an independent people, and to endeavour to induce them to continue the war against Russia. But if these were the views of the Government, it was surely neither honourable nor just to enter upon negotiations and leave the Circassians to their fate. The Circassians were a brave and chivalrous people, who for twenty-five years had resisted all the resources of Russia; and that Power had only been able to found some fortified places along the coast. The mention of Circassia was the more necessary as that people had at the present moment an excellent opportunity of making peace with Russia. Schamyl, indeed, was said to have made terms of peace with Russia; but Schamyl was not a Circassian. His country, Daghistan, lay some hundreds of miles distant, while Circassia, stretching along the shores of the Black Sea, was always accessible to our ships and influence. It would have been of great importance, therefore, for this country to make terms with that people. The noble Lord had told the House on a former occasion that we could make no peace with Russia which did not effect the object for which the war was made; but it would have been more satisfactory if the noble Lord had said what was the object for which we went to war. The people of England believed that our object was to reduce the power of Russia in the Black Sea; but he asked, if the propositions made to Russia in the late negotiations at Vienna would have attained that object? Would not the withdrawal of the allied armies only have served to extend the power and *prestige* of Russia, not only in the Black Sea, but throughout all the confines of Asia, and to the frontiers of our Indian empire itself? Then our condition would be that of having entered on a war without reason and concluding it without any result.

Mr. MONCKTON MILNES said, he believed that the great disasters which this country had undergone in the Crimea, and which he trusted no temporary present successes would make us in any way forget, were mainly owing to the want of principle with which the war was entered upon, and the manner in which it was conducted by the Government. He was bound to say, that if the Motion made the other night by the right hon. Member for Buckinghamshire (Mr. Disraeli) had been brought forward at an earlier period, he, at any rate, would not have been found among those who asserted that the language of the Ministry was not ambiguous and their conduct uncertain; and it was because the portion of the Cabinet which at that time mainly had the conduct of the war in their hands were no longer Members of the Government, that he had been enabled on this occasion to vote against that Motion. The uncertainty which characterised the conduct of the Government by whom the war was initiated had produced certain inevitable consequences, upon which he would not dilate, but which resulted from the policy of those who originated the war. A noble Lord in another place had had the misfortune to say that this country had "drifted into war," and the phrase had now become almost vernacular in English politics, but that phrase clearly avowed the origin of the contest. He (Mr. Milnes) must say, however, that if the country continued to drift along in a war without a pilot worthy to direct it, and without a safe port in prospect—if the duration of the war was to be measured solely by the endurance and ardour of English troops—if they prosecuted the war not for the purpose of establishing an independent future prosperity for the great populations of Eastern Europe, but solely for the purpose of propping up a failing Power—he did not believe that all the authority and wealth of this empire would succeed in securing the object. If the war was to be continued merely to establish one oppression instead of another, to substitute one tyranny for another, he thought it would be wiser for this country to accept any such terms as might offer a mitigation of present evils, and leave it to future generations to carry on a war which at one time or other must be carried on—a war of the Western Powers against the great encroachments of Russia. He was bound to say, however, that the course of events had led him to a conclusion somewhat different from what he might otherwise have entertained. He would ask the House to look at the present aspect of affairs. He thought they might regard the Conferences of Vienna as really at an end, and they might consider the termination of those conferences as closing, at least in one point of view, the relations between England and Austria. On reading the protocols which had been laid upon the table, he thought it was not difficult to perceive that the noble Lord who conducted the negotiations was rather impressed with the importance of retaining the alliance of Austria than with any strong sense of the value of the concessions to be gained from Russia. Throughout the negotiations it was plainly the desire of the Western Powers to accede, as far as possible, to the wishes of Austria, and the principle was in perfect accordance with that policy with which the war was undertaken. But, now that the conferences might be regarded as closed—when it might be considered that all efforts and concessions had been made in vain—he did not think it would be possible for Her Majesty's Government any longer to allow Austria to assume that attitude of mediation of which this country had so long been the instrument, and he might at the same time say the victim. He regarded it as a consideration of the greatest importance that so vast an empire as Austria had not been able—for he would not suppose she would not be willing—to afford to the Western Powers due assistance in their great enterprise. It was well known to travellers that the Austrian Government had no affection for that of Russia, but that the two empires regarded one another as rivals whose interests might seriously conflict; and he believed that if Austria had felt able, with due security to herself, to render assistance to the Western Powers in their present policy such assistance would readily have been afforded both by the Emperor and his Government. By a wise and judicious system of government Austria might now have been at the head of so great a federation that she could have called forth army after army, representing her different provinces, all ready to fight for the central Government in a good cause; but they saw that Austria could not raise her sword for the defence of Europe, because she could not be sure that the people of any one of her provinces might not rise in rebellion the moment the restraint of her armies was withdrawn, and, although the aspect of a great country in such an attitude was painful and humiliating, it enabled them assuredly to appreciate the value of constitutional liberty. England and France must, therefore, if the war continued, conduct it upon such principles as would secure to the utmost the goodwill of Europe and the assistance of other nations. Russia had gradually extended her authority southwards over different provinces of Turkey, with the not concealed object of advancing as far as possible in that direction, and with the hope of ultimately incorporating Constantinople itself with the Russian Empire. It was doubtless true that a great change had taken place of late years in the policy of Russia, and that the ruder system of Peter and Catherine had given way to a system of acute diplomacy by which her designs might be effected without any great risk of blood and treasure on her part. From what were called the confidential conversations of the late Emperor of Russia, it was evident that there was no concealment in those conversations of his ultimate intentions. But it must be remembered that Russia had been encouraged in her aggressive policy by all the Governments of Europe, and he was sorry to say by all the Governments of England. Was it just, then, to blame Russia for having supposed that there would have been some supineness on the part of the English people and Government with regard to her aggressions, when they had heretofore allowed her to commit the gravest oppres-

-sions, and to violate the public law of Europe with impunity. Let hon. Members refer to the language that had been used in that House whenever the question of Polish independence had been brought before it, and say whether, from the policy adopted both by Whigs and Tories, any Emperor of Russia would not justly feel that he had been encouraged in every attempt he had made upon the liberties of Europe, not only by absolute German Sovereigns, but by the Government of free and popular England. The late Emperor Nicholas must have been truly surprised when he found England at last determined to resist his schemes of aggrandisement. The Governments of Germany regarded the Emperor of Russia as the great policeman who was to keep them all in order. They looked upon him with very little affection, but with a degree of reverence of which the people of this country could form no conception. But, though this was the feeling of the German Courts towards the Emperor of Russia, it was not the feeling of the people of Germany, who regarded the encroachments of Russia with horror and dismay. He considered that, under these circumstances, the attempt to procure the German Sovereigns to aid the Western Powers in this struggle was one of the wildest speculations that had ever entered the brain of a politician. The conferences had, however, now ended, and such a hope could be no longer entertained; neither did he think that any effective assistance would be given to this country by the German Governments, or by Austria or Prussia, for they would think that—

> "Tutiùs est igitur fictis contendere verbis,
> Quàm pugnare manu."

The Government of this country ought never to forget that they were engaged in a war with a great people and with a courageous Power, which had rolled back the legions of Napoleon, and which had contrived by its policy never to suffer open humiliation in the modern history of Europe. It was singular, however, that the humiliations which it had suffered had been at the hands of Turkey, and he thought this was a proof that, with regard to its aggression on Turkey, Russia would, if duly enforced, submit to conditions which it could not in honour submit to if they were imposed with regard to any other portion of its Empire. By the Treaty of Belgrade it was agreed that no Russian ship of war should navigate the Black Sea; and he was inclined to think that such a conclusion to this war, if it were attainable, would be far more honourable to Russia than such a limitation as that proposed at Vienna. The difficulties of enforcing such a limitation were very great, and, whether such limitation were great or small, it would be impossible to look upon it as a security or foundation for future peace. If Russia was sincere—and he had no doubt for the present it was so—in its intention to relax its efforts of aggression on Turkey—he considered that they would not be asking too much if they demanded that the Euxine should be a closed sea, and that after the Sultan had, with the other Powers, organised a sufficient police for that sea, it should be left for the purposes of peace, and for the extension of the mercantile advantages of the world. If we could effect this, we should do more to establish solid foundations of peace than by the Vienna propositions. They ought not to forget that the Power with which they were engaged represented, not only a Power, but a principle in Europe; and it was no pedantry to go back to classic history, and to see in the present contest a continuation of that struggle which had formerly taken place in order to check the autocracy of the East. If in this war they did not engage those who sympathised with them, and who would rise against Russia as their tyrant and oppressor, he did not think that they would effect a permanent peace. He believed that they could have effected all the purposes which they had now effected without the fearful loss of blood and money which had been entailed upon this country; and it had always seemed to him a doubtful matter whether it would not have been a wise policy to confine their efforts to that arm in which this country knew no superior—namely, our naval force. If they had been contented to enforce a continual blockade, and merely to assist their great ally on land, he believed that they would have done all that they had now done. It was because they had attempted that which they had no right to do—to establish themselves as a great military Power in this undertaking—that they had to a certain extent failed. He did not pretend to absolve from guilt, whatever their stations might be, those to whose neglect they owed the misfortunes which had attended this war; but, if they had been enabled to undertake this war with larger means, such as were now accumulated in the Crimea, he thought that they might have hoped for a different result. He trusted that late casual successes would not blind the Government as to the future, and that every provision would be made for the health of the troops. A year ago he had reminded his noble Friend on the Treasury bench of the necessity of making every provision against pestilence, and he received the assurance that all practicable precautions had been taken. And yet what had been the desolation of disease and the deficiency of remedies? Pestilence was now as imminent as then, and again he ventured to express a hope that every precaution had been taken; and he hoped his noble Friend would be able to say that the Government had prepared for all similar contingencies. He, believed, if due precautions were taken, and if the energies of the country were fairly wielded, and if we trusted to ourselves, we could effect the purposes for which this war was undertaken. He did not ask Her Majesty's Government to go into any Quixotic undertaking for the re-establishment of Poland, or to proclaim a war of propagandism against Russia on behalf of the democrats of Europe, but he asked them to show by their general policy that they supported that spirit in Europe which was antagonistic to the power of Russia. Should they do so, they would not have to lament that either Prussia or Austria had withheld her assistance.

SIR EDWARD DERING said, that when this question was last before the House he had voted for the Motion of the right hon. Member for Buckinghamshire (Mr. Disraeli), declaring that the declarations of Her Majesty's Government were ambiguous, and he did not regret that Motion, or the vote he gave upon it, for when it was made he had not heard the open and explicit declarations with respect to the future conduct of the war from the noble Lord the Member for London (Lord J. Russell), and from the noble Lord at the head of the Government, which, however unpalatable to the hon. Members for Manchester, had given unqualified satisfaction to his (the Opposition) side of the House. He was glad, too, that the Motion of the hon. Member for Kidderminster had given the House the opportunity of going a step further. A great deal had been said about the conciliatory disposition of Russia with respect to the first two points, but it appeared to him that Russia, so far from being willing to concede anything, had acted with the same subtle and disingenuous spirit which actuated her in regard to the Vienna Note last year. She accepted that note at first, and then she put an interpretation upon it quite at variance with its original intent—an interpretation which Lord Clarendon, as an honest man, could not allow had the slightest justification. The conduct of Russia with respect to the first point, touching the Danubian Principalities, showed the *animus* with which she carried on the whole discussion at the conferences. The Russian Plenipotentiaries had placed two galling restrictions upon the privileges which were to be secured by the first point to the inhabitants of the Danubian provinces; they had refused to allow vessels to be placed at the mouth of the Danube to secure its free navigation, and they had declined to guarantee the territorial integrity of Turkey. With respect to the important part of the third point which the House was then discussing, it was his desire to call attention to the conduct of Austria. It was on the 19th of April that these propositions were first brought under the consideration of the Congress, and the question put by Prince Gortchakoff was the significant one as to the limitation of ships. He inquired of the Austrian Minister what would be the course of Austria in the event of Russia refusing to limit her navy. Did Austria declare her readiness to make common cause with the allies? So far from that, Count Buol said, he reserved to his Imperial master the right to take any course he should think fit. Now what was the result of that vacillating answer? On that very day, the 19th, the result of that conference was telegraphed to St. Petersburg, and it was examined at St. Petersburg on the 20th, and on the 21st the proposals of the allies were definitely rejected by Russia. This, he believed, had been the result of the want of moral courage shown by the vacillating answer of Austria, for if she had promised to co-operate cordially with the allies, the Russian Minister would have paused before he defied all Europe. He believed that at that moment a solution of the great difficulty could have been found. With respect to the nature of our own proposals, he could not say that he looked at their rejection either with surprise or regret. It appeared to him that nothing but extreme necessity could induce a nation to accept terms which would involve an infringement of her dignity, and he did not believe that the proposals made at the conference contained in themselves the elements of a solid peace. Any stipulation we could make for limiting the ships of Russia in the Black Sea could be easily evaded, and if we had obtained from Russia all we asked for, the only practical effect of such an arrangement would be to inflict a galling and offensive stigma on the dignity of Russia, while it would not diminish the preponderance of her power in the Black Sea. One word with regard to the counter proposal of Russia; that was a proposal against the expressed wish of the Sultan; it was not only a proposal against his wish, but against his just rights, because by the principles of international law every independent nation had a right to the supreme control over its own waters. So far as Turkey was concerned that principle was solemnly recognised by the Five Powers in 1841, and the Sultan had the undoubted right of opening or shutting the Straits just as he thought proper. But so far from the proposal being a concession on the part of Russia, it appeared to him that if accepted it would have conferred the greatest boon upon Russia. The right hon. Gentleman the Member for Manchester (Mr. M. Gibson) had spoken of the Black Sea as if it had been closed against merchantmen, and if that had been so, there could be no doubt that the proposal of Russia to open it would have been a great boon to Western Europe; but considering that there was already perfect liberty to navigate the Black Sea for the purposes of trade, he certainly could not see the force of the right hon. Gentleman's argument. But if the opening of the Straits would be of no advantage to us, it would be of immense advantage to Russia, since she would gain by it all that she had been endeavouring to obtain for the last half century—namely, access to Constantinople and the Mediterranean; and she would acquire an opportunity of exercising on the classic shores of the Mediterranean those arts of corruption which had been so graphically described by the noble Lord the Member for London as being exercised in the minor courts of Germany. With regard to the proposal of Russia to make the Black Sea a closed Sea, and give the Sultan the power of calling in foreign aid when menaced by attack, the proposition differed so little from the former state of affairs that it was hardly worthy of attention. He must admit that he had been extremely surprised to find that no efforts had been made at the Conferences at Vienna to carry out the principles involved in the third point by some means different from those which had been proposed and rejected. The preponderance of Russia in the Black Sea did not entirely depend upon her navy, but it depended equally upon her occupation of a large and undue share of the shores of the Black Sea; and, having failed in inducing her to limit her navy, were the Western Powers precluded from compelling her to curtail her territorial possessions? There was no other way of diminishing the preponderance of Russia in the Black Sea than by diminishing her powers of aggression either by sea or land; and, as she had laid it down, that under no circumstances whatever she would consent to any limitation of her navy, surely it could not be seriously urged that the diplomatic wisdom of Europe had so far tied up its own tongue and stultified itself as to make it practically impossible to carry out the great leading object for which the Congress was originally assembled. In speaking of the limitation of the Russian territories, he wished to guard himself from being supposed to suggest the invasion or the dismemberment of the great empire of Russia; but what he did allude to was the limitation of those possessions which were perfectly useless except for purposes of aggression, and the retention of which was a standing menace both to Turkey and to Europe. In Anapa, and other fortresses upon the shores of the Black Sea, Russia possessed strongholds perfectly valueless in a commercial point of view, but which, forming a sort of iron girdle to Circassia, and intercepting the commerce of Central Asia, were beyond all price. If the river Kouban were established as the boundary of Russia, he believed the sacrifices made by this country would not have been in vain, and that we should obtain an effectual guarantee for the maintenance of peace and an effectual barrier against the future encroachments of Russia. Russia having now declined the terms offered to her, the terms of peace must in future be regulated according to the fluctuations of success in the war. The position of Russia now might be compared to that of Napoleon the First in 1813. Had he accepted the terms offered by the allied Sovereigns at Frankfort, he would have preserved his throne; but he chose to reject them, and ultimately he was defeated, while France was driven back to her natural limits. The war vigorously carried on would produce the same effect upon Russia; her Emperor would be defeated, and she would be restored to her natural limits. We were engaged in a glorious cause; it was the cause of liberty against oppression; and the united people of England and France having unsheathed the sword in support of that cause, his opinion was that they never would consent willingly to return it to the scabbard until they had secured upon a solid foundation the blessings of a permanent peace.

LORD ELCHO said, he was unable to support the views of his right hon. Friend (Mr. Gladstone), whose eloquent and able speech he regretted, because the feeling of the vast majority of the people, and of the Members of that House was diametrically opposed to his views, and also because his speech was calculated to give form and colour to the rumour that the Government of Lord Aberdeen had never heartily entered into the prosecution of the war, and that "lukewarm" should be the explanation of "too late. The right hon. Gentleman the Member for Manchester (Mr. M. Gibson) had talked of anonymous articles in *The Times* having misled Russia upon the subject of our alliance with France, and he was afraid the speech of his right hon. Friend (Mr. Gladstone) would lead Russia to suppose that there was a large party in the House of Commons ready to believe her in the right. For this expression of opinion by a Member of Parliament was far more calculated to mislead than an article in a newspaper. Speeches in that House often had great influence abroad, an instance of which was shown in a speech made by the hon. and gallant Member for Lincoln (Colonel Sibthorp) on the Foreign Enlistment Bill. The hon. and gallant Member said that if foreigners were brought over to this country to serve in a foreign legion our daughters and wives would not be safe. Those remarks were felt throughout Europe. [Oh, oh!] Hon. Members might cry "Oh, oh!" but it was well known that the effect of such speeches had been to render the feelings of the Germans hostile to this country, and to throw great difficulties in the way of obtaining men for the foreign legion. He agreed with his right hon. Friend the Member for the University of Oxford in thinking that we ought not to prosecute the war for one hour after its object had been attained; but it seemed to him that the object of the war had not yet been attained, and that if we accepted the terms of peace offered by Russia the hope expressed in the Queen's Speech would not be realised, that peace would be concluded on a safe and solid foundation. When persons were to be found in that House and elsewhere asserting that the Emperor of Russia had been actuated by good faith, the answer was to be found in the secret correspondence, which illustrated the tortuous ways of Russian diplomacy. In the declaration of war it was stated that we took up arms in defence of the Sultan and the integrity and independence of Turkey. That was the primary object of the war, and let the House see how far the terms offered by Russia effected that object. They would leave Turkey in the same position, for although those terms enabled the Sultan to throw open the Dardanelles without declaring war, yet the Sultan had now the power, and had exercised it, of summoning the fleets of his allies to Besika Bay. There was, therefore, little practical security in this offer, and the more so as Russia was ready to take advantage of any opportunity of executing the designs which they all believed she still entertained upon the Turkish empire. Lord Lyndhurst last session had quoted a despatch from Prince Lieven to Count Nesselrode, which was so important that he would read it:—

> "Our policy, wrote Prince Lieven, must be to maintain a reserved and prudent attitude until the moment arrives for Russia to vindicate her rights, and for the rapid action which she will be obliged to adopt. The war ought to take Europe by surprise. Our movements must be prompt, so that the other Powers should find it impossible to be prepared for the blow we are about to strike."

If we had to do with such a Power, the only means of securing Turkey would be by curtailing the Russian power of aggression. But the integrity of Turkey was not the only object proposed to be obtained by the war, which was undertaken in defence of the liberties of Europe, and Turkey was the only battlefield in which the battle of freedom and of civilisation was to be fought out. In the declaration of war Her Majesty stated,—

> "In this conjuncture Her Majesty feels called upon by regard for her ally, the integrity and independence of whose empire have been recognised as essential to the peace of Europe, by the sympathies of her people with right against wrong, by a desire to avert from her dominions most injurious consequences, and to save Europe from the preponderance of a Power which has violated the faith of treaties and defies the opinion of the civilised world, to take up arms in con-

junction with the Emperor of the French for the defence of the Sultan."

If they referred to the speeches of the Ministers, they would find that the war was entered upon by this country for the purpose of limiting the preponderance of Russian power in the Black Sea. Lord Clarendon on the 31st of March, on addressing the answer to the Royal Message on war, said,—

> "It is not merely the protection of Turkey against the aggressions of Russia that is concerned in the Eastern question, as it is commonly called, but it is the battle of civilisation against barbarism, for the maintenance of the independence of Europe." [3 *Hansard*, cxxxii. 150.]

And, in reply to Lord Lyndhurst, Lord Clarendon said,—

> "I think that you will agree with me that repression will only postpone the danger, and that safety can alone be found in curtailing the power which menaces the peace of Europe and the cause of progress and civilisation."

The noble Lord (Lord John Russell) and his noble Friend now at the head of the Government used similar language. The right hon. Gentleman (Mr. S. Herbert) said he

> "Protested against the supposition that we were taking up arms out of a romantic feeling for Turkey. It was for keeping up the balance of power and resisting the encroachments of Russia. It ought to be understood we were not inclined to be embarked in this war so much for the purpose of defending Turkey as of opposing Russia."

The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) left it open to his party and himself to make peace with Russia either on the terms of Russia, or any other terms, but in the debate of last year the Earl of Derby, who was the leader of the right hon. Gentleman's party, said—

> "A shameful and dishonourable peace I am confident they (the people) would declare that to be which should not bridle the growing ambition of Russia, restrain her not merely within her existing limits, but wrest from her those portions of her conquests her retention of which is dangerous to the tranquillity and independence of Europe."

He thought these extracts showed clearly it was the feeling of the principal public men of this country that, in entering upon this war, the object was not merely to secure the integrity of the Turkish empire, but as far as lay in our power, to lessen the preponderance of Russia in the Black Sea. The right hon. Member for Manchester (Mr. M. Gibson) said that the Russian power was a bugbear. But he would ask if the events of the war bore out that statement? Or had we not found that Russia, notwithstanding the distinguished success and gallantry of our troops, and notwithstanding she was unable to meet the fleets of England and France in the open sea, was armed at all points? And if such was her power now, what would it have been if her resources had been fully developed? He believed there was great danger from the power of Russia, unless that power was checked in time. The principle of the terms proposed by Russia, which his right hon. Friend and others were ready to accept, was the maintenance of Russian preponderance in the Black Sea. Russia openly declared that her preponderance in the Black Sea must be maintained as a counterpoise to the naval power of France and England in the Mediterranean. He was convinced it was only by curtailing the power of Russia that we could hope to secure a lasting and honourable peace. His right hon. Friend likewise doubted the policy of proposing terms to Russia which would be insulting and humiliating, and the noble Lord the Member for King's Lynn (Lord Stanley) quoted from Machiavelli, "That the maxim ought never to be lost sight of—either make a man your friend or else put it out of his power to be your enemy." Had our conduct to Russia been such as to make her our friend? Had we insulted her or not? He maintained that we had insulted Russia, and, to repeat a phrase already made use of, having "slapped her in the face," he could not but think it would be most unwise to leave all her strength and power unimpaired. He infinitely preferred the terms proposed by Her Majesty's Government to those proposed by Russia; for, though the terms of Her Majesty's Government might be evaded, they were so far satisfactory that they contained the principle of a limitation of the Russian power. It was a matter of great pain to him to differ on such a subject with his right hon. Friend behind him; but he was firmly convinced the shortest and securest way to peace lay through the breach of Sebastopol, that the breach of Sebastopol was the door by which they should endeavour to open further negotiations, and that in the camp, and not in the Cabinet, the most able and efficient negotiators would be found. His right hon. Friend said, "If we endeavoured to gain a great military success we should only aggravate Russia."

In one respect he thought the right hon. Gentleman's speech was contradictory. At the close of it the right hon. Gentleman used as an argument for not prosecuting the war with vigour, that Russia had sacrificed her capital rather than yield to France, though 1,000,000 men had invaded her territory; but in the earlier portion of the speech he defended the Sebastopol expedition, by pointing to the result —that after the victories of Alma, Balaklava, and Inkerman, Russia was ready to grant the terms which she had before indignantly refused. He said we ought to pursue the course upon which we had entered, and with arms in our hands extort terms from Russia which should secure a solid and lasting peace. After the declaration of the noble Lord the First Minister of the Crown, he (Lord Elcho) felt confident the Government would maintain the honour of England and the bright *prestige* of her name; and, while doing so to the best of their ability, would not be guilty of what he should consider an unpardonable crime—namely, continuing the war one moment after the objects for which it was undertaken had been achieved.

LORD CLAUD HAMILTON said, he wished, in the few observations he was about to make, to confine himself, as far as possible, to the words of the Amendment, in which was the real subject under discussion, and to the negotiations that had recently taken place at Vienna. There were, however, one or two observations which had been made in the course of the evening to which, if he did not express his dissent, he might be presumed to assent. With respect to the allusion just made by his noble Friend to some words of a letter of the late Prince Lieven, he could not help observing that subsequent events had disproved his inferences, and that history did not bear out the imputation of grasping ambition that the noble Lord sought to found upon it. What had happened since that letter was written? In 1832--3 Russia might have occupied Constantinople without the slightest resistance. The Sultan was powerless—his armies had been thrice defeated — at Homs, Alexandretta, and Koniah—the victorious rebel was marching unopposed to the capital — the state of Western Europe was most favourable to Russia—at home a new Parliament, under the new Reform Bill, with the fresh Reform Bill and Coercion Bills under discussion. Our fleet was off Flushing, blockading the Scheldt. The siege of Antwerp was going on. In France the Duchess of Berri, had just landed, and La Vendee was in insurrection—and the affairs of Algiers occupied the French Government. In Spain the death of the king was daily expected, and the Carlist insurrection was notoriously preparing. In Portugal, civil war was raging, and the defeat of Don Miguel was being completed by the gallantry of Sir Charles Napier. Thus all Western Europe was so engrossed by its own affairs that it could not interfere. There never could again occur so tempting an occasion, yet instead of availing herself of that opportunity, she used those very armies and fleets to which such evil designs have been assigned, to protect that capital and its soverign from the ambitious designs and the victorious troops of Ibrahim Pacha. Russia magnanimously came to the Sultan's rescue and restored his tottering power, when requested, by armed force; yet the noble Lord quotes a few loose words of a letter, written before this great historical event, to prove that Russia would avail herself of every occasion to occupy Constantinople. Then the hon. Baronet the Member for Kent made a statement to the effect that the cause of the war was the interpretation put upon the Vienna Note by Count Nesselrode. Now, nothing could be more inaccurate than such a statement. The Turkish government rejected the Vienna Note long before that interpretation was given or published. They wilfully rejected that note when it was strongly recommended to them by the representatives of the four Powers. Its rejection by the Porte was condemned in strong terms by the Ministers of England, France and Austria. They stated that the modifications insisted on were not material—that it was ungracious and wanting in proper deference to the allies to refuse their advice. The Emperor of the French conveyed to St. Petersburg his displeasure at the conduct of the Porte. The allies were thus unanimous in condemning the rejection; and the interpretation subsequently published by Count Nesselrode had no effect, as it was unknown at that time— but even after that it could have had no effect, as Russia could not enforce her meaning on the four Powers, and the honour and dignity of the Porte would have been fully secured by the acceptance of that note. Count Buol made a proposition as to the meaning put upon it by the four Powers, which, if accepted by Turkey, would have rendered the misinterpretation of Russia of no effect. At that time all the four Powers were in unison, and were prepared to enforce their own interpretation of it; but Turkey refused, and in consequence of that refusal all those subsequent events which we had to deplore had resulted. With reference now to the recent negotiations at Vienna, it appeared to him that there never could have been, on the part of the English and French negotiators, any sincere desire to bring the discussion to a peaceful termination. The noble Lord who had been selected to conduct the negotiations has stated that he was never sanguine as to the result. It is impossible to read these papers without seeing throughout strong evidence that that conviction influenced the noble Lord's language and conduct. It appeared that the noble Lord uniformly assumed that the danger which threatened the Sultan came wholly from Russia. But that was known to be totally the reverse of the fact. No one who read the Blue-books could fail to see that the real danger of Turkey arose from its own internal mismanagement and the recklessness of its Government. Whatever the allies might do to preserve Turkey against Russia, it was impossible to preserve her against the destroying effects of her own internal corrupt system. But, even in respect to her outward enemies, had Russia alone for the last thirty years been her foe? The destruction of the Turkish fleet at Navarino was not by Russia alone. It was by the united policy of England and France, as well as that of Russia that that untoward event took place. Then, again, the separation of Greece from Turkey was not the act of Russia only, but by the combination of the three Powers of Great Britain, Russia, and France. Again, did not Turkey lose her *prestige* when France successfully invaded and occupied Algiers? After Algiers, and it must be remembered that, as Algiers contained a large and warlike Mussulman population, the loss of Algiers was a greater blow than that of any Christian Principalities, for the Sultan ruled as commander of the Faithful. After this the next serious blow was the successful revolt of Mehemet Ali, to which he had referred before. This was not from Russian intrigue, and he had before shown that so far from Russia having been the cause of the weakness of Turkey, Russia alone on that important occasion came forward and aided the Porte, and enabled the Sultan once more to maintain the position of an independent sovereign. The next great blow to Turkey was in 1840. In 1840 Ibrahim Pacha had destroyed the Turkish army at Nezib. The Sultan died, the Turkish fleet surrendered to Mehemet Ali, and the young Sultan was helpless. In this case again, Russia, in conjunction with England, Austria, and Prussia, came to the assistance of Turkey, and formed the treaty of 1841, which restored the Porte to independence. On these grounds—which could not be questioned or denied—he could not assent to the assumption of the noble Lord that all the weakness of Turkey arose from machinations and aggression of Russia. Other evidence, which cannot be suspected of Russian bias, also disproves that assumption. He denied it totally, and would refer to the Blue-books, which told a very different tale. In the despatches of Lord Stratford de Redcliffe and Lord Clarendon, it appeared in repeated passages that what Turkey had much to fear was not the aggressive policy of Russia or of any other Power, but her own internal mismanagement. The Western Powers might be able to preserve Turkey from Russia, but, from the fatal effects of those errors in her own internal polity, it was impossible for any foreign nation to save her. It was abundantly proved that Turkey had more to fear from internal dissolution and reckless misgovernment than from any outward assault. It was not, then, Russia that had destroyed Turkey and reduced her to her present condition; it required an oblivion of recent history to maintain such an assertion. Acting upon this erroneous assumption, it was hardly to be supposed that the noble Secretary for the Colonies could have gone out, earnestly inspired with a hope of bringing the negotiations at Vienna to a successful issue. It must be observed that exactly as Russia granted all that was required, it was stated here that the concessions were of no value—what last year was described as of European importance, when obtained is described as perfectly nugatory. It must be remembered that the Four Points were enforced by the allies, not by Russia—Russia accepted the two first, and half the third—the latter half of the third she declined to accept in the way proposed, but did not decline to bring about the end in view in another way. The limitation of ships was not in the Four Points—it was not a necessary consequence of them, and it was not even made until two days after Prince Gortchakoff had stated that that one method could not be granted. He only excluded that single method of carrying out the third point—yet, two days afterwards, that proposition alone was made by France and England with the perfect certainty that Russia could not accept it. This is not the way to negotiate if there is an honest desire to come to an agreement—but, as it was necessary to refer this proposal to Russia, it was proposed by the Russian and Austrian negotiators to occupy the time that must elapse before a reply could return from thence, by considering the fourth point, and it was quite clear that Russia was prepared to concede all that was required—but so alarmed were England and France lest Russia should grant all that was desired, that they refused peremptorily to allow the Four Points to be discussed. This proved a strong objection to a successful issue to the conference. Had there existed a real desire to terminate the war on the terms proposed by France and England, it could have been easily obtained—but, having refused to allow the Four Points to be accepted, the English and French negotiators declared that their powers were exhausted, and that they must confine themselves to the limitation of ships, which was the only method of reducing the preponderance of Russia that they knew she could not accept. Throughout there was no spirit of fairness and sincerity evinced, and the future historian would certainly describe the negotiation as only carried on for the purpose of throwing on Russia the odium of refusal; whereas no one in the House had yet attempted to defend the proposition of a limitation of ships as one suited to the purpose, as compatible with the dignity of a free state, or as a real guarantee for future peace. It has been universally condemned, and seems only to have been insisted upon as being wholly inadmissible by Russia. After these three and a half of the Four Points had been granted, there was but one point objected to by the Russian Plenipotentiaries, and, if there had been a sincere desire for terminating the war on the part of the Western Powers, the negotiations need not have been closed. Much had been said of the Russian naval force in the Black Sea being a "standing menace" to Turkey, but Lord Clarendon, who first used that expression, had added the qualifying words, "in the absence of any counterbalancing force." A counterbalancing force might be found, but the propositions made to Russia, that she should restrict her fleet in her own seas to four ships of the line, while Turkey and her allies could sweep her coasts with ten sail of the line, was a proposition so insulting and humiliating, that Russia could not consent—and there is nothing in her present position at all to justify such a degrading demand. The noble Lord (Lord John Russell) had declared his opinion that Russia ought not to be humiliated, but the proceedings had not been conducted in that spirit. It was impossible for Russia to accept the terms proposed to her, and she was not at that time reduced to such straits as to be compelled to receive them. He (Lord C. Hamilton) could not conscientiously vote for the Amendment, which appeared to have a tendency to throw the blame of the breaking off of negotiations upon Russia. He did not wish to involve himself in any responsibility for continuing the war, as he, indeed, had never been able to approve of going to war at all.

SIR BULWER LYTTON: Sir, the right hon. Gentleman the Member for Manchester (Mr. M. Gibson) towards the close of his able speech, summed up his strongest objections to the continuance of the war, by asking how it would profit the country. In answer to that question let me remind the right hon. Gentleman of the laudable earnestness with which, in a recent debate, he assured the house that he and those with whom he concurred in the policy to be adopted for the restoration of peace were no less anxious than we are for the due maintenance of the national honour—I cordially believe him, and when he asks how the continuance of the war can profit the country, I answer, because the continuance of the war is as yet essential to the vindication of the national honour, and because the national honour is the bulwark of the national interests. For there is this distinction between individuals and nations. With the first a jealous tenacity of honour may be a mere sentiment, with the last it is a condition of power. If you lower the honour of a man in the eyes of his equals, he may still say, "My fortune is not attacked, my estate is unimpaired, the laws still protect my rights and my person, I can still command my dependents and bestow my beneficence upon those who require my aid;" but if you lower the honour of a nation in the eyes of other States, and especially a nation like England, which owes her position, not to her territories, but to her character, not to the amount of her armies, nor even to the pomp of her fleets, but to a general belief in her high spirit and indomitable will; her interests will be damaged in proportion to the disparagement of her name. You do not only deface her scutcheon, you strike down her shield. Her credit will be affected, her commerce will suffer at its source;—take the awe from her flag, and you take the wealth from her merchants—in future negotiations her claims will be disputed, and she can never again interfere with effect against violence and wrong in behalf of liberty and right. These are some of the consequences which might affect the interests of this country if other nations could say, even unjustly, that England had grown unmindful of her honour, But would they not say it with indisputable justice if after encouraging Turkey to a war with her most powerful enemy we could accept any terms of peace which Turkey herself indignantly refuses to indorse? Honour, indeed, is a word on which many interpreters may differ, but at least all interpreters must agree upon this, that the essential of honour is fidelity to engagements. What are the engagements by which we have pledged ourselves to Turkey? Freedom from the aggressions of Russia! Is that all? No!—reasonable guarantees that the aggressions shall not be renewed. But would any subject of the Ottoman empire think such engagements fulfilled by a peace that would not take from Russia a single one of the fortresses, a single one of the ships by which she now holds Constantinople itself under the very mouth of her cannon? Sir, both the Members for Manchester have the merit of consistency in the cause they espouse. They were against this war from the first. But I cannot conceive how any Member of that Government which led us into this war, and is responsible for all it has cost us, should now suddenly adopt the language of Peace Societies, and hold it as a crime if we push to success the enterprise he and his colleagues commenced by a failure. I approach the arguments of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) with a profound respect for his rare intellect and eloquence, and still more for that genuine earnestness which assures us, that if he ever does diverge into sophistry and paradox, it is not till he has religiously puzzled his conscience into a belief of their simplicity and truth. The main argument on which the right hon. Gentleman rests the vindication of the views he entertains is this:—He says, "I supported the war at the commencement, because then it was just; I would now close the war, because its object may be attained by negotiation." That is his proposition; I would state it fairly. But what at the commencement was the object of the war, stripped of all diplomatic technicalities? The right hon. Gentleman would not, I am sure, accept the definition of his ex-colleague the right hon. Member for Southwark (Sir W. Molesworth) that one object of the war was to punish Russia for her insolence, a doctrine I should never have expected in so accomplished a philosopher as my right hon. Friend, the pupil of Bentham and the editor of *Hobbes*. Either in war or legislation punishment is only a means which has for its object the prevention of further crime. The right hon. Gentleman the Member for the University of Oxford will no doubt say, with me, the object was the independence and integrity of the Ottoman empire. But how did he describe that object in his speech at Manchester in September, 1853? He said then to that important audience, I quote his very words—

> "Remember the independence and integrity of Turkey are not like the independence and integrity of England and France. It is a Government full of anomaly, of difficulty, and distress."

This is the mode in which, simultaneously with those articles in *The Times* quoted by the right hon. Member for Manchester (Mr. M. Gibson) at the very eve of a war that the right hon. Member for the University of Oxford then believed to be just, and when he would naturally place the object in the most favourable light his convictions would permit before the people whose ardour it became his duty to rouse, whose pockets it was his office to tax—this is the laudatory mode in which the right hon. Gentleman warmed the enthusiasm of his listeners to acknowledge the justice of his object; and is the statesman who at the onset could take so chilling a view of all the great human interests involved in this struggle, likely to offer us unprejudiced and effective counsels for securing to Turkey that independence and integrity in which he sees anomaly and distress, and in which we see the safeguard to Europe? The right hon. Gentleman complains that the terms in which our object is to be sought are now unwisely extended? Who, taught us to extend them? Who made not only the terms, but the object itself, indefinite? Was it not the head of the

Government of which the right hon. Gentleman was so illustrious a Member? Did not Lord Aberdeen, when repeatedly urged to state to what terms of peace he would apply the epithets "safe" and "honourable," as repeatedly answer, "That must depend on the fortune of war; and the terms will be very different if we receive them at Constantinople or impose them at St. Petersburg." Sir, if I may say so without presumption, I always disapproved that language—I always held the doctrine that if we once went to war it should be for nothing more and nothing less than justice. [Mr. M. GIBSON: Hear, hear!] Ay, but do not let me dishonestly catch that cheer, for I must add and also for adequate securities that justice will be maintained. No reverses should induce us to ask for less—no conquests justify us in demanding more. But when the right hon. Gentleman, being out of office, now also asserts that doctrine, why did he not refuse his sanction to the noble Earl, who took the whole question out of the strict limits of abstract justice, the moment he made the indefinite arbitration of military success the only principle to guide us in the objects and terms of peace? And if the right hon. Gentleman rigidly desired to limit our war to one of protection, how could he have consented to sit in a Cabinet which at once changed its whole character into a war of invasion? All the complications which now surround us—all the difficulties in the way of negotiation which now so perplex even the right hon. Gentleman's piercing intellect, date from the day you landed on the Crimea, and laid siege to Sebastopol. I do not say your strategy was wrong, but, wrong or right, when you invaded the Crimea you inevitably altered the conditions on which to re-establish peace; the right hon. Gentleman was a party to that campaign, and he cannot now shrink from its logical consequences. Those consequences are the difficulties comprehended in the third article—the lie that your policy would give to your actions if you accepted the conditions proposed by Russia; for why did you besiege Sebastopol, but because it was that fortress which secured to Russia her preponderance in the Black Sea and its capture or dismantlement was the material guarantee you then and there pledged yourselves to obtain for the independence of Turkey and the security of Europe. And if the fortunes of war do not allow you yet to demand that Sebastopol be disfortified, they do authorise you to demand an equivalent in Russia's complete resignation of a fleet in the Black Sea; for at this moment not one Russian ship can venture to show itself in those waters. If the right hon. Gentleman is perplexed to determine what mode of limiting the Russian preponderance can be invented, one rule for his guidance at least he is bound to consider imperative—namely, that the mode of limitation must be one which shall content not England alone, but the ally to whom the faith of England was pledged by the Cabinet which the right hon. Gentleman adorned. It is strange to what double uses the right hon. Gentleman can put an ally. When we wished to inquire into the causes of calamities to an army purely our own—calamities which the right hon. Gentleman thinks were so exaggerated—an exaggeration that inquiry has not served to dispel—then we were told, "What are you doing? Take care! To inquire into the fate of an English army may offend and alienate your ally, France." But now, when the right hon. Gentleman would have desired us to patch up a peace, he forgets altogether that we have an ally upon the face of the globe. He recommends us singly to creep out of the quarrel with Russia, and would leave us equally exposed to the charge of desertion by Turkey and of perfidy by France. But it has been insinuated—I know not on what authority—that France would have listened to these terms if we had advised it. If this be true, I thank our Government for declining such a responsibility. For if, in that noble courtesy which has characterised the Emperor of the French in his intercourse with us, he had yielded to your instances, and consented to resume and complete negotiations based upon terms he had before refused, who amongst us can lay his hand on his heart and say that a peace which would have roused the indignation even of our commercial and comparatively pacific people might not so have mortified the pride of that nation of soldiers to which the name of Napoleon was the title deed to empire, as to have shaken the stability of a throne which now seems essential to the safety and social order of the civilised globe? "Oh," says the right hon. Gentleman the Member for the University of Oxford, with a solecism in logic which I could never have expected from so acute a reasoner, "see how Russia has gradually come down to terms which she before so contemptuously scouted. In

February, 1853, she declared such and such terms were incompatible with her honour; she would dictate terms to Turkey only at St. Petersburg, under the frown of the Czar, or at the head quarters of the Russian camp; and now see how mild and equitable Russia has become." Yes; but how was that change effected? By diplomacy and negotiation? By notes and protocols? No, these had been tried in vain—the result of these was the levying of armaments—the seizure of provinces—the massacre of Sinope. That change was effected by the sword—effected in those fields of Alma and Inkerman to which the right hon. Gentleman so touchingly appealed—effected by those military successes inspired by the passion for fame and glory on which, as principles of action, his humanity is so bitterly sarcastic. The right hon. Gentleman dwelt, in a Christian spirit which moved us all, on the gallant blood that had been shed by us, our allies, and even by our foes, in this unhappy quarrel. But did it never occur to him that, all the while he was speaking, this question was irresistibly forcing itself on the minds of his English audience—"And shall all this blood have been shed in vain? Was it merely to fertilise the soil of the Crimea with human bones? and shall we, who have buried there two-thirds of our army, still leave a fortress at Sebastopol and a Russian fleet in the Black Sea eternally to menace the independence of that ally whom our heroes have perished to protect?" And would not that blood have been shed in vain? Talk of recent negotiations effecting the object for which you commenced the war! Let us strip those negotiations of diplomatic quibbles, and look at them like men of common sense. Do not let Gentlemen be alarmed lest I should weary them with going at length over such hackneyed ground—two minutes will suffice. The direct question involved is to terminate the preponderance of Russia in the Black Sea, and with this is involved another question—to put an end to the probabilities of renewed war rising out of the position which Russia would henceforth occupy in those waters. Now, the first proposition of Russia is to open to all ships the passage of the Bosphorus and the Dardanelles. "That is the right thing," says the right hon. Member for Manchester. Yes, so it would be if Russia had not the whole of that coast bristling with her fortresses; but while those fortresses remain it is simply to say, "Let Russia increase as she pleases the maritime force she can direct against Turkey, sheltered by all the strongholds she has established on the coasts; and let France and England keep up, if they please, the perpetual surveillance of naval squadrons in a sea, as the note of the French Minister well expresses it, "where they could find neither a port of refuge nor an arsenal of supply." This does not, on the one hand, diminish the preponderance of Russia; it only says you may, at great expense, and with great disadvantages, keep standing navies to guard against its abuse; and, on the other hand, far from putting an end to the probabilities of war, it leaves the fleets of Russia perpetually threatening Turkey, and the fleets of England and France perpetually threatening Russia. And, while such a position could hardly fail sooner or later to create jealousy between England and France, I can scarcely imagine any disease that would more rot away the independence of Turkey than this sort of chronic protection established in her own waters. The second proposition, which retains the *mare clausum*, not only leaves the preponderance of Russia exactly what it was before the war began, but, in granting to the Sultan the power to summon his allies at any moment he may require them, exposes you to the fresh outbreak of hostilities whenever the Sultan might even needlessly take alarm; but with these differences between your present and future position—first, that Russia would then be strengthened, and you might be unprepared, and next that while, as I said before, now not one Russian flag can show itself on those waters, you might then, before you could enter the Straits, find that flag waving in triumph over the walls of the Seraglio. And, to prove that this is no imaginary danger, just hear what is said upon the subject by the practical authority of Marshal Marmont, which was loosely referred to the other night by the noble Lord the Member for London (Lord J. Russell), and remember the Marshal is speaking at a period when the force of Russia in those parts was far inferior to what it would be now if you acceded to her terms—"At Sebastopol, Russia has twelve sail of the line, perfectly armed and equipped." Let me here observe that the Marshal recommends that this number should be increased to thirty, and says that if Sebastopol were made the harbour of a powerful navy, nothing could prevent Russia from imposing laws on the

Mediterranean. "In the immediate neighbourhood a division of the army is cantoned; it could embark in two days, and in three more reach Constantinople—the distance between Sebastopol and the Bosphorus being only 180 miles, and a speedy passage almost a matter of certainty, owing to the prevalence of northerly winds, and the constant current from the Euxine towards the Sea of Marmora. Thus, on the apprehension of interference from the allied fleet, that of Russia would pass and take up such a position as circumstances might dictate, while an army of 60,000 men would cross the Danube, pass the Balkan, and place itself at Adrianople; these movements being effected with such promptitude and facility that no circumstances whatever could prevent their being carried into execution." And now I put it to the candour of those distinguished advocates for the Russian proposals, whose sincerity I am sure is worthy of their character and talents, whether the obvious result of both these propositions for peace is not to keep four Powers in the unrelaxing attitude of war—one of those Powers always goaded on by cupidity and ambition, the other three always agitated by jealousy and suspicion? And is it on such a barrel of gunpowder as this that you would ask the world to fall asleep? But say the hon. Gentlemen, "the demand of the Western Powers on the third article is equally inadequate to effect the object." Well, I think there they have very much proved their case—very much proved how fortunate it was that negotiations were broken off. However, when a third point is to be raised again let us clear it of all difficulties, and raise it not in a Congress of Vienna but within the walls of Sebastopol. Sir, before I pass from this part of the subject let me respectfully address one suggestion to those earnest and distinguished reasoners who would make peace their paramount object. You desire peace as soon as possible; do you think you take the right way to obtain it? Do you think that when Russia can say—"Here are Members of the very Government who commenced the war declaring that our moderation has removed all ground for further hostilities—they are backed by the most conspicuous leaders of the popular party—the representatives of those great manufacturing interests which so often influence and sometimes control the councils of a commercial State,"—do you think that Russia will not also add, "These are signs that encourage us, the Russian Empire, to prosecute the war—they are signs that our enemy foresees the speedy exhaustion of its means, the relaxing ardour of its people, and must, after some bravado, accept the terms which are recommended in the National Assembly by experienced statesmen and popular tribunes?" You are leading Russia to deceive herself, to deceive her subjects. You are encouraging her to hold out, and every speech you make in such a strain a Russian general might read to his troops, a Russian Minister might translate to trembling merchants and beggared nobles, if he desired to animate them all to new exertions against your country. I do not wish to malign and misrepresent you. I respect the courage with which you avow unpopular opinions. I know that you are patriots as sincere as we are. You have proved your attachment to the abstract principle of freedom, but do reflect whether you make a right exercise of your powers if, when we are sending our sons and kinsmen to assist a cause which would at least secure weakness from aggression, and the free development of one nation from the brute force of another, you take the part of the enemy against your country. [Mr. M. GIBSON: No, no.] "No, no!" What means that denial? You take part with the enemy when you say he is in the right, and against your country when you say we are in the wrong. You transfer from our cause to his that consciousness of superior justice which gives ardour to the lukewarm, endurance to the hesitating, and by vindicating his quarrel you invigorate his arms. If I now turn to the Amendments before the House, I know not one that I can thoroughly approve; not, of course, that by the hon. Member for the University of Oxford (Sir W. Heathcote), not that of the hon. Member for Kidderminster (Mr. Lowe), for I feel no regret that Russia should not have terminated hostilities by accepting proposals inadequate, in my judgment, to secure our object; while I think it scarcely consistent with the prerogative of the Crown, and might furnish a dangerous precedent hereafter, if we were to contest the right of Her Majesty to judge for herself whether the means of peace on the basis of the third negotiation are exhausted or not. The Amendment of the right hon. Member for Portsmouth (Sir F. Baring) would have been more complimentary to the quarter whence he stole it if he had not added the crime of murder to that of theft.

He takes the infant from the paternal cradle, cuts it in half, and the head which he presents to us has no longer a leg to stand upon. The original motion of my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) in censuring the Government for ambiguous language and uncertain conduct, gave a substantial reason for conveying to her Majesty that we, at least, would support Her in the conduct of the war. Omit that censure, imply by your silence, that there is no reason to distrust Her Majesty's responsible advisers, and the rest of the Resolution becomes an unmeaning platitude. It is with great satisfaction that I think of the effect produced by the original motion of my right hon. Friend, for to my mind that effect atones for its want of success in meeting with the sanction of the House. It has not, it is true, changed the Government, but it assuredly has changed their tone. I do not know whether that change will be lasting, but I hope that we are not to take, as a test of the earnestness of a Government thus suddenly galvanised into vigour, the speech of the noble Lord the Member for London, which, before the division, implied so much, but which, after the division, was explained away in so remarkable a manner. I rejoice that in wringing direct declarations from the Government it leaves us free to discuss that which is before us, not as Englishmen against Englishmen, but as citizens of one common State equally interested in surveying the grounds of a common danger. Much reference has been made in the course of this debate as to the position of Austria. The mediation of Austria is withdrawn for the present, but Austria is still there, always ready to mediate as long as she hesitates to act. It is well to consider what may be our best position with regard to a Power with which we shall constantly be brought into contact. I cannot too earnestly entreat you to distinguish between the friendship with Austria and the alliance with Austria. I think it of the utmost importance, if you would confine this war within compact and definite limits, that you should maintain friendly terms with a Power which, as long as it is neutral, if it cannot serve, does not harm you, and which you could not seriously injure without casting out of the balance of Europe one of the weights most necessary to the equilibrium of the scales. It is easy to threaten Austria with the dismemberment of her ill-cemented empire, easy to threaten her with reduction to a fourth-rate Power. But she has this answer to the practical sagacity of England and the chivalrous moderation of France—"I, the Empire of Austria, am not less essential as a counterpoise to France than the integrity of Turkey is essential as a barrier against Russia. If the balance of power be not a mere dream, I trust my cause to every statesman by whom the balance of power is respected." But though, for this and for other reasons, I would desire you to maintain friendly relations with Austria, pardon me, if I doubt the wisdom of having so urgently solicited her alliance. Supposing you had now gained it, what would you have done? Just what a Government here might do if it pressed into its Cabinet some able and influential man with views not congenial to its own, and who used his power on your councils to modify the opinions and check the plans upon which you had before been united. Add Austria now, while she is still timid and reluctant, to the two Western Powers—give her a third coequal voice in all the conduct of the war, and it could only introduce into their councils a certain element of vacillation and discord. But if you bide your time, preserving Austria in her present attitude of friendly neutrality, if you do not threaten and affront her into action against you—the natural consequences of continued war, the common inclinations of her statesmen and her people—which I have reason to know are not favourable to Russia—will bring her to you at length with coincidence in your objects, because according to the dictates of her own sense of self-interest. As far as I can judge, our tone with Austria has been much too supplicating, and our mode of arguing with her somewhat ludicrous. It reminds one of the story of an American who saw making up to him in the woods an enormous bear. Upon that he betook himself to his devotions, and exclaimed, "O Lord, there is going to be a horrible fight between me and the bear, all I seek is fairplay and no favour; if there is justice in Heaven you ought to help me; but if you won't help me, don't help the bear." But now comes the grave and solemn problem which the withdrawal of all negotiation forces still more upon the mind of every one who thinks deeply, and which the right hon. Gentleman the Member for Manchester has so properly raised. War being fairly upon us, of what nature shall be that war? Shall it assume that vast and comprehensive character which excites in the hon. Member for Aylesbury (Mr. Layard) hopes for the human race too daring even for him to detail to this sober House? In plain words, shall it be a war in which, to use the language of Mr. Canning in 1826, you will enlist "all those who, whether justly or unjustly, are dissatisfied with their own countries;" in which you will imitate the spirit of revolutionary France, when she swept over Europe, and sought to reconcile humanity to slaughter by pointing to a rainbow of freedom on the other side of the Deluge? Does history here give to the hon. Member an example or a warning? How were these promises fulfilled? Look round Europe! You had the carnage—where is the freedom? The deluge spread, the deluge rolled away—half a century is fled, and where is the rainbow visible? Is it on the ruins of Cracow?—on the field of Novara?—or over the walls of defeated Rome? No; in a war that invokes liberal opinion against established rule what I most dread and deprecate is, not that you will fulfil your promises and reap the republics for which you sowed rebellions—what I dread far more is, that all such promises would in the end be broken—that the hopes of liberty would be betrayed—that the moment the monarchies of England and France could obtain a peace that realised the objects for which monarchs go to war, they would feel themselves compelled by the exhaustion of their resources, by the instincts of self-conservation, to abandon the auxiliaries they had lured into revolt—restore to despotism "the right divine to govern wrong," and furnish it with new excuse for vigilance and rigour by the disorders which always distinguish armed revolutions from peaceable reforms. I say nothing here against the fair possibility of reconstructing in some future congress the independence of Poland, or such territorial arrangements as are comprised in the question, "What is to be done with the Crimea, provided we take it?" But these are not all that is meant by the language we hear, less vaguely out of this House than in it, except when a Minister implies what he shrinks from explaining. And woe and shame to the English statesman who, whatever may be his sympathy for oppressed subjects, shall rouse them to rebellion against their native thrones, not foreseeing that in the changes of popular representative government all that his Cabinet may promise to-day a new Cabinet to-morrow may legally revoke; that he has no power to redeem in freedom the pledges that he writes in blood; and woe still more to brave populations that are taught to rest democracy on the arms of foreign soldiers, the fickle cheers of foreign popular assemblies, or to dream that liberty can ever be received as a gift, extorted as a right, maintained as an hereditary heirloom, except the charter be obtained at their own Runnymede, and signed under the shadow of their own oaks. But there is all the difference between rousing nations against their rulers and securing the independence and integrity of a weak nation against a powerful neighbour. The first is a policy that submits the destinies of a country to civil discord, the other relieves those destinies from foreign interference; the one tends to vain and indefinite warfare, the other starts, at the onset, with intelligible conditions of peace. Therefore, in this war let us strictly keep to the object for which it was begun—the integrity and independence of the Ottoman Empire, secured by all the guarantees which statesmen can devise, or victory enable us to demand. The more definite the object, the more firm you will be in asserting it. How the object is to be effected, how those securities are to be obtained, is not the affair of the House of Commons. The strategy must be planned by the allied Cabinets, and its execution intrusted to Councils of War. We in this House can only judge by results, and, however unfair that may seem to Governments, it is the sole course left to us, unless we are always dictating to our allies and hampering our generals. But, while we thus make the end of the war purely protective, we cannot make the means we adopt purely defensive. In order to force Russia into our object we must assail and cripple her wherever she can be crippled and assailed. I say, with the right hon. Gentleman the Member for the University of Oxford, do not offer to her an idle insult, do not slap her in the face, but paralyse her hands. "Oh," said a noble Friend of mine the other night, (Lord Stanley) "it is a wretched policy to humble the foe that you cannot crush; and are you mad enough to suppose that Russia can be crushed?" Let my noble Friend, in the illustrious career which I venture to prophecy lies before him, beware how he ever endeavours to contract the grand science of statesmen into scholastic aphorisms. No, we cannot crush Russia as Russia, but we can crush her attempts to be more than Russia. We can, and we must, crush any means that enable her to storm or to steal across that tangible barrier which now divides Europe from a Power that supports the maxims of Machiavelli with the armaments of Brennus. You might as well have said to William of Orange, "You cannot crush Louis XIV.; how impolitic you are to humble him!" You might as well have said to the burghers of Switzerland, "You cannot crush Austria; don't vainly insult her by limiting her privilege to crush yourselves!" William of Orange did not crush France as a kingdom; Switzerland did not crush Austria as an empire; but William did crush the power of France to injure Holland; Switzerland did crush the power of Austria to enslave her people; and in that broad sense of the word, by the blessing of Heaven, we will crush the power of Russia to invade her neighbours and convulse the world. The right hon. Gentleman the Member for Manchester has sought to frighten us by dwelling on the probable duration of this war; but if you will only be in earnest, and if you will limit yourselves strictly to its legitimate object, I have no fear that the war will be long. I do not presume on our recent successes, important though they are, for Kertch is the *entrepôt* of all the commerce of the Sea of Azoff; nor on the exaggerated estimate of the forces which Russia has in Sebastopol, or can bring to the Crimea; nor on her difficulty through any long series of campaigns to transport and provision large armies from great distances; nor on many circumstances which, of late especially, tend to show that for exertions at once violent and sustained her sinews are not strong enough to support her bulk. But I look only to the one fact, that in these days war is money; and that no Power on earth can carry on a long war with a short purse. Russia's pecuniary resources are fast failing her. In no country is recruiting so costly, or attended with such distress to the proprietors of the soil. Every new levy, in depriving the nobles of their serfs, leaves poverty and discontent behind, while in arresting her commercial intercourse you exhaust the only springs that can recruit the capital which she robs from the land. In the great *History of Treaties*, now publishing by the Count de Garden, and which must supersede all other authorities on that subject, he speaks thus of Russia in 1810:—

> "The closing of her ports, which was the result of her war with England, deprived Russia of all outlet for her exportations, which, consisting chiefly of raw materials—such as timber, potash, iron, &c.—could only be transported by sea. The balance of commerce thus fixed itself entirely to the detriment of Russia, and, producing there a disastrous fall in the course of exchange, and a depreciation of the currency, menaced with ruin all the financial resources of the State."

You have, therefore, always at work for you, not only your fleets and armies, but the vital interests of Russia herself. She cannot resist you long, provided you are thoroughly in earnest. She may boast and dissimulate to the last, but rely on it that Peace will come to you suddenly—will, in her proper name, knock loudly at the door which you do not close against Peace herself, but against her felonious counterfeit, who would creep through the opening disguised in her garments, and with the sword concealed under her veil. The noble Lord (Lord Archibald Hamilton), who has just spoken with so much honesty of conviction, ventured to anticipate the verdict of history. Let me do the same. Let me suppose that when the future philanthropist shall ask what service on the human race did we, in our generation, signally confer, some one trained, perhaps, in the schools of Oxford, or the Institute of Manchester, shall answer—"A Power that commanded myriads—as many as those that under Xerxes exhausted rivers in their march—embodied all the forces of barbarism on the outskirts of civilisation. Left there to develope its own natural resources, no State molested, though all apprehended its growth. But, long pent by merciful nature in its own legitimate domains, this Power schemed for the outlet to its instinctive ambition; to that outlet it crept by dissimulating guile, by successive treaties that, promising peace, graduated spoliation to the opportunities of fraud. At length, under pretexts too gross to deceive the common sense of mankind, it prepared to seize that outlet—to storm the feeble gates between itself and the world beyond." Then the historian shall say that we in our generation—the united families of England and France—made ourselves the vanguard of alarmed and shrinking Europe, and did not sheathe the sword until we had redeemed the pledge to humanity made on the faith of two Christian Sovereigns, and ratified at those distant graves which liberty and justice shall revere for ever.

THE LORD ADVOCATE said, he must appeal to the consideration of the House to bear with him while he endeavoured to reply to the eloquent address they had just heard, at the same time he desired to say that he entirely concurred in almost every word that had fallen from the hon. Baronet. He thought the House and the country were indebted to the hon. Baronet for the powerful, manly, and open way in which he had spoken upon this great question; for, unlike, other speeches which had proceeded from the Opposition, that of the hon. Baronet contained not only a clear statement of what he did not think, but also of what his own opinions really were, and what his own course would be. It had been said that the country had drifted into the war; but he did not think it was truly said, for he was much mistaken if the people of this country did not know well why they had entered into the war, and that they were not disposed to desist from it until the object of the war had been obtained. The right hon. Gentleman the Member for Manchester said that the war had been charged to the peace party. The right hon. Gentleman denied that charge, and ascribed the war to supposed impossibility of an alliance between France and England and the periodical writings of the day. He (the Lord Advocate) did not doubt with the right hon. Gentleman that the Emperor of Russia believed it was most improbable that France and England would come into an alliance, and that he was also encouraged by the tone of the periodical press, but it seemed to escape the right hon. Gentleman that whilst he said these two elements entered into the causes of the war, he confessed what he was so anxious to deny, that the Emperor of Russia was waiting for his opportunity. He believed that the hon. Baronet opposite (Sir B. Lytton) had given some wholesome and salutary advice to the right hon. Gentleman and his Friends, for if it could not be doubted that the improbability of an alliance with France and the tone of the periodical press had encouraged the Emperor of Russia to go to war, the names of those who were now found enlisted on the side of peace would encourage him much more to persevere in it. He thought that the origin of the war had been mis-stated by some hon. Gentlemen. No doubt the position of Turkey as regarded the rest of Europe was the main ground, but the real interest which this country had, independently of the duty to maintain an ally, was, that through the sides of Turkey its own liberties and interests were attacked. He was greatly astonished at the arguments of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone). The real question was, that there was a great and obvious danger to ward off by entering into war irrespective of the position of Turkey, but it did not follow because the country had entered into a war on these several grounds, the *status quo* was to be the only condition of peace. It would depend on the course of the war to determine what the allied powers were entitled to ask or to accept. If that was not the case wars must go on for ever, so long as one side was victorious and the other greatly depressed. The right hon. Gentleman said the terms ought not to be increased as the war went on, but if he (the Lord Advocate) was not much mistaken the Government of Lord Aberdeen had increased those terms as the war progressed. It was plain that Russia had lost every point which she had gained. Whatever had been the misfortunes and calamities of this country, Russia had certainly gained nothing, and therefore when they came to settle the basis of the negotiations, Russia was not entitled to increase her terms. Now he would inquire, what are those terms? The main matter was the preponderance of Russia in the Black Sea; and it appeared to him that the proposition made by the noble Lord (Lord John Russell) was an important security. He should say that unquestionably the result of the military operations, even before the recent successes, was not such as to induce the allies to reduce their terms. From the campaign on the Danube, where Omar Pacha rolled back the tide of Russian war, up to the present time, Russia had gained nothing, and, therefore, when the conditions of peace came to be discussed Russia was not in a position to say that she was entitled to more favourable terms than those formerly offered. The proposition of the allies in reference to the third point appeared to him to offer an important security for the object desired; for it was not merely that the number of the Russian ships should be limited in the Black Sea, but that Russia should come under the jurisdiction of the States of Europe on the question of her preponderance in the Black Sea; and any one of those States would be justified in immediately resorting to hostilities upon a breach of the condition imposed. The proposition of Russia, whether for shutting or keeping open the Dardanelles, offered but little security for Turkey, for Russia would be at liberty to maintain a large fleet in the Black Sea; and, at the moment when Turkey might desire the aid of her allies, the fleets of those Powers might be at a distance, or France and England might, unfortunately, be at war. Such a condition would leave Russia to exercise her influence, not only in Europe, but over the whole of central Asia, and the allies would find themselves a great deal worse at the end of the war than at the beginning. Hon. Gentlemen opposite appeared to be disappointed at the declaration made by his noble Friend (Lord Palmerston) the other night. He knew not what right they had to say that that declaration was extorted from his noble Friend. His noble Friend had been subjected to a series of questions during the negotiations neither usual nor beneficial to the interests of the country, and he was entitled to refuse any explanations whilst his duty required him to do so; and when his duty required that of him no longer, he was right in taking the opportunity of giving those explanations. Under these circumstances, whatever amendment was adopted, neither the Emperor of Russia nor any other Power in Europe, looking at the tone of the debate, could doubt what the solemn opinion of the country was. The opinion of the country and the opinion of that House, he was sure, was that the country had entered into the war on just grounds, and that they were determined not to desist from that war until they had brought it to an honourable and satisfactory termination.

Mr. COBDEN moved the adjournment of the debate.

Viscount PALMERSTON said, he trusted that the House would allow this Amendment to be disposed of. He considered that the Amendment on which the hon. Member would wish to state his sentiments, was the Amendment of the hon. Member for the University of Oxford (Sir W. Heathcote).

Mr. COBDEN said, he must beg the noble Lord's pardon, but it was on this Amendment that he wished to state his sentiments.

Mr. DISRAELI said, he hoped that there would be no difference of opinion on this important point. There were several Amendments on the paper, but it appeared to him that this was the real question on which the opinion of the House was asked —whether the conferences were to proceed, or, as it was understood, to be closed immediately—was this, had the best means been employed by the Government to establish the equilibrium, and put an end to the preponderance of Russia in the Black Sea. A more important question, or one more deserving the consideration of the House of Commons could not well be conceived. When the noble Lord at the head of the Government announced before the recess, that he intended to support the first part of the Motion of the hon. Member for Kidderminster, he (Mr. Disraeli) told the noble Lord that he must be prepared for considerable debates in consequence of that declaration. Not only was the whole question of the policy of Government involved in the discussion, but much more than that—the future means by which peace was to be obtained. He might also take that opportunity of answering the remarks of the right hon. and learned Lord Advocate, and perhaps he might be able to show him that the subject was of much wider character than he seemed to suppose. The right hon. and learned Lord imagined, acting under the instructions of the Government, that there were no other means by which the preponderance of Russia could be possibly checked and controlled. He (Mr. Disraeli) thought, however, that it was the duty of the House of Commons to enter fully and completely into this discussion; that the first part of the Amendment of the hon. Member for Kidderminster was the real business before them; and that all the rest was "leather and prunella." The noble Lord, therefore, must not suppose that they could proceed to an early division upon a subject on which it appeared to him the discussion had only commenced.

Debate *adjourned*.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, June 5, 1855.

Minutes.] Public Bills.—1^a Edinburgh Lands. *Reported.*—Ecclesiastical Property (Ireland). 3^a Newspaper Stamp Duties.

THE "MEDWAY" TRANSPORT—QUESTION.

Lord PANMURE, in reference to the question which the noble Earl opposite (the Earl of Ellenborough) had put yesterday on the subject of the fittings of the *Medway*, wished to bring before the House, in addition to what he had stated yesterday, the report of an officer (Captain Connell) who had been sent from Woolwich to Southampton to examine the condition of the vessel; that report, dated the 5th of May, was as follows—

> "In compliance with your instructions, I yesterday visited the Royal Mail steamship *Medway*, at Southampton. I have to report that she has stable room for 220 horses; the boxes are well and securely built, and the ventilation is admirable; 115 of the horses are boxed on the lower deck, which is nearly seven feet high, and thoroughly ventilated; the rest are on the spar deck. The main deck is entirely set apart for the use of the men, and can berth 220. The only place for stowage of harness, guns, carriages, &c., is the forehold, and there is not more room than necessary to hold the harness vats, six guns and carriages, and six waggons. If thirty of the horseboxes in the fore part of the vessel were taken away there would be ample room for all the carriages of the battery. I beg most humbly to suggest that an officer with a strong party of men should proceed down to Southampton with the harness and guns the day before the horses are embarked, which will enable them to store everything before shipping the horses."

It would appear, as he had stated yesterday, that the accident to the *Medway* was only the consequence of a severe storm she encountered in the Bay of Biscay, and not in any way connected with the boxing of the horses.

The Earl of ELLENBOROUGH said, he thought, from the sketch he had seen, that there was some defect in the fittings, and suggested that, in all cases, means should be taken to secure the boxes from sliding from one side of the deck to the other. He believed no blame attached to the authorities, but he would suggest that the noble Lord should himself take the trouble to go down to the ports of embarkation to see that the transport arrangements were properly made, for it frequently happened that the eye of a civilian discovered defects which did not occur by scientific gentlemen who had charge of the preparations.

Lord PANMURE said, that no doubt the suggestion of the noble Earl might be useful, but he feared, from the pressure of other important business, he should not be able to act upon it.

THE TURKISH CONTINGENT.

The Earl of ELLENBOROUGH said, their Lordships would probably recollect that on the 3rd of February a Convention was agreed to between Her Majesty and the Sultan for the employment of a number of Turkish troops in the British service, and he thought he was not considered premature in asking the noble Lord opposite, on the 5th of June, what progress had been made in the formation of this body of troops. If they were to believe what they read in the newspapers—and certainly what he had read there was confirmed by what he had read in a letter from one of the officers engaged in that force—no progress whatever had been made, a fortnight ago, in placing any number of Turkish troops under the command of the officers who had been sent out. Those officers were extremely dissatisfied at the position in which they stood, and were remaining at Constantinople without anything to do, although they were receiving no very great consolation from the pay of a rank superior to that which they had previously held. There could be no fault, so far as he could see, on the part of the noble Lord opposite (Lord Panmure), who had performed his duty in sending out officers; but the fault, if fault there was, was either with the diplomatic authorities, who have not urged the Turkish Government, as they ought to have done, to place troops at the disposal of the officers who had been sent out, or it might have rested with our enlightened ally the Sultan, who might not have seen the present and future advantage which might result to Turkey from the establishment of such a corps. He had always taken the greatest interest in this subject, believing it to be one of the utmost possible importance, not only to the present but to the future advantage of Turkey; and it would be satisfactory to him if the noble Lord would give their Lordships an assurance that matters were in train for the formation of this force, and that, although no great progress had been reported, some hope existed that, at no distant period, the officers who had been sent out would find men to command.

Lord PANMURE said, he could assure the noble Earl that he very much regretted the delay which had taken place in the formation of the Turkish contingent, a corps which he agreed with the noble Earl would confer immense benefits upon Turkey. It is true, as stated by the noble Earl, that the convention was entered into on the 3rd of February—the ratifications were exchanged on the 12th of March—and by the 11th of April Her Majesty's

Government had fulfilled their part of the engagement, for on that day General Vivian, the officer selected to command the contingent, arrived at Constantinople with, though not a complete, at all events a sufficient staff of officers to undertake the command of a considerable body of men. He found, on his arrival, that no men were forthcoming for him to command; but the reason of that was not to be discovered either in the disposition of the Turkish Government to find troops or in the neglect of the diplomatic authorities to make proper representations to the Sultan on the subject. It arose very much from the fact that many of the Turkish troops concentrated at Constantinople, and from whom it was anticipated that the contingent would be drawn, had been suddenly called by Omar Pacha to the seat of war, and that there was not a sufficient number left to place under the direction of the British officers. The Turkish Government at once offered to detach from the army under Omar Pacha a body of troops to form the contingent at Constantinople; but Her Majesty's Government very properly replied that it would not be advisable to weaken the force immediately at the seat of war by withdrawing from Omar Pacha any of his seasoned troops. It was then proposed, and the proposal was now in course of being carried out, that troops to form the contingent should be withdrawn from the army on the Danube. Omar Pacha himself suggested that arrangement, and promised to give it his support; and as soon as they could command transports either to bring the troops from Varna to Constantinople, or, if it were thought more advisable, to remove General Vivian and his staff to Varna, there to form a portion—for it would be only a portion—of the contingent, there would be no longer any delay in proceeding with the formation of at least half the number of men which the Sultan had agreed to supply. With regard to the other moiety, it had not been determined what proportion of them should consist of seasoned troops, and what proportion—he hoped a small one—of men raised for the first time; but he could assure their Lordships that Her Majesty's Government were as anxious as they possibly could be to complete the force, which they believed would prove a great future advantage to the Sultan, and likewise of immense present benefit to the allies themselves, not only at the seat of war, but at various other points where it might be necessary to place disciplined troops, either to form a barrier against the enemy or to garrison important fortresses.

The Earl of ELLENBOROUGH said, that if it were determined to send half of the officers to Varna, there to form and discipline a moiety of the contingent, he would venture humbly to suggest that the other half should be sent to Erzeroum, there to form and discipline the remainder of the force. It was of the utmost importance that both officers and men should be placed where they were most wanted. He believed, from communications he had had with many officers, that they would, in raising a force to be formed under British discipline, much rather begin with raw recruits than to take Turkish troops, who would have to unlearn a great deal before they could learn anything from their new commanders.

The Earl of HARDWICKE said, he could not allow the conversation to drop without expressing the hope that the Sultan might derive great benefit from the instruction of his troops by English officers, and he was therefore ready to support any plan for assisting the Sultan in improving the discipline of his forces and in affording them instruction in the art of war; but if the Turkish contingent were to be considered as a mere increase of the mercenary force in the pay of England, and if it were intended that England should go on raising mercenary forces from time to time for the purposes either of attack or defence, he could only say that anything more degrading to the character of the country, or tending more to the ultimate ruin of its power and influence, could not possibly be conceived. If England, with the vast and rapidly increasing population which it now possessed, was unable to fight its own battles with its own men, he could not look forward to the future with anything but a feeling of apprehension and dismay; and he would strongly urge upon Her Majesty's Government the necessity of calling out the resources of the country at the present time, in order that we might not assume, in the eyes of foreign nations, the position of a second-rate Power as compared with our great ally, France. He should like to see an increase of the army vigorously set about by means of large bounties; or, if that were insufficient to secure the requisite force, by means of a resort to those devices which were perfectly constitutional. In the last war, with a much smaller population than it now had, England stood in the position of a first-rate military Power, and he saw no reason why she should allow herself to be degraded from that position now. He was one of those who believed that we were only just at the commencement of a great and protracted war, and any measures that might encourage the idea that we were compelled to employ mercenary forces and to subsidise the troops of other countries, would materially affect the position of England in the eyes of her allies and of the world.

LORD PANMURE said, he did not intend to prolong the discussion, but he must protest against the observations of the noble Earl with reference to the employment of foreign troops in the present war. He had been engaged in negotiating for the services of such troops, and he could tell their Lordships that he considered it no degradation whatever to England to accept the assistance of gallant men, either of Switzerland or Germany, in a just and honourable cause. He would further add, that in consequence of reflections such as those which their Lordships had just heard, he had found the greatest difficulty in inducing foreigners to enter into our service. He had fortunately succeeded in removing some of those difficulties, and he did trust that no further obstacles would be thrown in his way by such observations as those of the noble Earl, which were calculated to serve no useful purpose, but, on the contrary, had a very injurious effect abroad, by representing the services of foreigners as mercenary, and such as England could not employ with honour.

THE EARL OF MALMESBURY did not think the noble Baron quite understood the bearing of the observations of the noble Earl beside him. There was nothing in the speech of the noble Earl which any foreign country could consider as offensive. What the noble Earl meant to say was, that the amount of military force now raised from the population of England was not such as might be expected from so great a country, and that it was a degradation to us, considering how our population had increased since the last war, that we should be obliged to the use of foreign bayonets. The noble Earl made no reflection whatever upon foreign troops, nor did he say more than every Englishman had a right to say when he thought his country ought to do more than she had done. They all knew that there were no braver men on the face of the earth than the Swiss, or none more faithful to those whom they served, and it would be impossible for any person to stand up and declare—he was sure the noble Earl, who had met those foreigners to whom he was supposed to allude offensively as enemies, and who knew their valour, would be the very last to do so—that it would be a degradation to stand shoulder by shoulder with such troops. The same might be said of the Germans and of the troops of other countries with whom we had already fought as allies; and, therefore, he thought the noble Earl had some reason to complain of the noble Baron opposite, because while his observations referred to the exertions made by England herself, as compared with her efforts during the last war, the noble Baron had misrepresented them as meaning something offensive to foreign countries.

THE EARL OF HARDWICKE said, he was not aware that he had said anything that could be considered offensive by any foreign country. All he had said was, that he thought it disgraceful that this country should be forced to subsidise armies or hire mercenaries. He was not aware that Her Majesty's Government had done either. All they had done at present was to league themselves with allies in the field. He should like to know after the observations of the noble Baron, whether or not they had subsidised any troops.

EARL GRANVILLE said, he though it would have been much better if the noble Earl had left the matter as it had been explained by his noble Friend the late Foreign Secretary (the Earl of Malmesbury), whose statement must have given satisfaction to their Lordships, showing, as it did, that he differed entirely from what must be regarded as the impression produced by the observations of the noble Earl who first spoke. He was surprised to find that the noble Earl (the Earl of Hardwicke) objected to what not one single individual had ever objected to before, namely, that in a war in which Turkish interests were primarily and most deeply involved, we should give to the Sultan the undoubted advantage of our greater skill and larger pecuniary means in forming and training a force for the defence of his dominions. The effect of his remarks, however, had been explained away in a most satisfactory manner by the late Secretary for Foreign Affairs, who had spoken of the services of foreign troops in terms which could not fail to produce a good impression abroad as well as at home.

THE VIENNA CONFERENCES—QUESTION.

Lord LYNDHURST: May I ask the noble Earl the Secretary for Foreign Affairs whether he has received any intelligence of the close of the Vienna Conferences; and, if so, whether he is prepared to lay on the table the last proposal made to or by Russia?

The Earl of CLARENDON: I this morning received information from Her Majesty's Minister at Vienna that a conference was yesterday summoned by Count Buol, and that he then made a proposition to the Russian Plenipotentiaries—I am speaking from a short despatch received by telegraph—requested to know whether they might send that proposal to St. Petersburg. Upon the French and English Ministers being consulted, they said they had no instructions to agree to such a proceeding; and Count Buol then said that having fulfilled the engagement undertaken by Austria—to endeavour to find the elements of accommodation between the contending parties—and having failed to discover such means of accommodation, he considered there was no further use in conferences being held; and the conferences were accordingly closed. With respect to the question of the noble and learned Lord as to whether the proposal which was made at the conference will be laid before Parliament, I do not think there can be any objection to the production of that proposition; but as I am not yet quite certain what the proposition is—having received only a short despatch by telegraph—I must delay answering the question till another occasion.

Lord LYNDHURST: It is at least satisfactory to learn that the conferences have been closed.

CORN AVERAGE RETURNS.

Lord PORTMAN moved, that there be laid before the House, Accounts of the total Quantities of each kind of Corn, returned by the Corn Inspectors as having been sold in the markets of England and Wales in the year 1854; and also the Total Quantities of each kind of Corn and Flour and Meal, reduced to quarters of corn which had been Imported from abroad into England and Wales in the year 1854. These returns were most important. They had been obtained from Ireland in an inefficient state—from Scotland very efficiently; but from England in such a restricted and incomplete form as to be comparatively valueless for the purpose for which they were procured. Some step must be taken to get these returns fully, or the system must be given up. It was most desirable to get better information relative to the yearly average of the area of wheat in cultivation, and he hoped measures would be taken to get at what was wanted. The returns would be useful as showing a comparatively small quantity of corn brought into market.

Lord STANLEY of ALDERLEY said, the subject was one of great importance to the interests of the country. Though difficulties had occurred in procuring the returns from some of the counties by means of the only machinery they had been able to set in motion, yet a great deal of very useful information had been collected, more especially in the West Riding of Yorkshire, and in Cambridgeshire. All the Poor Law inspectors concurred in saying, that it was impossible to obtain more satisfactory returns without the passing of a compulsory law, many occupiers objecting to make returns on the ground that if they did so, some of their neighbours would refuse. As to the noble Lord's suggestion, that returns should be obtained from the seller instead of the purchaser, the same difficulties would occur under that arrangement, in the absence of compulsion. Feeling the importance of obtaining accurate returns, it was with great satisfaction that he had heard a noble Lord, who had been elected to fill the important office of President of the Royal Agricultural Society, giving the sanction of his name to the object, and expressing a wish on the part of the agriculturists of this country that such information should be secured. He was inclined to think that the best course he could pursue under the circumstances was, to ask their Lordships to appoint a Select Committee to inquire into all the circumstances attending the attempt to obtain this information. He thought it important to have brought under the notice of their Lordships the successful manner in which the object had been carried out in Scotland, and the imperfect manner in which it had been carried out in England, and especially in Ireland, and he also considered it desirable to include in the inquiry the present mode of taking the corn averages, with the view of ascertaining whether some better method could not be devised.

The Earl of MALMESBURY said, the great point was to ascertain what was likely to be the result of the harvest, so as to enable commercial men to engage, without such risk as they had hitherto incurred, in the importation of corn from foreign countries. He did not see why his noble Friend (Lord Stanley of Alderley) should not take upon himself the responsibility of introducing a Bill to carry out the object. Such a measure would probably meet with very little opposition in either House. He perfectly agreed with him as to the desirability of obtaining accurate returns in spite of the inexcusable prejudices which induced some persons to oppose the object, and their suspicions as to the motives of those who wished for them.

Lord PANMURE could not help saying that the success which had attended the inquiries in Scotland resulted mainly from the fact, that those inquiries were carried on through a body in whom the farmers had confidence; namely, the Highland Society of Scotland, whereas the inquiries in this country were carried on principally by persons who were not particularly connected with agriculture. Not more than a dozen farmers in Scotland refused to make returns when first applied to, and in consequence of representations which were made subsequently that dozen was reduced to one.

The Duke of ARGYLL said, another reason which operated, he thought, rather powerfully in Scotland was, that in that country the farmers all held under leases, and therefore the making returns could not prejudice their interests. The extreme reluctance of many English farmers to make returns was not, in his opinion, considering the terms of their tenure, so unreasonable as some noble Lords seemed to think.

The Earl of HARROWBY observed, that as respected the last harvest the returns were at present so slow as to be of scarcely any practical utility.

Lord BERNERS had long been of opinion, that it was very desirable that accurate returns should be obtained of the gross produce both of corn and meat. He had never apprehended that any evil result would arise from the truth being known; on the contrary, he had always felt that it would be a great advantage to the country if information on the subject were generally diffused. As regarded the taking the averages from the seller instead of the buyer, he thought it very desirable that such an alteration should be carried into effect.

Motion *agreed to.*

CRIMINAL LAW.

Lord BROUGHAM moved an Address for Return of the number of Prisoners untried in gaol, 5th June, 1855, distinguishing the counties, and distinguishing the number of those who had been in gaol for twenty-eight days and upwards, and of those in gaol for forty-two days and upwards. The noble and learned Lord said, the matter to which this return related was the greatest grievance that existed in connection with the administration of the criminal law. A return for 1853 showed that in that year there were 28,000 commitments, and that of that number 6,200 were either acquitted on their trial or discharged, because there was no prosecution. The average period during which the not guilty prisoners were confined in eight counties containing a large population was six weeks; and as regarded the 22,000 persons convicted, nearly one half of the persons convicted in two counties were sentenced to periods of imprisonment of less than two months. He trusted his noble and learned Friend on the woolsack would not delay bringing forward the Bill which he had promised with the view of providing a remedy for the state of things of which he complained.

The LORD CHANCELLOR said, there was no objection to the returns for which his noble and learned Friend had now moved. As regarded the Bill to which he had referred, one object of which would be to increase the number of sessions from four to eight, and to hold three assizes instead of two, in the year—he hoped to be able to lay it on the table either on Thursday or on Friday; and he did not apprehend any serious opposition to it in either House.

Lord BROUGHAM hoped it would be found possible to hold four assizes in the year.

Motion *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 5, 1855.

Minutes.] New Member Sworn.—For Aberdeen County, Lord Haddo.

Public Bills.—1° Stamp Duties Repeal on Matriculation and Degrees (Oxford); Insurance on Lives Abatement of Income Tax Continuance.

PROMOTIONS IN THE ARMY—QUESTION.

Colonel NORTH said, he had a question to put to the hon. Gentleman the

Under Secretary for War, which was one of great interest to the officers of cavalry regiments. In paragraphs 68 and 73 of the Report of the Commission on Army Promotions, it was arranged that a lieutenant-colonel of cavalry, who paid 6,715*l.* for his commission, when he retired on full pay, would only receive the pay of a lieutenant-colonel of infantry, who paid but 4,500*l.*

MR. FREDERICK PEEL, in reply, said, that the reason why cavalry officers going upon the retiring list only received infantry pay was, that the warrant of 1840, which created the establishment of retiring on full pay, and which strictly followed the recommendations of the Commission of that year, established a scale of pay which was an infantry scale of pay. Consequently, a cavalry officer who wished to receive full pay must either accept the infantry pay or exchange into an infantry regiment, receiving the difference between the regulation price of the two commissions. The warrant of last year made no difference whatever with regard to retiring full pay. It simply allowed the officer retiring to receive an additional step of rank, but no increase of pay.

LAWS OF PARTNERSHIP AND LIMITED LIABILITY—QUESTION.

MR. DUNLOP said, he begged to ask the Vice-President of the Board of Trade to state the reason why the Partnership and Limited Liabilities Bills are not extended to Scotland, and whether it is the purpose of the Government to introduce corresponding measures in reference to that part of the United Kingdom?

MR. BOUVERIE said, the reason why these Bills did not extend to Scotland was, that they were based chiefly on the machinery of the Joint-Stock Companies Registration Act, which was confined to England and Ireland. With regard to introducing a separate measure for Scotland, his right hon. and learned Friend the Lord Advocate had the subject under his consideration, but he was not able to say that his right hon. and learned Friend would be able to bring in a Bill this Session.

LOSS OF HORSES IN THE "MEDWAY"—QUESTION.

COLONEL KNOX said, he wished to ask the right hon. Baronet the First Lord of the Admiralty whether any report had been received as to the cause of the disaster on board the *Medway* on her passage from Southampton to Gibraltar, by which sixty-five horses were so much injured as to be obliged to be destroyed? When that vessel left Southampton she was declared by competent persons to be in an unsafe state from the manner in which she heeled over. The vessel arrived at Gibraltar a perfect wreck; and he had been informed that she had not been properly inspected before she left England.

SIR CHARLES WOOD said, that the loss of the horses was entirely attributable to the very severe weather which the *Medway* had met with on her way to Gibraltar. As to the fittings for the horses, Captain Connell, who had surveyed her before leaving England, thus reported:—

> "I have to report that she has stable room for 220 horses. The boxes are well and securely built, and the ventilation is admirable. 115 of the horses have boxes on the lower deck, which is nearly seven feet high and thoroughly ventilated. The rest are on the spar deck. The main deck is entirely set apart for the use of the men, and can berth 220."

Captain Guest, the Port-Captain at Gibraltar, thus reported as to the condition of the ship on her reaching Gibraltar:—

> "In going over the ship with the captain I was astonished at the little comparative damage done to the fittings, considering the gale which was described to me, the signs of which were evident from the way the paddle-boxes were stove in. The gale appears to have been a very severe one, and the ship to have laboured exceedingly. The horses, having become frantic from fear, plunged and kicked in a manner that must have been frightful, and so that no one could go near them."

The loss of the horses, therefore, it appeared, was caused by the manner in which they had cut themselves about in kicking against the iron hasps of the boxes in which they were stalled.

VIENNA CONFERENCES—QUESTION.

MR. BRIGHT said, that, before the adjourned debate on the Prosecution of the War was continued, he wished to ask the noble Lord at the head of the Government a question, naturally following the answer which he had elicited from him on the previous evening. His present question was, whether the noble Lord was prepared to lay on the table the papers completing what had taken place at Vienna, and comprising the particulars of any propositions that had been made to Her Majesty's Government, and been considered and rejected by them, subsequently to the date of the papers already before the House?

VISCOUNT PALMERSTON: Sir, there can be no objection to laying on the table the last communication that we received from the Austrian Government, and the answer which was returned to it. I may perhaps state that we have received intelligence to-day that the conference met yesterday, and that after communication being held between the different Plenipotentiaries it was finally closed.

SIR HENRY WILLOUGHBY said, he begged to inquire whether the papers which the noble Lord proposed to produce would include the proposition alluded to by Count Buol as having been made to the Cabinets of England and France?

VISCOUNT PALMERSTON: I will lay on the table the last communication from Austria, with the answer that was made to it; and the hon. Gentleman will then see whether it includes the proposition he refers to.

PROSECUTION OF THE WAR—ADJOURNED DEBATE (FOURTH NIGHT).

Order read for resuming Adjourned Debate on Amendment [25th May] to Amendment [24th May], which was, to leave out from the first word "House," in the Original Question, to the word "feels," in line 5, in order to insert the words, "having seen with regret that the Conferences of Vienna have not led to a termination of hostilities,"—(*Sir Francis Baring,*)—instead thereof:—And to which Amendment, an Amendment had been proposed on the 25th May, to insert, after the words "regret that," the words "owing to the refusal of Russia to restrict the strength of her Navy in the Black Sea:"—(*Mr. Lowe*).

Question again proposed, "That these words—namely, 'owing to the refusal of Russia to restrict the strength of her Navy in the Black Sea,' be inserted in the proposed Amendment."

Debate *resumed.*

MR. COBDEN: Sir, I consider that the announcement which the noble Lord at the head of the Government has just made ought not to prevent this House from discussing the important subject now before it, for, whatever may be the result of the division here, certainly there is no other topic which now so much engrosses public attention out of doors. The minority of Members of this House who wish to raise this question, and who belong to what is called the Peace party, have been stigmatised as enemies of their country and traitors to the cause in which it is engaged. Why, my impulsive Friend the Member for Lambeth (Mr. Wilkinson), and others who followed him, if they had at all read the recent history of this country, would have been ashamed of the charges they have made, because of their very triteness, and because they have at former periods been levelled at men of undoubted patriotism who were totally undeserving of these reproaches. We know, for example, that it was attributed to Burke that he had caused the American war, and that distinguished man complained feelingly of having been denounced as an American. We know also that the great Chatham himself did not escape that imputation; and I need not tell the occupants of the Treasury Bench that their illustrious chief in former days, Charles Fox, was ridiculed and denounced in every way as having been the hireling tool of France. In one of Gilray's inimitable caricatures Fox is represented as standing on the edge of Dover cliffs, with a lantern in his hand, signalling to the French to come over and invade us; and indeed we read in *Horner's Memoirs*, that it was seriously discussed whether Fox was not actually in the pay of France. Therefore I say that hon. Gentlemen who have no facts or imagination of their own on which to base their arguments ought really to be ashamed to reproduce absurd and calumnious partisan accusations of this kind in such a debate. I claim, Sir, the same standing ground in discussing this question of peace or war as any other hon. Gentleman. I will deal with it as a politician, strictly on the principles of policy and expediency, and I am prepared to assume that wars may be inevitable and necessary, although I do not admit that all wars are so. We, therefore, who took exception to the commencement of this war on grounds of policy, are not to be classed by individual Members of this House with those who are necessarily opposed to all wars whatever. That is but a device to represent a section of this House as advocates of notions so Utopian that they must be entirely shut out of the arena of modern politics, and their arguments be systematically denied that fair hearing to which all shades of opinion are fairly entitled, no matter from what quarter they may emanate. I say, that we have all one common object in view—we all seek the interest of our country; and the only basis on which this debate should be conducted is that of the honest and just interests of England. Now, the House of Commons is a body which has to deal with nothing but the honest interests of England; and I likewise assert that the honest and just interests of this country and of her inhabitants are the just and honest interests of the whole world. As individuals we may act philanthropically to all the world, and as Christians we may wish well to all, and only desire to have power in order to inflict chastisement on the wrong-doer, and to raise up the down-trodden wherever they may be placed; but I maintain, that we do not come here to lay taxes on the people for the purpose of carrying out schemes of universal benevolence, or to enforce the behests of the Almighty in every part of the globe. We are a body with limited powers and duties—and we must confine ourselves to guarding the just interests of this empire. We ought, therefore, to cast to the winds all the declamatory balderdash and verbiage that we have heard from the Treasury bench as to our fighting for the liberty and independence of the entire world. You do not seriously mean to fight for anything of the kind; and, when you come to examine the grave political discussions of the Vienna Conferences, you find that the statesmen and noble Lords who worked us into this war, and whipped and lashed the country into a warlike temper by exciting appeals to its enthusiasm, have no real intention to satisfy the expectations which their own public declarations have created. I say we are dealing with a question affecting the interests of the realm, and one which may be discussed without any declamatory appeals to passion from any part of the House. I now wish to refer to the speech of the right hon. Gentleman the Member for Southwark (Sir W. Molesworth). If there be a right hon. or hon. gentleman in this House whose opinions I have a right to say I understand, it is the right hon. Baronet. I say most deliberately—and he cannot contradict me—that never in this world was there a speech delivered by any hon. Gentleman so utterly at variance with all previous declarations of opinion as that delivered by the right hon. Gentleman last night. Does the right hon. Gentleman remember a *jeu d'esprit* of the poet Moore, when dealing in 1833 with the Whig occupants of those (the Treasury) benches shortly after they had emerged from a long penance in the dreary wilderness of opposition, and when the Whigs showed themselves to be Tories when in office? Does he remember the *jeu d'esprit*, and I think he and I have laughed over it when we have been talking over the sudden conversions of right hon. Gentlemen? The poet illustrated the matter by a story of an Irishman who went to the West Indies, and before landing heard some of the blacks speaking tolerably bad English; whereupon, mistaking them for his own countrymen, he exclaimed, "What! black and curly already?" Now, we have all seen metamorphoses upon those benches, how colours have changed and features become deformed when men came under the influence of the Treasury atmosphere, but I must say that never to my knowledge have I seen a change in which there has been so deep a black and so stiff a curl. I confess I should very much like to make the right hon. Gentleman read that admirable speech which he delivered, not merely on the great Pacifico debate, when he denounced an intermeddling policy on the part of the noble Lord at the head of the Government, but also the speech which he made in Yorkshire at the time of the threatened rupture with France upon the Syrian question. I wish the right hon. Gentleman could be forced to read to the House the speech he made in the open air to the people of Leeds about going to war for the Mahomedan race and for the maintenance of its ascendancy in European Turkey. I should like to see the right hon. Gentleman just stand at the table and to hear him read aloud that speech. I will now come to the right hon. Gentleman's arguments. The right hon. Gentleman says the question is now whether the Government did right in refusing to make peace on the terms proposed by Russia. Now, that, I assert, is not the whole question. The real question which is involved in the debate, and which the House has to decide, is, whether the plan proposed by the Government was the best and only one that could be devised, and whether the difference between the plan submitted by Russia and that proposed by our Government was such as warranted a recommencement of the war. What is the difference between those propositions? It is the Government of this country that we have to deal with, and shall have to deal with in future. They must be held responsible for the war; they will reap all the glory if it be successful, and on them must rest the responsibility should it be unhappily unsuccessful. What, then, I ask, is the difference between the propositions of the Government and those of Russia? The difference is this—whether Russia shall keep four ships of the line, four frigates, and a proportional number of smaller vessels in the Black Sea; or whether all the navies of the world shall have free access to the Black Sea, and Russia be left, like any other country, to have as many ships as she pleases. I will not go over the ground already so ably traversed by my right hon. Friend (Mr. M. Gibson), but upon the question of the limitation of force I would wish to make one remark. You offer to allow Russia to have four ships of the line, four frigates, and a proportion of smaller vessels. Now, I have been told by a nautical man, fully competent to give an opinion upon such a subject, that if Russia had accepted your terms, had burnt or sunk all her old 74's and green timber-built ships, and had sent to the United States for four line-of-battle ships of the largest size, fitted with screws, mounting 130 guns of the largest calibre, and for four frigates of that elastic character which the Americans give to their frigates, carrying some 70 or 80 guns of the heaviest calibre, and all those vessels were fitted with screws, she would then have possessed a far better and much more powerful navy than ever she had before in the Black Sea. Such a navy would have been more than a match for double the number of ships such as Russia now has in that sea. If that be the case, what injury will you inflict upon Russia—what diminution of naval power will you enforce—what great reduction of force are you going to demand for the protection of Turkey? I know I may be told, "Then why did not Russia accede to those terms?" Russia resisted that plan as a point of honour, and not as a question of force; she rejected it on principle. The right hon. Gentleman says, "If you allow Russia to have free action in the Black Sea, and you are to have free access yourself, then you will be obliged to keep up a large navy and a large peace establishment always to watch Russia." But suppose Russia had signed her name to a piece of parchment, would you have such implicit faith in her as to reduce your forces to a peace establishment! I would ask the right hon. Gentleman, who in his inflammatory harangue last night told us we were to have a six years' war, whether if the large sums expended in a six years' war were put out at interest, the yearly return would not be more than sufficient to provide a sufficient force to watch Russia in time of peace? No one supposes for a moment, that if you had come to terms with Russia, you were going at once to reduce your war establishment. You would not believe anything which Russia promised. You say, "It is of no use taking the guarantee of Russia, we must insist on her diminishing the number of her ships in the Black Sea?" And if she did promise to diminish the number, you would not trust her, and, with your present views, properly so. But when you undertake to maintain the independence of Turkey, you have a task upon your hands which is not to be performed without great expense. It cannot be done without great armaments constantly on the watch over Turkey. You have bound yourself to the task of maintaining a tottering empire which cannot support itself, and such a task cannot be accomplished without a vast expenditure. You likewise ask for securities. Now, I ask the noble Lord the Member for the City of London to hear what the great model of the Whigs in opposition said upon that subject. Mr. Fox, when the Tories of his day were urging, as the noble Lord is now urging against Russia, that we must have security against future aggressions of France, said—

> "Security! You have security; the only security that you can ever expect to get. It is the present interest of France to make peace. She will keep it if it be her interest. Such is the state of nations; and you have nothing but your own vigilance for your security."

That rule still holds good, and will hold good so long as the world lasts in its present character. I maintain that, whatever parties there be in this House, whether for peace or war, if the majority of this House acknowledges as a duty or a matter of interest or policy to maintain Turkey against the encroachments of Russia, they can never expect to have a small peace establishment; and I will say honestly, if we recognise as part of our policy the sending of armed bodies of land forces to the Continent into the midst of great standing armies, and into countries where the conscription prevails, I should be a hypocrite if I ever said we could expect to continue what has been the maxim of this country—the maintenance of a moderate peace establishment. If that is to be our recognised policy, we must keep up a large standing army, and place ourselves to some extent on a par with Austria, France, and Russia; and if we attempt to interfere in continental politics without such preparations, then I say the country is only preparing a most ignominious and ridiculous exposure of weakness. Is the right hon. Gentleman, who has been equalled by no one in his vituperation of the Emperor of Russia and the Russian Government, aware, as a Cabinet Minister, that the Government has made this country a party to a binding engagement with Russia, to a treaty binding ourselves, in conjunction with Russia, to interfere in the affairs of Wallachia and Moldavia? You, who said last night Russia was without shame, and attributed to her every vile principle, I ask, as a Member of the Cabinet, are you aware that a treaty has already been signed and concluded so far as can be at present, in which this country binds itself, in conjunction with Russia, Austria, France, and Turkey, to be the guardian of Wallachia and Moldavia; to act with Russia in interfering by force of arms, and, in fact, forming a tribunal which virtually will constitute the government of Wallachia and Moldavia? I repeat, that by the first protocol, you have bound yourself, in partnership with Russia, to be virtually the governors of Wallachia and Moldavia. I will show you what engagements you entered into with that Government which it suits you for the moment to denounce, because within forty-eight hours the newspapers had brought you the news of some imaginary triumph, but which you would slaver with your praise to-morrow if it suited your purpose. The 7th Article of the 1st Protocol says—

> "In the event of the internal tranquillity of the said Principalities being compromised, no armed intervention shall take place in their territories, without being or becoming the subject of agreement between the high contracting parties.
>
> "The Courts engage not to afford protection in the Principalities to foreigners whose proceedings might be prejudicial either to the tranquillity of those countries or to the interests of neighbouring States. Disapproving such proceedings, they engage reciprocally to take into serious consideration the representations which may be made on this subject by the Powers, or even by the local authorities."

So that if the Governor of Bucharest makes a report of some local *émeute*, you are bound, in conjunction with Russia, to interfere. But what is the conclusion of the protocol? I blushed when I read it, and I believe there are other hon. Gentlemen who share my feelings.

> "On its side the Sublime Porte will enjoin on the Principalities not to tolerate in their territory foreigners such as above described, nor"—and this is the gist of the article—" to allow the local inhabitants to meddle with matters dangerous to the tranquillity of their own country or of neighbouring States."

And the name of "John Russell" is put at the foot of this protocol, the object of which is to prevent the inhabitants from interfering in matters which may be dangerous to the tranquillity of their own country. Mark the child and champion of revolution when he breathes the air of Vienna. [Mr. LAYARD: Hear, hear.] My hon. Friend (the Member for Aylesbury) cheers these sentiments; he cheers my denunciations of these arrangements, but has my hon. Friend pursued that bold, consistent, and manly course upon this question, which I think, with his declared opinions, he ought to have taken? It is well known that the sympathies of my hon. Friend were in favour of this war, because he believed it would be advantageous to the independence or the good government of such States as Wallachia, Moldavia, and Servia. But has my hon. Friend so little sagacity as not to see that all this waste of blood and treasure has had very different objects? And why has my hon. Friend, seeing what is the tendency of the war—seeing, from these protocols, what is to be its conclusion—not denounced it, since he has declared that a war with such objects as the Government have in view would be a wicked war? Before the outbreak of the war I was applied to by some illustrious men and requested not to oppose it, because, as I was hopefully told, it was likely to tend to the emancipation of the down-trodden communities on the Continent. I gave my opinion upon the subject in writing more than eighteen months ago, and I would not now change a word of it. I warned those distinguished persons that if they expected that a war originating in diplomacy as this war has originated, carried on by enormous regular armies as this war has been carried on, and having a direction and a purpose given to it by the men who are now at the head of our Government and of the continental Governments, could by any possibility satisfy their aspirations they would deceive themselves. I said my only fear was that the war would have just the opposite result; that it would strengthen the despotisms they wished to check, and depress still lower the communities they wished to serve. That is the tendency, that is the inevitable destiny of this war.

But to revert to my right hon. Friend (Sir W. Molesworth) and his charges against Russia and the Russian Government. I am not here to defend the Russian Government; no one can be more opposed than I am to the policy of Russian despotism, but I must say I think it is unjustifiable, I had almost said scandalous, for a Member of a Cabinet which has been a party to these confidential and, as I think, most unworthy engagements, in conjunction with the Russian Government, to get up in this House and speak of the Russian Government and people as my right hon. Friend spoke of them last night. But this game of see-saw in argument has not been confined to him alone; it has been the characteristic of every Member of the Government. There has been a constant change of tone and argument to suit the momentary impulses of passion out of doors, and of the press. At times, so obvious is the effect produced by a few leading articles that I could almost imagine, if I were living in another country where constitutional government was carried on with less decorum than in this country, that some secrets had oozed out from some Member of the Cabinet or from the wife of some Member of the Cabinet to the editor of a newspaper, to the effect that there were disagreements in the Cabinet, that there was a peace party and a war party, that the war party was less numerous but more active than the peace party, and that the peace party required sometimes to be whipped into capitulation; and I could imagine the newspaper then dealing out a few blows in the shape of leading articles, from day to day, until the peace party had changed its tone and given way to the war party. So complete a change of language have we seen that I can almost imagine the case to have happened even here which I have supposed possible in another country. What has been the language of the noble Lord the Member for London (Lord John Russell)? At the conferences he was as amiable, polite, and agreeable as it is his natural wont to be to those with whom he associates in private. But immediately upon his return to England and to the House of Commons he falls back into his old strain, just as if he had never been to Vienna, and talks of Russia having established great fortifications upon the German frontier and in the Baltic, and of the system of corruption, intimidation, and intrigue carried on by her in the German Courts. Have the noble Lord's logical faculties been so impaired at Vienna that he does not see that the obvious reply to him is, which of the Four Points was to rectify these evils—which of them was to put a stop to the erection of fortifications in the Baltic, or to prevent Russia from interfering with the German Courts? There is surely no guarantee against the rebuilding of Bomarsund or for the security of the Circassians. The independence, freedom, and civilisation of the world seem to be entirely forgotten by the noble Lord when he goes to Vienna, for he then drops down to the sole miserable expedient of limiting the Russian fleet. If we go into another place, what is the language held by Lord Clarendon? I felt great astonishment at the speech that noble Lord made the other night; I suppose it was calculated to attain some object for the moment, but I doubt whether it will attain any permanent object which will be satisfactory to the noble Lord. He talks in the same strain, and denounces Russia as if he had never been a party to these arrangements with regard to Wallachia and Moldavia. Some of the noble Lord's observations with respect to the strength of Sebastopol were, I think, disingenuous, for he asked, why should the Russians have such an immense collection of materials if it was not intended for some great aggression? But the noble Lord could not be ignorant that the great strength of Sebastopol has been created since our army appeared before it, and that ammunition and provisions have been arriving in convoys of from 500 to, as Lord Raglan has himself stated, 2,000 carts at a time. To talk in such a strain so immediately after the conferences was not worthy of the audience the noble Lord addressed, and hardly complimentary to the English public. The noble Lord the Member for London also alluded to Germany in a way which will hardly be looked upon in that country as a proof of his good sense or wisdom. He talked of the corruption of the German Courts, and of the manner in which they were interfered with and controlled by the Russian Government; but, from what we are informed by the newspapers is going on in Germany, I fancy we are much mistaken as to the tendency of public opinion if we suppose there is any difference of views between the people and the Governments of Germany with regard to the war. I am told, and I have taken some pains to inquire—it is our duty to take pains in such a matter—that there is no party in Germany which wants to join in this war. There may be many who are well-wishers to our cause, and others whose sympathies are with Russia, but I am informed, and I believe correctly, that there is no party in Germany who wishes to break the peace and enter into hostilities with Russia in the present quarrel. And if you reflect for a moment upon the past history of Germany in relation to France and Russia, you will see reason why in their traditions there should be no feelings of dread and hostility to Russia. The past recollections of Germany are indeed favourable rather than otherwise to Russia, and hostile to France. It may be thought the wrong moment to say it, but I hold that upon this question and upon all other questions we should speak in this House without reserve, as if our debates were not published; and I say it is very well known that the feeling in Prussia and the north of Germany is one of dread of France. This feeling may have arisen in part from the long sufferings and dreadful sacrifices made by the people of Prussia and Northern Germany in the great revolutionary war with France, but it also arises in part from the circumstance that France is contiguous to the Rhenish provinces of Prussia, and it has been thought that she has rather envious feelings towards them. But, from whatever cause, there is in every cottage of Prussia a recollection rather favourable to Russia than hostile, as compared to France. There is, indeed, hanging in almost every cottage in Prussia some memorial of the atrocities and sufferings caused by the French in the last war, while the traditions with regard to Russia are, that she helped to emancipate them from the rule of Napoleon. This may show why Germany is not so anxious to enter into hostilities with Russia. There is another reason. You forget that in this war you have never committed yourself to any principle which shall be a permanent safeguard to Germany against Russia. You have invited Germany to enter into war with Russia, her next-door neighbour, and a powerful neighbour, for your purposes, but you have given Germany no security that Russia, at the close of the war, will not retaliate upon that Power. And now it may be said, since the result of the conferences is known, that you have gone to Vienna, and, after talking so boldly about fighting the battle of Germany, of Europe, and of the whole civilised world, you have dropped your pretensions, and do not say a word about giving security to any part of the continent of Europe. I was talking the other day to a gentleman in this country, a Prussian, who has more right to speak in the name of his countrymen than any man here. He said, "I confess I think you Englishmen are unreasonable and a little arrogant. You expect us to go to war with Russia—we, a nation of 16,000,000 or 17,000,000, against a nation of 60,000,000. But you do not take into account that when you are tired of the war you can withdraw and occupy an impregnable position, while we are always at the door of this vast empire; and yet you try to hound us into this war, and to force us into it without allowing us a voice in the matter. Your conduct is that of a man who tries to drive a dog to make an attack upon a bull." Well, if we look back upon the course we have pursued, is there not something that warrants this opinion? I warn the noble Lord the Member for the City of London that in dealing with Germany he has to do with an educated people, every man of whom reads his newspaper, and where the middle classes are so educated that you may buy bread in the Latin language if you do not know German. Is it not, then, rather arrogant and unreasonable when the noble Lord in this House denounces the whole German people as having been corrupted by Russia? I say that if the English people had the conscription, as they have in Prussia, so that when war was declared every man in the country would be liable to be called out, and every horse and cart might be taken for the purposes of the army, we should be more chary how we called out for war. Our pot-house politicians would not then be calling out for war with Russia, but we should have a Government who would take a more moderate tone than they do, for they would have required those sacrifices that bring home the miseries of war to the people. I have said from the first, and I said it long before you sent a man from these shores, "If you make war upon Russia, vindicate your rights or avenge your wrongs with your own strong arm—the navy; but do not send a man to the continent of Europe or Turkey in the capacity of a land force. Do not send an army over the backs of the whole population of central Europe where you have 1,000,000 men with bayonets in their hands who stand between you and the gigantic Power that you are opposed to and affect to dread." I say that you ought to have occupied the same gound that Austria and Prussia took, and if you had done so instead of rushing into war—driven into it, I admit, by the populace and the press—you would been been right, for you have it proved now that Austria and Germany would have averted those evils that you dread, for Austria and Prussia would have made it a *casus belli* if Russia had crossed the Balkan. And why, I want to know, were you not content to remain in England, in your island home, your inaccessible fortress, sending your fleet into the Black Sea, if you choose, and telling Austria and Germany, "Here is a great danger; here is a mighty Power that threatens to engulf this fair Europe; if you take your part for its protection our fleets shall help you, and we will take care that no harm shall come to Turkey by sea, but not a soldier shall move from England until you put yourself in motion for the defence of Turkey?" Why, Sir, will any one now say that this would not have been a wise policy? But then it is said that if we had done this the Russians would have been in Constantinople. No they would not, for this is my whole argument—and I am coming to it—that Austria and Southern Germany have more interest in keeping the Russians from Constantinople than we have. I have heard and read in *Hansard* that every leading statesman in this or the other House of Parliament within the last eighteen months has declared that Austria and Germany are more interested in this question than we are. It has been stated by the noble Lord the Member for Tiverton (Viscount Palmerston). It has been asserted by the noble Lord the Member for London (Lord J. Russell). It has been stated by Lord Clarendon. It has been asserted by Earl Derby. It has been alleged by Lord Lyndhurst. In fact, there is not a leading mind in either House of Parliament who has not told us that Austria and Germany have a greater interest in this war than we have. Well, then, in the name of common sense, why did not we, who were infinitely safer from this alleged great danger, wait until those, who had a greater interest than we had, chose to move with us? Why should we go from our position of security, if these pusillanimous empires would not step in? I know it has been said that we are fighting the battle of civilisation. Yes, we are fighting the battle of civilisation with 30,000 or 40,000 men; and I believe we have never had more than 30,000 men in the Crimea at any one time. I see it stated by *The Times*' correspondent, who restates what he has before asserted, that we have lost half our army because we had not sufficient men to do duty in the trenches. But is that the proper function and duty of Englishmen, to fight for Germany because the Germans are corrupt and will not fight for themselves? Give me rather the doctrine propounded by Prince Gortchakoff at Vienna, and let the blood of Englishmen be for England and the English. Now, I do not say this in disparagement of Austria and Germany. I maintain, on the contrary, that they have taken a more enlightened and calmer view of this question than we have. But the English people, partly stimulated by the noble Lord the Member for the City of London—for he has been the great offender—the English people have clamoured for war, and they would not give time for those combinations to be formed that would have averted the danger, and would have enabled us to take common ground with Austria and Germany. But now, I say, that we know Austria and Germany will not act with us, are we to go on pursuing the same course? It most certainly would be a curiosity to go through *Hansard* during the last eighteen months, and take out the passages in which statesmen have expressed the opinion that Austria was going to join us. The Government put it into the Speech of Her Majesty from the Throne, and, as if that was not sufficient, they have been repeating it in every speech they have made ever since. I cannot even except the right hon. Gentleman the Member for Carlisle (Sir J. Graham). The right hon. Member for the University of Oxford (Mr. Gladstone) in his celebrated budget speech mentioned it as some compensation for the income-tax, and said that while he was speaking it was probable that Austria had actually joined us. It is impossible to read all these extracts to the House, but here is a specimen from the speech of the noble Lord the Member for London, delivered no later than December 22, 1854. The noble Lord said—

> "If, however, Russia should not consent to such very moderate terms as it will be our duty to propose, ... I feel convinced that we shall before the opening of the next campaign have the alliance of Austria both in offensive and defensive operations."—[*Hansard*, cxxxvi. 874.]

Now, I ask, are you going to carry on the war upon land? I mean, are you going to commit yourselves to take Sebastopol?

Are you about to recommence the war for an object which you have repudiated? because, although the noble Lord and the right hon. Gentlemen who sit on the Treasury benches come here one day and tell us one story and another day tell us another story (I admit we, on this bench, have been beguiled by them, but I promise them we will behave better and be more cautious for the future)—although, I say, we allow this to go on, foreign Governments are not deceived by such double dealing, and it is seen by these protocols, which are published all over the world, that our Government proposed in the late conferences to withdraw from the Crimea, leaving Sebastopol a "standing menace" as before. That is the proposal made by our own Government. The only difference between us and Russia is the infinitesimal question of the armed ships, and I agree with my right hon. Friend the Member for Manchester (Mr. M. Gibson), that, for the safety of Turkey, the Russian proposal is better than that of the Allies. Now, everybody knows that we are recommencing the war with the determination—at least, if we can gather from the language of the noble Lord and the right hon. Gentlemen what they mean—with the determination to take Sebastopol. But, I would ask those upon whom responsibility for the future rests, whether it is worth the blood and treasure which we must pour out like water in order that we may take Sebastopol (if we take it at all), if, on the other hand, the capture of the place is to be accompanied by that policy of the Government which, I think, will prevent as much as anything their obtaining any popular support on the Continent—namely, that under no circumstances will they make any change in the existing territorial arrangements of Europe? If that policy is adhered to, there seems to be no other object in taking Sebastopol than knocking about the ears of brave men a certain amount of bricks, mortar, and rubbish—sacrificing an immense amount of human life in order that we may point to those mounds and say, "We did it;" although Russia may, after the peace, borrow the money of any banking-house in London, and in three years build it up again stronger than ever. Now, what is the plan, what the object of this recommencement of the war? Is it to reduce the preponderance of Russia in the Black Sea? Let us discard passion and bring this question to the test of our own homely common sense. Let us take for example some other country. Suppose it was proposed to reduce the preponderance of the United States of America in the Gulf of Mexico; what would be the train of reasoning, in the absence of all passion, and with the benefits of unclouded intellects? Should we not naturally say, the preponderance of America in the Gulf of Mexico springs from her possessing New Orleans, the great outlet of the commerce of the Southern states, and from her having vast and fertile territories on the banks of the Mississippi, the Missouri, and the Ohio, where many millions of industrious men are cultivating the soil and adding to the internal wealth of that great empire? and would not the conclusion be, this is a natural preponderance, inherent in the very nature of her territory and her occupation. Now, then, turn your eyes to the Black Sea, and you have precisely the same causes leading to the same consequences. Why has Russia preponderance in the Black Sea? Because she has fertile provinces, which are cultivated and made productive, and rich and prosperous ports and harbours, where her commerce is carried on. I was speaking lately to a gentleman who knows that country well, and has the largest commercial relations with it of any man in England, and he tells me that he does not believe there is any part of the United States of America which has made such rapid progress in wealth and internal production, since the repeal of our corn laws, as those southern provinces of Russia. It was estimated that Russia exported the year before last, from ports in the Black Sea, 5,000,000 quarters of grain of all kinds, and the calculation has been made that if for the next twenty years those exports went on increasing as they have increased during the last five years, Russia would then be exporting from 15,000,000 to 20,000,000 quarters of grain annually. Believe me, that is the source of Russian preponderance. The country is developing itself. I admit, if you please, it is a youthful barbarism, but it will doubtless grow into something better; and so long as a vast amount of produce is brought into the Black Sea for shipment to the rest of the world, so long as the territory of Russia borders on that sea, with no other neighbour but Turkey—a country wholly unproductive and unimproving in comparison—all the Powers on earth cannot take away the preponderance of Russia, because it is founded in the inherent nature of things. What, I again ask, are we fighting for? It has been whispered that we are fighting because it is more the wish of France that we should fight than our own. But are we quite sure that the war now carrying on is not against the wishes of the French people? Gentlemen who have communications with France and sources of private information tell me they hear that the war, never looked upon enthusiastically, is regarded with more and more dislike by the French people. What is the wish of the French Government? I know I am about to tread on delicate ground; but I hold it is our duty to speak out in the face of such mighty events and, as I believe, possible calamities impending over this country. I come, then, to this point. Is it the wish of the French Government that this war should be carried on, or is it ours? It is industriously whispered that the French dynasty has so much at stake that it dare not withdraw the army from Sebastopol on account of the moral effect it would produce on the French people and on the army. My hon. Friend (Mr. Bright) and myself received a communication of some authenticity, as we believed, that the French Government had given an intimation to our Government that they were willing, if we were, to accept an alternative upon the terms which are the last published proposals in the protocols which have been presented to us. We all know a meeting of what was called the party supporting the Government was summoned not long since at the noble Lord's office in Downing-street. There and then, after the noble Lord had said it was for the purpose of private and confidential communication, and that the newspaper press were not present, he was asked by the hon. Member for Manchester (Mr. Bright) whether what we had heard and believed to be true was founded upon fact—that intimation had come from the French Government to lead our Government to understand that terms similar to those offered at Vienna by M. Drouyn de Lhuys would be accepted, and that a refusal had been given by our Government. The noble Lord refused to answer that inquiry, though he was pressed to do so. I myself pressed him to answer, and, that it may not be supposed I am committing any breach of confidence, I said if he would answer the question—merely say, no—I should treat it confidentially; but if he allowed me to go out of the room with a confirmed impression of that which I had received from very good sources, I should make no secret of what had passed there. Now, I say this is a most serious thing for this country, for this reason:—You have now contrived to detach all Germany from you—that is to say, you have no hope of Germany or Austria joining you. It is a matter now decided. You cannot delude yourselves now with the hope that Austria or Germany will take part in this contest. But what will be your fate if, by and by, it can be proved that England has been the cause of recommencing this war contrary to the inclinations of the French Government and the French people? May it not by possibility lead to the very opposite of what we are all hoping from this union between the two countries? May it not lead to future estrangement? and then see in what a responsibility it lands you. If you are more than France opposed to coming to terms of peace, does it not throw on you the responsibility of doing something very different from what you are now doing towards carrying on the war? Will it not, by and by, be found that your force is small and the French force is great? I do not think this is the proper time to bring up the whole particulars, but I marked the observations on two particular occasions. The hon. Member for Invernesshire (Mr. H. Baillie) stated that our forces are 40,000 short of the number voted in this House. The noble lord (Lord J. Russell) stated last December that our forces were then 20,000 short of the number voted it this House. The hon. Member for Invernesshire stated that our militia regiments are reduced to mere skeletons, and in Ireland and Scotland are almost disbanded, except the officers. But if this be true—if it be true that you still want 40,000 men to make up the number—may it not be found by and by that you are urging on this war in blind heedlessness, in the same way as everything has been done by this Government from the beginning, and that you have not looked three months before you to see what may be the consequences of the want of that foresight which the Government ought to have shown? I am speaking of the present moment, when the country is under a state of excitement. But those who have intelligence, and those who have studied the maps of the country, may readily understand and see how much has been made out of a little; and that there has been much said within the last few days which it will be found the results do not justify. I have said that I set no limits to the power of France and England, provided they would put out that power and exhibit their strength; but I am not quite sure that you are in a better condition in the Crimea now than you were before this recent achievement at Kertch. I once asked a Russian merchant what were the actual means of supply of food derived by Russia, and I did not learn that Kertch was at all relied upon for any great supply to the army in Sebastopol. I was assured that this was the fact; and if so, it may be accepted as a qualification of the great excitement that has been raised in consequence of our late achievements in the Sea of Azoff. A large holder of corn, deposited at Kertch, told me that the Russian Government had informed him that they could not be responsible for the safety of his corn. This was five months ago. Long before the Conferences at Vienna he gave notice of this to his agents at Kertch, and also at other ports on the coast of the Sea of Azoff. I believe there has been a great deal of exaggeration about this little expedition to the Sea of Azoff; but if there has not been, then greater is the disgrace that attaches to those who had not executed it sooner. I am not sure that this expedition had any higher motive than that of a desire to do something which should gratify the people of this country: the cry of the people always is, "Do something." But my opinion is that, whenever any individual, whether he be a Minister of State, or a Commander in Chief, does something, merely because he is told by somebody else to do it, that that something, in nine cases out of ten, is wrong. I am not sure that even the expedition to Sebastopol itself had any higher motive than that of a wish to do something that should gratify the wishes of the people. But, at all events, I give it as my opinion that, while your expedition in the Sea of Azoff has led to the destruction of a vast amount of private property, and while it will add no renown to your arms, I believe it will have no better effect on the result of the war than your marauding expedition in the Gulf of Finland last year. I believe that the great sources of relief to the army in Sebastopol are Perekop and Simpheropol. Both those places are fortified as well as Sebastopol, and it is through them that supplies of food are obtained for the Russian army. Well, then, about the difficulty of transporting food to the Russian army across the steppes to the Crimea, I was talking to a merchant of Odessa on that subject, and he said that in time of peace thousands of carts and waggons, drawn by bullocks, were employed for conveying articles of commerce over these vast steppes to Odessa, Taganrog, and other ports on the Sea of Azoff; but that the war having suspended all that, the Russian Government would now avail itself of those same means of transportation for conveying supplies from Perekop and Simpheropol to Sebastopol. This, has in fact, been already done. Now, I ask, is it not better for us that we should view these things in this light than give ourselves up to the effervescence prevailing out of doors? Is it not better to look calmly at these things, and consider what it is that Russia can really do, rather than yield up our feelings to a momentary, and, it may be a doubtful triumph? But when I said that the power of England and of France united could hardly be resisted by any single power in Europe or the world, I did not forget that there was one power, a single and a hidden power, by which the mightiest armies may be vanquished—pestilence and disease. I have read an extract from a report of Mr. Spencer, giving an account of a tour in the Crimea, and of the influence of the climate, which had sole reference to the summer season. I never heard of any one necessarily suffering in the winter season. On the contrary, my belief is that, let a man be well fed, well clothed, and well sheltered, he may live anywhere; and there is no necessity that the constitutions of Englishmen should suffer more in winter in the Crimea than in England. But that is not the case in summer. The best authorities tell you that it is hardly possible for an Englishman in the Crimea, or a foreigner, unless he take every possible precaution, to escape infection in the summer months of July, August, and September. You sin against the law of nature if you go out in the sun in the day, and you equally sin if you go out in the night dews. Such, again, is the effect of the climate that if you partake of new corn, or of fruit in undue measure, these things will bring on intermittent fever. Now, these precautions our soldiers disregard, as they ever have disregarded, and therefore is it that I dread the months of July, August, and September, for our troops in the Crimea. Has all this been thought of by the Government? Does it not devolve on them to consider these things? Whatever may be the fate of our army in the Crimea this summer, upon them, I say, and upon their shoulders, will rest the responsibility. I would not, for all the honour and power which their posts confer upon them, take upon me that responsibility. If they should be fortunate —if pestilence and disease should happily not approach, but a deviation as it were in the succession of the climate should take place, then the honour and the glory, such as it may be, will undoubtedly be shared by them, and any successful enterprise of our army will redound to their repute. But if, on the other hand, your army should be destroyed by pestilence and disease, and if there should be a repetition of the disasters of the last winter, then your power will be at an end; and be assured that, to effect the destruction of your power, there is nothing short of physical violence that may not happen to you. Nothing can happen but disgrace from the miserable pretences advanced in support of this war. When the Government was holding out in magniloquent phrases the great objects of the war, well might the people be deluded; but now they know better the state of things, now they know that the war wholly depends upon so trifling a matter as that of allowing ingress and egress of foreign ships into and from the Black Sea. It is on such an infinitesimal point of difference that this war, involving so vast a sacrifice of life and wealth and human happiness, depends. Is there not, then, I would ask, something resting upon us as the House of Commons in this matter? Have not hon. Gentlemen noticed the state to which the argument has been brought? Have they not observed to what the public opinion has been brought on this subject out of doors? No man seems to know his friend. No man seems to have confidence in public men. One serious difficulty in carrying on this war is the want of an open and frank declaration of opinion on the part of public men. But there are other circumstances that ought to make us reflect. I allude not to the possibility of a bad harvest, but there are possible contingencies which may place this country in a most perilous condition, and that chiefly arising, as I have said, from the utter want of confidence in public men. But how has that want of confidence arisen? My belief is, that it is because public men have been wanting in self-respect. It is because they have too readily yielded up their better judgment to the momentary inspiration or the dictation of others. What are we, the Members of this House, set apart for but to study these high matters, to devote our thoughts to the consideration of questions involving the well being of our countrymen, and to promote to the utmost of our capacity the prosperity of those whose interests are confided to us? It is true the public out of doors have gone heartily with the Government in this war, but we all know that the public have entertained very erroneous notions as to what was the object of the war, and as to what would be its ultimate effect. What was the tone of public opinion when the war broke out? Did it not exhibit the grossest arrogance and ignorance of the enemy we had to contend with? Did we—did the country—did the press speak as if we were going 3,000 miles to invade an empire of 60,000,000 people? I rest my case entirely upon your infatuation in invading Russia with a land force. If you had confined yourselves to naval operations—if you had done that which I believe the House of Commons would have done, if it had acted on its own judgment, in what a different position you now would have been! There would have been none of this discontent; you would have sent out your ships, the greatest spectacle of a naval armament that ever left your shores; there would have been no misery, no disease, no want of discipline, no disasters there. Your ships rode triumphant upon every sea, and if they had not come back victorious, owing to the enemy keeping behind his fortifications, they would at least have presented no spectacle of abject misery and signal distress. It is your attempt to do too much, without knowing what you were about, which has brought this calamity upon you. Much as I blame Lord Raglan for not making a road and for mismanagement in carrying on the war, yet I contend that if you send an army to invade Russia you must prepare yourselves for inevitable disaster. You may repair that disaster possibly. It may be so; but when you determine to invade an empire consisting of 60,000,000 of people 3,000 miles off, I say that the thing was undertaken out of blind obedience to a cry out of doors, when the statesmen of this country ought to have exercised a counteracting influence and control. You sent a land force 3,000 miles away to subdue your colonists in America. That force had a population of from 2,500,000 to 3,000,000 to contend with. It was miserably worsted. Mismanagement no doubt existed there; but if there had been no mismanagement, how long, I ask, could that war have endured? We know the history of the invasion of Russia by Napoleon I. He invaded that empire supported by half a million of bayonets, and there was at all events this much logic and argument in his proposition, that he said, "I will strike at the heart of the empire, and will take security for peace in the capital of Russia." But you are not going to the heart of Russia, with all Europe at your back, as he had; for, with the exception of Spain, he had all Europe at his feet and all her legions at his side. You all know the result. You know the spirit of Russia then. Have you any reason to suppose that Russia now, with the stimulus of that example before her, will show a less stubborn resistance to you than she did to Napoleon I.? My firm belief is that she will not. My belief is that you have entered upon a task the most arduous and difficult which this nation ever undertook, and that you will have to put forth more than twice the energy, you will have to send more than twice the men, and to spend more than twice the money in one year than you have yet done, before you will succeed in accomplishing the object you have in view. Ought we not then fairly to tell the people of this country that? Ought we not to subdue them rather than to encourage their exaggerations? Suppose you receive unexpected accounts of disasters from the Crimea, of prostrations from cholera, from intermittent fever, or from the plague—for who can tell what may happen? Is not it wise, instead of cheering the Minister when he tells us that the conferences are at an end, to endeavour to subdue the spirit of the country—I do not say to subdue its spirit in any righteous cause—but to let the people know fully and frankly what they have before them? I blame the Government for having behaved falsely and treacherously to the people, and I tell them that there will be a day of reckoning for them in this matter. What said the noble Lord the Member for Tiverton in one of those declamatory harangues with which he occasionally favours the House? He said, "The people of this country are our reserve force, and we will equip our army from that reserve." I ask him what he is now doing with that reserve? The noble Lord the Member for London said at the end of last year, "We shall have 180,000 or 200,000 Englishmen under arms, and foreign levies to aid them." Where are the 180,000 or 200,000 Englishmen? I say that there has been the same child's play now, up to the last minute, that there has been from the commencement. All that I ask of you is that you will deal candidly with the public. I have noticed in history that if ever the mass of the people have become cruel and revengeful and unreasoning in their violence to Governments, it is invariably because they have been betrayed and deceived by them. There is nothing by which you will so surely risk the loss of public favour, and entail a great public calamity when your influence has gone, as by attempting to conceal from the people of this country the whole amount of difficulties and dangers which are now impending over you. It is in this spirit, and because I will not be responsible in the slightest degree for what may happen in this matter, that I wish to speak out upon this occasion; and I warn the House of Commons that there are no institutions of the land which may not be endangered from the reaction which may result from your over-sanguine confidence in what you are undertaking. I have seen the spirit out of doors taking sudden and strange freaks of revenge under a sense of bitter mortification and disappointment; I have seen those who have been the first to clamour for war, after the earliest disasters of the campaign, meeting together to denounce—not themselves, or taking the slightest discredit upon themselves—but to denounce those who are the highest in the land as the most responsible; and when I see what has been the tone pursued, in the face of what I must believe to be superior knowledge—when I see the way in which, in high places, the passions of the people have been pandered to, and momentary triumph sought at the risk of great future disaster—I must say that I think those who adopt such conduct deserve the retribution which I have spoken of. There was a meeting recently held in Derby which was reported in the London papers, and it was one of those meetings which were described as the beginning of an agitation which was to cover the land. My hon. Friend the Member for Derby was present; and what was the tone of that meeting? It was called, mind you, by the inhabitants of Derby for the purpose of instructing their Members, and the meeting was held up as one which should be imitated throughout the country. It is good and wholesome for us, therefore, to hear what was said upon that occasion. I find the rev. W. Griffiths speaking there after this fashion:—

> "For myself I say that whatever measures are proposed, if they are meant for the benefit of the few and not to promote the interests of the many, I would say, down with coronets if they are to ruin the nation! I have no objection to coronets, ribands, nor to the gewgaws which illumine certain illustrious houses—illustrious by courtesy—provided they will keep all the pleasure and injury of them to themselves; but if we are to be robbed, over-taxed, and have unjust and unequal laws just because a few coroneted heads choose to have it so, then the time is come when the working men of Great Britain must look the aristocracy in the face, demand the why and the wherefore, and not be content with a shillyshally answer. One word more. There will be more money wanted ere long—the young Prince will want a wife, and then he will want a marriage settlement. I say let him get it from his father and mother, who have enough to keep them all. You must begin there. It is no use cutting off twigs and letting huge branches remain. I, for one, think that one palace is enough for one Sovereign."

A Mr. Parkinson seconded the Resolution, saying that—

> "It had been proved to the satisfaction of the meeting that they were governed by an aristocratic Government who were incompetent for their work; therefore it was the duty of every man to endeavour to destroy the system under which they had been so misruled."

Now, I have been considered not to have dealt always very gently with the aristocracy of this country; but I should say to that rev. Gentleman, from what I have noticed of his proceedings, that for whatever disasters may happen in this country, there is not one Member of the aristocracy, out of the Cabinet, whom I should consider so responsible as that individual. So far as I am concerned, I will never truckle so low to the popular spirit of the moment as to join in any cry which shall divert the mass of the people from what I believe should be their first thought and consideration—namely, how far they themselves are responsible for the evils which may fall upon the land, and how far they should begin at home before they commence to find fault with others. The first thing that multitudes of men do, when they fall into errors, is to seek for victims, and this ought to be a warning to those who have influence in the land not to stimulate the passions which we have lately seen prevailing in the country, unless they can see some tangible and satisfactory result to arise from it. That is all my case. If the Russians were besieging Portsmouth I should not talk about what was to be done, and if I could not work in the field I would do so in the hospital. I should not then ask for any one to allay the excitement of the people, but I now repeat—and I have repeated it again and again—you have undertaken a war with an empire of 60,000,000 of people 3,000 miles away, and the people of this country and those who guide them do not fully appreciate the importance, the magnitude, and the danger of this undertaking, and that is why I have counselled moderation and caution, and why I have made the present long—and I am afraid somewhat tedious—appeal to the House.

Mr. COLLIER said, that, whatever difference of opinion there might be on the subject matter of the debate, or whatever the result of that debate might be, the House would agree in this that they were extremely indebted to the right hon. Member for Manchester for having provoked this discussion. It was true that the right hon. Gentleman, startled by the warlike echoes which his trumpet of peace had awakened, had withdrawn his Motion, giving an example in his own person of the policy he would recommend to the country. But the House was determined that this discussion should take place, and it had certainly been one of the most important that had occurred for a number of years. It had explained why our fleet had been useless, not only for purposes of defence, but even of blockade—why Odessa had not been attacked, why the Sea of Azoff had not been sounded, why Kertch had not been visited, why the communications of the garrison of Sebastopol with the sources of supplies and reinforcements had not been intercepted. The real significance of the debate had consisted, not in what had been said by the extreme peace party, but in this—that it had explained the causes of the failure of the war more clearly than the evidence taken by the Sebastopol Committee. These causes were, that they had had up to a short time ago, not only a peace party, but a Russian party in the Government. The policy of Lord Aberdeen's Administration had been shown to have been the result of two conflicting forces—those of war and peace; and the consequence had been that they had had a little war—a starved war—a war to be paid for by the taxes of the year—a war feebly and disgracefully conducted—a war which nothing but good fortune and the extraordinary heroism of our troops had prevented being one of the most disastrous wars in which this country had ever engaged in. The cause of the failure was this—there had been in Lord Aberdeen's Government a set of Gentlemen of, doubtless, high principles and great abilities, but who seemed to have proposed to themelves to weigh with the utmost possible accuracy the exact amount of men, money, and vigour that would be necessary to effect the supposed objects of the war, and carefully to avoid any excess lest it should have the effect of humiliating Russia. They appeared to have thought themselves charged with the maintenance not only of the dignity of this country, but the honour of the Czar, and had acted in the spirit of compromise and conciliation between ourselves and our enemies. This policy had been developed in the speech of the right hon. Member for the University of Oxford (Mr. Gladstone), and had been so ably replied to that he (Mr. Collier) would not dwell upon it now, but would merely observe that, however much the House might be disposed to listen to the subtleties and nice distinctions drawn by the right hon. Gentleman, yet he was going rather far when he lectured the people of England for not appreciating those refinements and subtleties, and for having been anxious for the success of the expedition which the right hon. Gentleman had assisted in sending out. The speech, also, of the right hon. Gentleman the Member for Carlisle (Sir J. Graham) had struck him as being one of the most extraordinary that he had heard for a long time. The right hon. Gentleman intimated that it might be his painful duty to abandon the noble Lord (Viscount Palmerston), and to transfer his allegiance to the other side, because the noble Lord the Member for the City of London (Lord John Russell) had dwelt upon a war of nationalities, and because the speech of the right hon. Member for Buckinghamshire (Mr. Disraeli) was more pacific than those of Her Majesty's Ministers. Now, it appeared to him (Mr. Collier) that if there was one topic that the noble Lord the Member for London had more carefully avoided than another it was the question of a war of nationalities; and that, if the right hon. Member for Buckinghamshire had any object, it was to make the most warlike speech possible, in short, to come into power on the war cry. It might indeed be that the right hon. Gentleman was in reality more intent upon storming the Treasury bench than Sebastopol; nevertheless, his " sentence was for open war." But whatever might be the surprise and regret occasioned by the conduct and the speeches of those right hon. Gentlemen, it was matter of congratulation that at length the Russianising element in the Cabinet had been removed, and in the late performances of the troops and their superior condition might be traced the effect of a sounder and abler policy at home. The noble Lord now at the head of the Government had been acquitted of any Russian tendency by the unanimous voice of the country calling him to power. He had been acquitted of any participation in our disasters by the Earl of Derby, who had recommended him to Her Majesty as an important Member of his Government; and he had been acquitted by the right hon. Member for Buckinghamshire, who had, with great magnanimity, agreed to serve under him; and the noble Lord had now nothing to do but to pursue the policy which he had adopted, and to continue to make the straightforward statements which this debate had elicited, in order to carry the country with him in the prosecution of this war. The Manchester school had shown themselves, in his (Mr. Collier's) opinion, as men by no means safe to lead public opinion; they had instructed the country on the great question of our commercial policy, the country had recognised them as teachers and received their instructions with gratitude, but the country felt that these hon. Gentlemen had yet much to learn on more important questions; they had yet to learn that a significance attached to the honour and dignity of the country and the *prestige* of our arms far wider than that assigned to them in the Manchester dictionary; and that when the country should cease to feel this, when our policy should be based on no higher principles than those purely commercial, our accumulated wealth would be no longer a source of strength, but a temptation to aggression, and might draw down upon us the fate of Carthage or of Tyre. The speech of the hon. Gentleman the Member for the West Riding (Mr. Cobden) justified the observation that a bad cause required a sophistical argument—that speech was unworthy of his former days—unworthy of the leader of the Anti-Corn Law League. The hon. Gentleman now talked of the arrogance of England in entering into a war with Russia, although but a short period since he had spoken of Russia as a Power to be crumpled up like a sheet of brown paper! In one breath he told the House that England was too exacting in attempting to limit the Russian fleet in the Black Sea, in the next that that very proposition would be beneficial to Russia. But if those were errors and fallacies to which a passing allusion might be made, the hon. Gentleman had committed errors far more serious. The tone in which he had spoken of our successes had filled him (Mr. Collier) with extreme regret; for the manner in which he endeavoured to frighten the country, and of necessity to encourage Russia, the tone and language which he adopted while dwelling on the horrors of the war and the sufferings of our troops, his assertion that the enthusiasm of the country was exaggerated and should be damped, were most unpatriotic and highly detrimental to the interests of the nation. As to the Resolutions before the House, it seemed to him that the declaration of the noble Lord at the head of the Government that the conferences had been broken off put an end to their importance altogether, although it might be desirable that the Amendment of the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote) should be negatived by a decisive majority if brought forward. As regarded the other Resolution, the House ought to express clearly its sense upon this great question of the prosecution of the war. His own opinion was, that both the House and the country were heartily sick of negotiations, which no well-informed person ever expected would be attended with success, and were of opinion that the only course open was to prosecute the war with renewed energy, and not to falter until we had brought it to a triumphant termination.

Lord HARRY VANE said, he felt that the question was being discussed after all hopes of peace were dissipated; but, since the discussion had arisen there was no alternative for him but to declare that he should support the Amendment of the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote). He was aware that the view which he took of the question was extremely unpopular, but, adhering as he did to that view, it became his duty to declare his opinion that the present war was one fruitful of danger and calamity to the country. He thought it had become the duty of those who did not sympathise with the popular enthusiasm, who thought that it might lead to great dangers, and who did not see any immediate or near issue from an arduous war and the great calamities it might entail, to express their views and their fears, and to do what they could to moderate that enthusiasm. It had been said they were about to abandon the alliance with France. He should be the last man to recommend that this country should dishonour itself by withdrawing in any respect from the spirit or the letter of the alliance; but, without entering into the delicate question of the feeling of the French Government upon the subject, he thought he might argue that the House of Commons had a right to express the opinion it entertained—not advising the Government to withdraw from the alliance, but expressing its opinion as to the way in which the war should be conducted and the terms upon which peace should be concluded, in order that if the French Government concurred in the wish to terminate the war, it might know what terms that House thought consistent with the honour of the country. The hon. Baronet the Member for Hertfordshire (Sir Bulwer Lytton) had treated the idea of peace not only as illusory but dishonourable, and seemed to think that those who thought that peace ought to have been concluded at Vienna were ready to consent to the dishonour of the country. Such was not the case; for he could assure the hon. Baronet that they were as anxious to maintain the honour of England as was the hon. Baronet or the most warlike of his Friends, and they were no less disinclined than himself to accept conditions in the slightest degree derogatory to the honour of the British nation. They had been told in the course of the debate, and it had been assumed by many, that the Four Points were totally illusory; and that even if they had been conceded, nothing would have been gained by them. He could not think so; for, looking to what was the feeling of Russia, and that she was of nothing more jealous than of any interference with her relations with neighbouring Powers, and Turkey in particular, he believed that her concession of the first point was a material advantage, and that it would in time have produced large effects. With respect to the first point, and to the second, that referring to the navigation of the Danube, he regarded them as large and ample satisfaction on the part of Russia as a treaty could afford to the Western Powers. On the main point, Russia had conceded the demand for the admission of Turkey to the European system and law, and had likewise sanctioned the guarantee of the other Powers, although she herself refused to be one of the guaranteeing parties. It, therefore, appeared to him that a great step had been gained in obtaining the acquiescence of Russia to those propositions. With respect to the putting an end to the preponderance of Russia in the Black Sea, that was a subject he would confess very difficult of solution, but it appeared to him that the last proposal made would have effected the object we had in view, as well as the proposal made by the allies for the limitation of Russian vessels—a limitation which might be constantly evaded in a variety of ways. That stipulation would have proved nugatory if it had been accepted, as had been admitted by the hon. Baronet the Member for Hertfordshire. He had heard hon. Gentlemen talk of carrying on the war vigorously, and that we should obtain sufficient guarantees. But what were those guarantees, how were they to be obtained? Could it be supposed that England and France could wrest from Russia any part of her territory? He was long a friend of the alliance and amicable relations with France, but could any one say that contingencies might not arise to disturb them? In such a case, should Russia be inclined to take advantage of circumstances, and should she feel that she had been humiliated on the present occasion, she would certainly seize the first opportunity of emancipating herself from the humiliation which she had been obliged to undergo. He, therefore, contended that they could have no permanent security for that which they laid down as the element of their proposition. However, he did believe that one scheme proposed did afford the means of coming to some final settlement on the subject. He thought, with the right hon. Member for Manchester (Mr. M. Gibson), that the introduction of a great number of commercial vessels into the Black Sea and the carrying on of a very large trade with the Russian ports would of itself have afforded a large security, especially in connection with the right of the Sultan, under treaty, to summon from the Mediterranean the fleets of England and France, should he at any time apprehend danger. He did not think it was advisable to drive a monarch like the present Emperor of Russia, who was of a peaceable disposition, into the arms of a fanatical party, and that at the very beginning of his reign, and he thought it would have been wiser on the part of France and England to have made a peace which he believed might have been made in a way perfectly honourable, and which would have conferred a great benefit on the world. The hon. and learned Member for Plymouth (Mr. Collier) anticipated great successes. He hoped they would be obtained, but he thought with the hon. Member for the West Riding (Mr. Cobden) that they should not be doing their duty to the public if they did not warn them against being led astray by their imagination upon the value and the nature of these successes. The hon. Baronet the Member for Hertfordshire had laid down a sound proposition in saying that, considering the position of Austria, we could have hardly hoped that she would have given a decisive and active support to the Western Powers. Some years ago M. Guizot said that there were only three of the great Powers of Europe who could stand alone—France, Russia, and England, and he (Lord H. Vane) believed that these three Powers were quite able to stand alone and singly to defend themselves against all external assaults. But he did not believe the same could be said of Austria. Although she had one of the largest armies, considering that she had to keep numerous forces to maintain order among her subjects, Austria could never be prepared with any great proportion of that large army on a single point. There could be no doubt that the Austrian Government was entirely with us in opinion; but, considering the composition of that great empire, its financial position, its relations to the rest of Germany, and its near neighbourhood to Russia, it was going rather too far to expect her active cooperation, at least in the present position of affairs. Throughout the whole of Germany there was a large Russian party, for all those who feared the spread of democratic opinions, and who had always before their eyes the dread of revolutionary movements and the destruction of constituted authorities, looked to Russia as their great protector. This was the secret of Russian influence. They had had the declaration of the noble Lord the Member for London (Lord John Russell) that, in the Conferences at Vienna, Austria had offered every moral assistance to the Western Powers, and so far she had conferred a great benefit on the cause we had espoused. With respect to the expedition to the Crimea, he was suprised when he first heard of it, and that we went with so small a force. He considered that it would have been better had we confined ourselves to our naval forces, and had we not entered upon an aggressive war. In fact, we had changed the character of the war altogether from a defensive to an aggressive one. Agreeing in much that had fallen from the hon. Member for the West Riding, he did not think that he was justified in the construction he had put on the silence of the noble Lord on the Treasury bench at a private meeting. With regard to the Motion before the House, he (Lord H. Vane) should vote against the proposition of the hon. Member for Kidderminster (Mr. Lowe). That being the most warlike proposition, he wished to give his opinion upon it, and to state that he looked with great apprehension at the continuance of the war; and he also desired to express his hope that the Government would take the first available opportunity to contract a peace that would be honourable to us, and not of too humiliating a character to Russia.

Sir STAFFORD NORTHCOTE said, he agreed with the noble lord, who had just resumed his seat, in his conclusion, but he came to the same conclusion on different grounds. He could not agree in that part of the Resolution of the hon. Member for Kidderminster which asserted or implied that the refusal of Russia to restrict the number of her ships in the Black Sea was the main and distinguishing cause of the failure of the negotiations at Vienna. No doubt that refusal formed one link in the chain of causes which had led to the failure of the negotiations, but the chief cause of their failure was the mistaken foundation on which they were carried on; and the fault lay with the allied Powers in proposing this particular interpretation of the third point, and insisting upon it as a *sine quâ non*. Lord Aberdeen's Government adopted a plain and intelligible line of policy in seeking to conclude a peace on the basis of the Four Points, although they might not altogether agree with that policy. The point and gist of the argument of the right hon. Member for the University of Oxford (Mr. Gladstone) had been attempted to be eluded by raising the cry that it was full of subtleties and nice distinctions. But his right hon. Friend—whose courage in advocating unpopular views, which exposed him, as a member of the Cabinet that began the war, to peculiar suspicions and obloquy, all must acknowledge—had contended that we entered into the war for a definite object, viz., the protection of the Ottoman Empire, which could not otherwise be secured; and that when that object was attained we should not be justified in continuing the hostilities. The right hon. gentleman did not say that in no case should their demands anterior to the war be subsequently enlarged, but, on the contrary, that they were so considerably enlarged, in the shape of the Four Points, that at first Russia refused to accede to them, and the expedition to the Crimea was then undertaken. Now, that expedition might not have been altogether compatible with a strictly defensive war, but it had certainly had the effect of inducing Russia to consent to the terms which she would not before entertain. A particular solution of the third point having been proposed to Russia, she rejected it, offering, however, a counter-solution of her own, which, on the other hand, was rejected by the allies, who insisted on their particular interpretation, and the conferences were consequently broken off. There was no subtlety in the course pursued by his right hon. friend. All the nicety and subtlety really lay with those who went along with him up to the acceptance of the Four Points, but turned off from him merely because they objected to the slightest alteration in an interpretation of one of those points which nobody defended as a sufficient or satisfactory solution. The declaration of the right hon. Member for Buckinghamshire (Mr. Disraeli) that he wished the door shut on these negotiations, was perfectly consistent with the pacific policy, although some thought it extremely warlike. The right hon. gentleman said the negotiations had been so spoiled and made such a mess of that it was of no use continuing them; that they should be closed, to allow a fresh departure to be taken on an entirely new basis, and one more likely to lead to a satisfactory conclusion. That position was quite unassailable. There had been great confusion between ends and means in that discussion. The ends of the war formed the most important consideration. And here the sentiments of the right hon. member for Buckinghamshire did not much differ from those of Lord Aberdeen's Government at the commencement of the war—viz., that its object was not conquest or the humiliation or dismemberment of Russia, but simply the protection of Turkey. The point upon which his right hon. friend (Mr. Gladstone) differed from the right hon. gentleman the Member for Buckinghamshire was not as to the end, but as to the means by which that end should be attained. Upon the question before the House, he (Sir S. Northcote) should vote against the Amendment of the hon. Member for Kidderminster (Mr. Lowe) as he should also against that of the hon. Member for the University of Oxford (Sir W. Heathcote) should that Amendment be pressed, which he hoped would not be the case.

MAJOR REED said, that he was one of those individuals who were in favour of a vigorous prosecution of the war, and that he was rejoiced to see a termination of the Vienna Conferences, in which he never had had a particle of faith. With regard to the language which had been used that evening by the hon. Member for the West Riding (Mr. Cobden) he was surprised to hear him say that he would not pay attention to the voice of popular clamour, because if there was one Member in that House more than another whom he would have supposed to defer to the voice of the people, it assuredly was the hon. Member. He (Major Reed) believed that the people of this country were in favour of the war, as they had paid their increased taxes without murmur, and would, he doubted not, pay more if necessary. He deprecated, however, the peace-mongering orations of hon. Gentlemen below him, which were calculated to give the people an impression that Parliament was not unaminous on the subject of the war. As to the Amendments before the House, he would support the Amendment of the hon. Gentleman the Member for Kidderminster, as he believed it would assist in promoting the vigorous prosecution of the war. As far as Austria was concerned, he believed we could never receive any active support from her; but his conviction was, that if we would only unite heartily with our ancient foe—France—the people of England and France would give their cordial support to their respective Governments until they had secured a just, honourable, and lasting peace.

MR. W. EWART said, that he had hoped much from diplomacy. But, diplomacy having failed, the obvious and only course now was an earnest and resolute prosecution of the war. He said this, still continuing to be, as he had always been, an ardent friend of peace. But he thought it was a tribute to the cause of peace, when the principle was laid down that no European Power should commit an act of aggression without being made responsible for so doing by the other Powers of Europe. He thought, also, that we were promoting the cause of general peace by acting in combination with France, and cultivating the friendship of the French people. It had been asked whether we were about to enter into a war of nationalities, or whether we were going to continue the war until we had conquered Russia? He deprecated a war of nationalities—who could see the end of it if once begun? It would become, what Mr. Canning had foretold, a "war of opinion." If we fanned a local flame, we were responsible for a general conflagration. But were we sure that, if we evoked the "nationalities," the "nationalities" would answer to our summons? He required precise information on this point before he would assume the responsibility it involved; and he would adopt the well-known question in the dialogue between Hotspur and Owen Glendower—

> "I can call spirits from the vasty deep.
> But will they come when thou dost call for them?"

As to our conquering Russia, or taking any portion of her dominions, the idea never entered into our contemplation; the original object we sought to attain by the war was to destroy the preponderance of Russia in the Black Sea without in the least disturbing her legitimate dominion, to maintain the independence of Turkey, and to secure the liberty of Europe. He could not, however, concur with the latter part of the Amendment of the hon. and learned Member for Kidderminster (Mr. Lowe); he thought that it was not sound policy for the House to prescribe to Her Majesty's Government by what means they should carry on the war; but that the House should lay down the general principle that the war should be vigorously conducted, and should leave it to the Executive to determine by what measures and details that principle could be best accomplished. With regard to the general question, he thought that the Earl of Aberdeen's Government was right in doing its utmost to avert the war; but when that war became inevitable he should have liked to have seen it conducted with an energy which should end it. He agreed with the noble Lord the Secretary for the Colonies that either you should have a Prime Minister who would breathe his resolute spirit into the whole administration, or you should have a War Minister who would wield the executive power of his department with comprehensiveness of mind and vigour of character. We want such a man as the elder William Pitt or as George

Canning. He was not an enemy to negotiation; he would lose no opportunity of negotiating while negotiation was possible; yet when war became unavoidable, it was consistent with the doctrines of peace to prosecute the war with such energy as should not only shorten, but should end it. Far be it from him to oppose at any time fair negotiation. It was our first duty to be open to reconciliation, and not "to close the gates of mercy on mankind." But if it must be otherwise, he was for the most vigorous measures, and he was for establishing peace by extinguishing the war.

MR. VANSITTART said, it was his opinion that we had entered upon this war, not as one of preservation but of aggression, for we had invaded the territory of Russia, and destroyed her navy or locked it up within her ports. The application of steam to our marine had given us ten times the naval power of Russia, and he thought it was impossible we could have any cause to fear the power of Russia in the Black Sea, when our recent successes had placed, in all probability, not only Sebastopol, but the whole Crimea in our hands. It was his belief that the Government had been somewhat too exacting upon the third point, and he was of opinion that they were not justified in declining to put an end to the war simply because the third point was not absolutely acceded to. He considered, however, that it would be too much to call upon the Government to abandon the war; but he certainly thought they should be required to lay down some clear and definite terms upon which they would be prepared to treat, in order that our demands might not, like a sort of political barometer, rise or fall with every loss or gain of a battle on either side. The speech of the noble Lord the Member for London that had been alluded to in the course of these discussions apparently conveyed the impression that a war of nationalities was possible, although the noble Lord, no doubt, did not intend that it should do so. If, at the conclusion of the war, the Crimea were to be occupied by a French army, it was impossible to tell at what time that occupation would be put an end to. When the French first took possession of Algiers they declared that they had no intention to hold it. There could be no doubt that the prolongation of the war would bring inevitable ruin upon Turkey, and he was sure that the interests of civilisation would be less advanced by war than by the instruction of barbarous nations in the arts of peace.

MR. F. SCULLY said, he had heard the debate from the commencement, and he must say that he thought that a great deal of irrelevant matter had been introduced. He should not have risen at that moment but to express his dissent from the conclusions at which the hon. Member for the West Riding (Mr. Cobden) had arrived. He had used much exaggeration, and had unjustly accused the noble Lord the Member for London (Lord J. Russell) of taking a Russian view of certain parts of the question. He (Mr. Scully) saw no harm in allowing Russia to join in the protectorate of the Principalities, along with the Four great Powers. He believed that the noble Lord was justified in accepting the terms of Russia on the first point, and in rejecting them on the third. The question now before the House was, whether the Russian propositions ought to have been entertained. Much confusion was caused by the variety of parties in that House; and the war was waged at a disadvantage in consequence. In both Houses of Parliament Members were continually bringing forward Motions impugning the conduct of the Government in the management of the war. In this respect the Emperor of Russia had a great advantage over us; he had no Houses of Parliament to consult—nothing but his own will. It was true, great mistakes had occurred last year in the Crimea, but they had been atoned for since; and we were now in a condition to carry on the war with vigour and success. That being so, he thought it most improper for that House to advise the Government as to the steps that ought to have been taken consequent on the late negotiations. The making of war or peace was the prerogative of the Crown, and in the way in which that prerogative had been exercised he thought the Government had shown a wise discretion. They were not to be blamed for attempting to negotiate and fight at the same time. He rejoiced to know that the Irish people were unanimous on this question; they were for carrying on the war with vigour and energy; and not one Irish Member had been found to support the "peace at all price" doctrines of Mr. Cobden and his friends. It was preposterous to suppose that any durable peace could have been patched up on such grounds as were proposed by Russia at

Vienna. The united power of England and France was abundantly sufficient to reduce Russia to terms, and he saw nothing discouraging in the attitude of Austria. He wished to call the attention of the House to the opinion of Napoleon I., so often referred to in the course of the debate, as to the intention of Russia to overrun Europe, and the consequent necessity of a cordial union between France and England. It had been said that Russia never could attack our possessions in India; but Napoleon thought it quite possible for Russia to march an army of 70,000 or 100,000 men into our Indian Empire. In the opinion of the hon. Member for the West Riding, the German people were in favour of Russia. Now, he (Mr. Scully) believed that the reverse was the case. Could the German people do as they chose, they would join the allies; a proof of this was given by the "Foreign Legion," now nearly completed. There was no doubt that, if Russia were victorious in this struggle, she would overrun Prussia and Austria as well as Turkey; and the German people were quite alive to their position. He by no means believed that Austria would not be brought to join in active hostilities against Russia; but it was quite natural that she should do it deliberately. It would be to be regretted if anything said in that House should have a tendency to drive Austria from us. He did not believe that the vote of the House on the Amendment before it would declare the sense of the country as to the necessity of carrying on the war with vigour. He regretted that the Resolution of the right hon. Baronet the Member for Portsmouth (Sir F. Baring) had been persisted in; it had only been meant as an Amendment on the Motion of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), which had been negatived. Upon this Amendment, no less than three other Amendments had been proposed or given notice of; but he hoped that the House would find some means of declaring that the war ought to be carried on with vigour until a successful issue was gained. Some hon. Gentlemen complained that the terms had been changed in the progress of the war. This we had a perfect right to do; and he did not think that anything less than the terms proposed last April ought to be accepted. Should the war continue another year, he believed the country would not be satisfied with those terms; and it might be necessary to insist on indemnity to Turkey for what she had suffered. He must express his belief that the statements made by the Gentlemen of the peace party had done more to prolong the war than anything else. They caused it to be believed in Russia that the war was unpopular in this country, and that that House was divided as to its propriety. He had no doubt that the Government were doing all in their power to carry on the war with vigour; and he could not see the necessity of any interference on the part of the House. Should they go to a division, he should vote for the Motion of the right hon. Member for Portsmouth (Sir F. Baring) as a mere statement of fact. He hoped the Amendment of the hon. Member for Kidderminster (Mr. Lowe) would not be pressed; its effect would be to tie up the hands of the Government as to future negotiations. Fair terms might hereafter be offered by Russia; and it would be unwise to close the door against them. The hon. Member for the West Riding had described the Irish and Scotch militia as being mere skeletons, and all disbanded but the officers. This was by no means the case. He should be sorry if the impression went abroad that the inhabitants of Ireland were not as enthusiastic in favour of the war as those of England.

MR. CROSSLEY said, he had expressed his opinion when the war was declared that the interests of this country would be best served by acting solely on the defensive, and nothing that had occurred since had altered his views. In Paris, last week, while inspecting the Napoleon relics, he had been led to reflect on how much blood and treasure had been wasted in the wars of that period, and he feared the same thing was about to be repeated. When Russia entered the Principalities, we ought to have kept aloof, and not mixed up ourselves with the politics of Europe. The war being declared, he thought the best interests of humanity demanded that we should prosecute it with vigour. On looking at the Vienna protocols he came to the conclusion that the third proposition of the allies was not calculated to secure a durable peace. He thought so because it was contrary to the golden rule of doing to others as we would be done by. The allies asked Russia to reduce her forces in the Black Sea. Suppose she had asked us to reduce the number of our ships, there was not a man who would not fight to the death sooner than consent to such a degrading proposal. And we ought not to make a proposition which we would not submit to ourselves, and which was humiliating to the Power to whom it was made. The noble Lord (Lord John Russell) said that the motive of Russia's keeping up a large fleet in the Black Sea was to attack Constantinople. But Russia was equally well entitled to impute the same motives to us; and surely the antecedents of the allies in India, in Africa, in Algiers, and in Rome, were such as to justify Russia in imputing motives of aggression to them. He thought the House and the country had a right to know from Her Majesty's Government what were to be the terms of peace now. He would support the Government in prosecuting the war with vigour, if they proposed terms which it would be honourable for them to offer, and not dishonourable for Russia to accept.

MR. J. G. PHILLIMORE said, he rose to support the Amendment of the hon. Member for Kidderminster (Mr. Lowe), which he thought ought at once to be adopted. It was said that the hon. Member's proposal was unconstitutional, because it interfered with the prerogative of the Crown. Now he (Mr. Phillimore) challenged any person to dispute what he now said—namely, that so far from that proposition being an interference with the prerogative of the Crown, it involved a right which the House of Commons had exercised in the brightest periods of its history over and over again, and with great advantage to the interests of the country. In the war which terminated with the Treaty of Utrecht, the House of Commons had agreed to an Address, drawn up by Lord Somers, which declared that no peace could be safe and honourable to the allies so long as Spain or the West Indies were suffered to remain under the power of a Bourbon. Although the opinion conveyed in that Address was disregarded, the principle involved was never once disputed. That Address, however, ended by advising the destruction of the fortifications of Dunkirk, which was carried out. He had listened with much regret, but without surprise, to some hon. Gentlemen who doubted the justice of the war. With regard to England never interfering by means of standing armies, he would remind the hon. Member for the West Riding (Mr. Cobden) that history proved we owed our liberties to such interference,—as when Queen Elizabeth supported the Dutch in their struggle with Philip of Spain; and William III. supported the same Power in its struggle with Louis XIV. He thought the speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) was marked by all the skill and dexterity which had made him one of the most accomplished debaters; but a speech breathing a more pusillanimous spirit, containing views more unstatesmanlike, involving more fallacies in the cloud of words by which they were disguised, and furnishing more materials for severe reprobation, had seldom been uttered within the walls of Parliament. When he heard the speech of the right hon. Gentleman he was at no loss to account for the conduct of the noble Lord the Member for London upon a recent occasion, or to understand how it came to pass that our great operations had shrunk into miserable disasters, or how our miserable disasters had sprung from the bosom of victory. No one who listened to the right hon. Gentleman's speech, could doubt for a moment that the Emperor of Russia had lost some excellent auxiliaries in some of those Members of the Cabinet which had been overthrown on the occasion to which he had referred. When hon. Members spoke of the war as being one of extermination, he would remind them of the wars in which we had formerly been engaged. He would first of all ask them if there was no difference between a war of extermination and the reduction of the enemy's power to fair and natural limits. Was the war carried on with France a war of extermination? At the glorious treaty of Paris did not France make concessions to us, which we accepted? And at the treaty of Versailles did we not make concessions to France? Was there anything dishonourable or derogatory to the dignity of either country by the offer or acceptance of those concessions? Was not the honour of England to be considered now as well as the honour of Russia? Did the right hon. Gentleman (Mr. Gladstone) desire to convince the House that the moment he left the Cabinet the war had ceased to be a righteous war? Whilst a Member of the Cabinet he concurs in the declaration of war against Russia; but after he retires from that Cabinet he pronounces a eulogium upon the moderation of Russia, the most grasping and insatiable power of modern history, whose policy was a combination of force and fraud, wielded with a systematic disregard of justice. The hon. Member for the West Riding of Yorkshire in his speech that evening cautioned the

Government not to rely upon the feelings of the people in the carrying on of this war. The feelings of the people of this country were not the mere ebullition of a public sentiment, but the spirit of a great nation, which was not to be quenched by obstacles or seduced by compromise. The people of this country feel that there was nothing to be ashamed of or to fear in such a sentiment. They had granted, and were ready to grant, the most ample funds to meet the expenses of the war. He trusted and believed that what was granted so liberally would be applied wisely—that it would be applied with a vigour suited to the magnitude of the duties the noble Lord at the head of the Government was called upon to discharge. He believed that under a wise and vigorous Government the resources of England would be enabled to carry on the war in which we were engaged to a just and glorious termination. Having once drawn the sword, let us not sheathe it again but as conquerors, and upon terms guaranteeing our own peace as well as the tranquillity of Europe. By adopting the principle of the Amendment of the hon. Member for Kidderminster we should leave that spirit untouched. By adopting, on the contrary, the proposition of that party to which he alluded, we should be bringing a lasting calamity, not only upon England, but upon the whole of the European family.

SIR JAMES GRAHAM: I can assure you, Sir, that I never rose in this House with feelings of greater embarrassment or of greater pain than those which I experience on the present occasion, and, like my hon. Friend the Member for the West Riding (Mr. Cobden), I shall appeal to the generosity of this House, inasmuch as I am well aware that the opinions which I am about to express are not in accordance with those entertained by a majority of the Members of the House, and I shall make this appeal with confidence, because, being in the minority, I am sure of a disposition on the part of the House to deal fairly, if not generously, with me. It is painful to undergo taunts such as those which both last night and this evening have fallen from hon. Members on opposite sides of the House, who have accused those who are anxious, even in present circumstances, to obtain a peace which appears to them honourable, as being the auxiliaries and the friends of Russia. Now, Sir, it is necessary, however, to submit to taunts of this description, and the only consolation is, that in similar circumstances wiser and better men than I have had to undergo the pain of observations of a like nature. But I feel that I should not be the friend of Russia but the enemy of my own country, that I should be a traitor to the interests of the people I represent, and should be guilty of the basest of all fears—the fear of being thought afraid—if I were not ready to state my opinion in the existing circumstances of the country with reference to the policy of the continuance of the present war. My position is quite different from that of the hon. Gentlemen who sit on the lower portion of this bench. They are of opinion that the late negotiations should have led to peace, but they have also, with great consistency, from the very commencement of the war, objected to its being waged. I, on the contrary, have entertained the opinion that the war declared against Russia last year was a just and necessary war. I adhere to that opinion; and the real question now at issue, in my humble judgment, is this, have the objects for which that war was undertaken been attained, or did the Conferences of Vienna give fair ground for believing that the opportunity of bringing the war to an honourable termination had been presented? Besides having entertained and expressed the opinions to which I still adhere, that the war originally was a just and necessary war, it was my duty in the Government of Lord Aberdeen to fill an important post connected with the conduct of the war; and when the hon. and learned Members for Leominster (Mr. J. G. Phillimore) and Plymouth (Mr. Collier) have asserted that it is now quite plain what were the causes which led to failure, while I and those who act with me, and who with me left the Government of the noble Lord the Member for Tiverton, occupied a position in the administration of affairs, I tell them, in reply, that, although it would ill become me to speak of my own efforts or my own conduct, still this much I can say, that from the first moment when I went to the Admiralty I used my best exertions to prepare the naval forces of this country for any emergency which might arise. My efforts were sincerely and constantly directed to that object long before the commencement of the war; and during its progress I endeavoured to provide ample means to meet all the wants of the public service, and when I left office I think that the means so provided were not deficient, and have not been found in the least deficient by my successor. Having made this short comment on matters personal to myself, I shall now pass on to the observations which I conceive it to be my duty to submit for the consideration of the House. On a former evening, before the commencement of the recess, I urged upon the Government the propriety of adjourning this debate, because I was of opinion that a subject of such magnitude and importance ought not to be hurriedly discussed, and it appeared to me impossible that in the short remains of one evening nearly exhausted in a preceding debate, it could meet with sufficient consideration, and I therefore pressed the adjournment of this great question. During the interval a very important change has taken place in the state of affairs. The Conferences at Vienna were then open; they are now closed. It appears that, since the conference of the 26th of April, a proposition has been made by the Austrian Government to the Governments of England and France which, in the opinion of Austria, ought to have been submitted to the Russian envoys, and which afforded a hope, at least, of an adjustment of the difference not being impossible, and we now hear from the noble Lord at the head of the Government that England and France have rejected that proposition, and that the conferences are closed. As matters, therefore, now stand, a new point of departure is before us, and I think that if it was important before the recess that time should be given for discussion and deliberation, the circumstances to which I have adverted add greatly to the gravity of the present conjuncture, and demand not only discussion and deliberation, but further explanation on the part of the advisers of Her Majesty. In the first place, I should wish to know what was the precise proposition made by Austria, which England has rejected; next, whether, in the opinion of Her Majesty's Government, the Four Points, about which we have heard so much, are still to be maintained as the basis of any future arrangement with Russia, or are now abandoned, so that fresh terms alone will be entertained. I cannot conceive a question of greater gravity, or one which demands, on the part of Government, a more frank and speedy explanation. Just observe how, in the progress of this debate, and with what rapidity, the inclination has shown itself of raising the terms which are to be demanded from Russia. I do not see the hon. and learned Member for Enniskillen (Mr. Whiteside) in his place, but before the recess a speech was made by him, remarkable for its energy, eloquence, and force, worthy of the occasion and of the place occupied by that hon. and learned Gentleman at the bar of Ireland, yet that speech was so impassioned as to open to me the view of interminable hostilities with Russia. For the hon. and learned Gentleman said it was no longer a question of terms, that Russia was perfidious and a violator of treaties, that she was, therefore, not to be held within the comity of nations, and that we were now really fighting, not for any treaty stipulations, but for the power, glory, and supremacy of England throughout the world. Well, Sir, this appears certainly an alarming prospect; it opens the view of endless warfare. Again, in the progress of the debate, there was an hon. Gentleman, who spoke for the first time, with remarkable perspicuity and effect, the hon. Member for Montrose borough (Mr. Baxter): he declared last night that the time had arrived when it would not be safe to conclude a peace with Russia whilst she held a ship, a port, or a fortress within the limits of the Black Sea. In this state of the facts, and of avowed intentions and opinions, I am really at a loss now to understand what is the precise definite object for which this war is to be carried on. It is a trite observation, yet surely one not improper to be made on an occasion of this kind, that it is always easy for any minister to involve this country in a war; but if history be philosophy teaching by examples, then let me remind you that history and experience prove to us that it is very difficult to carry on a war with the full and cordial support of the people of this country for any great length of time. That observation may appear at variance with several historical facts, but I will illustrate it by one striking example. The longest peace, I believe, since the great rebellion, was the peace which terminated in 1739 under the Administration of Sir Robert Walpole. He was a most popular, and in peace a most successful Minister, and in that year he was led most reluctantly to declare war against Spain. Nothing ever exceeded the popularity of that war at its commencement. All classes of society rivalled each other in their manifestations of joy at its declaration; the leading Members of opposition took a most active part in support of the measure, and even a Prince of the Blood joined in the procession which took place on the declaration of war. Sir Robert Walpole had acted against his better judgment in declaring war, and within two years from having been the most popular of Ministers, he was left without any support in any quarter, and was driven from power amidst a storm of public disapprobation. After his overthrow the country became discontented with the whole course of the operations; the war dragged its length along for seven or eight years amidst the execrations of the people, and the country at length drifted by common consent into an ignominious peace. Although the Conferences at Aix-la-Chapelle were studiously kept open, with the view of obtaining some decisive success which might influence the negotiations, fortune did not smile upon our arms, and the war closed with a peace ignominious beyond any other recorded in our history, two hostages being actually sent to Paris as security for the particular article of the treaty which stipulated the surrender of Cape Breton. The Earl of Suffolk and Lord Cathcart were sent as hostages, and we have it on the authority of the British ambassador in Paris, that the Pretender openly declared:—"If ever the day should return on which I shall recover the throne of my ancestors, my first desire will be to wipe out the stain which this disgraceful peace leaves on my country, and to take care that hostages shall be sent from Paris to London, as they are now sent from London to Paris." Well, Sir, this was the result of the war of Sir Robert Walpole. Allusion has been made to the American war, and to the last and longest war, namely, that with France, but it should be remembered that in the case of both those wars there were palpable and direct British objects deeply involved. The American war was a struggle for empire, on the result of which the destinies of no less than thirteen colonies depended, and the Sovereign of this country declared that he never could consent by any act of his to forfeit the brightest jewels of his Crown. During that war we suffered many disasters; we had thousands of miles of ocean to traverse, and we protracted the struggle in vain. The war finally ended in disaster, the effects of which are still regretted, and by many believed to be almost irreparable. But it was contended, and justly at the time, that honourable terms might at the commencement have been possible. That, however, was a war in which England was fighting for an empire. Then, what was the case in regard to the war of the French Revolution? That was a struggle of another kind; but still its object was direct and immediate as touching the safety of our native land. ["No, no!"] I hear an expression of dissent from an hon. Member below me, but I must beg to state what the cause of that war appears to me to have been. In this world of ours the pride of empire has proved to be the source of great commotion and productive of deadly consequences; but there is another passion of the human mind which has produced equally important consequences, I mean the inglorious passion of fear—"*Primus in orbe Deos fecit Timor.*" Fear has subdued empires, fear has made wars, and it was the fear entertained of the dangerous principles that existed at the period of the French Revolution which involved this country in that long and expensive war. What was that fear? Was it a groundless fear? I think that fear was rightly entertained, and the danger boldly met. There was a regicide, there was the blood-stained guillotine, there was the declaration of Jacquerie, there was the declaration of the Social Propaganda, there were all the horrors of the French Revolution. Those apprehensions were not ill-founded which led to the commencement of the French war. In its progress it became an internecine war, and afterwards a struggle between the first Napoleon and the rest of the Powers of Europe, the question, so far as this country was concerned, being whether England should be a free and independent nation or should become an appanage and mere domain of France? Reference has been made to the vast cost of the French war. It has been stated, and truly, that no less a debt than 500,000,000*l.* has been incurred to maintain the Bourbons on the Throne of France, which was rescued from the great conqueror Napoleon I. by the glorious successes of our arms, led on by one of the greatest generals that the world has known for these 1,800 years—a general equal, at least, to Cæsar, and only inferior, if inferior, to Napoleon himself. But, having succeeded in establishing the Bourbons on the Throne of France at the cost of enormous sacrifices, after a struggle of twenty years' duration, by the conquest and overthrow of Napoleon,

"O! miseras hominum mentes, O! pectora cæca."

It so happens that the very next heir of

Napoleon himself is now on the Throne of France; and not only on the throne of France, but is our powerful, our cordial, and, I must add, our faithful ally. This surely suggests some serious considerations why we should reflect, first of all, upon the facility with which war is waged in this country, and then proceed to ask what is the definite object which you have in view in the prosecution of the present contest. You perceive that the wars to which I have alluded have been national and directly affecting British interests, but the war which we are now waging with Russia is one in which our interest is remote and contingent—distant and not immediate. I have already said that I am one of those who are responsible for the declaration of this war. I do not regret it, but I think it ought to be always borne in mind what was the precise object of that war at its commencement. Now, Sir, I must take exception to some doctrines which I have heard advanced. I am not one of those who believe that during the progress of a war it is not perfectly legitimate to vary your terms according to the degree of success attending your operations; but, while I say I think your terms may vary, I am strongly of opinion that the object for which you embarked in a war should be kept steadily in view, and that that object should not vary, whatever may be the success of your arms. Now, the object for which we embarked in this war was the maintenance of the independence and the integrity of Turkey. That was the avowed object, and, I contend, the sole object, of the war. I consider that the war waged for this object was necessary and just, and that the reasons for it were twofold. First, there were the covert intentions of Russia, which were scarcely concealed from the English Government; and, secondly, there was the overt act of the invasion of the Principalities. Now, Sir, it will become my duty shortly to refer to the negotiations which have taken place. I will not enter into details as to the settlement of the first point in reference to the Principalities—the immediate object of the war; for, though exceptions could be taken to that arrangement with reference to certain particulars on which the hon. Member for the West Riding commented, yet in the main the settlement proposed did secure the perfect independence of the Principalities, and, instead of placing them under the protectorate of Russia, it placed them under that of the four contracting European Powers, and it was stipulated that no negotiations should take place with reference to the Principalities henceforth without the whole question being laid before the four contracting Powers. The second point with reference to the navigation of the Danube I will not discuss at any length, but merely state that in the main the propositions of the noble Lord the Member for the City of London, the British Plenipotentiary, were acceded to. It was agreed that the navigation should be placed under a European Commission, in which England was to have a voice, and precautions were taken with respect to keeping open, not only the course of the river, but also its mouth, where impediments had arisen. The management of this was to be placed under a Local Committee, to be created by a European Commission, which could not be dissolved except by the consent of the four contracting Powers. It was erroneously stated on a former evening that the question of a naval force to be kept at the mouth of the river constantly to watch the faithful performance of these stipulations was negatived by Russia; it was not so, the question was only reserved till after the settlement of the third point. I think, moreover, Sir, I am authorised to state to the House the spirit in which the Russian envoy accepted the Four Points. On the 3rd of December, immediately after the signature of the treaty of Austria, France, and England, the Russian envoy, in accepting the terms of negotiation as contained in the Four Points, distinctly announced that he accepted them, renouncing, on the part of his Government, the spirit of the religious protectorate of Russia over the Christian subjects of Turkey, renouncing the political protectorate of the Principalities, consenting to the free navigation of the Danube, and also consenting to the revision of the treaty of 1841. These were the declarations made by the Russian envoy who accepted these bases, and I consider it important that they should be borne in mind during this discussion, because I think that it will be found, after a careful investigation of the negotiations, that the Russian envoy did adhere in the main throughout these discussions to the concessions which he made at their commencement, and that the concessions cover all the objects sought by the war when it was declared. He consented to that which was the most important of all the concessions—namely, a limitation of the exclusive religious protectorate claimed by Russia over the Christian subjects of the Turks, which, in point of fact, was the immediate origin of the war. I will not go back to the disputed question as to what took place with respect to the discussions as to the holy places—for it was stated by the noble Lord the Member for the City of London, who then held the seals of the Foreign Department, that, in the opinion of England, at the commencement of the quarrel, the first threat of force did not proceed from Russia but from France, and that Russia was in the right and France was in the wrong. The Emperor of the French, with great magnanimity in the spirit of peace, which cannot be too highly commended, on consideration of the whole question and the conduct of his Ambassador at Constantinople, receded from the claims of his Ambassador, whose acts he disavowed, and he placed France in the right by so doing, whereas she had originally been in the wrong. Russia had a distinct and just cause of complaint against Turkey with reference to the transaction to which I have alluded; but I think the tone adopted by Prince Menchikoff on his mission to the Porte was wholly inconsistent with the respect due to an independent Power. This insolence —for I can call it by no other term—coupled with the invasion of the Principalities, rendered it a paramount — an imperative duty on the part of the allies of Turkey—England and France—to come forward in its defence, and to secure its independence, which had been so violated. Now, Sir, will the House permit me to state what in my opinion is the strongest part of the present case, and which deserves most careful consideration? I agreed with the hon. Member for Hertfordshire (Sir B. Lytton), when he said it was necessary by force of arms, when engaged in war, to humble your adversary, and more especially necessary in a case of this kind where insolence was followed by aggression. But look at the result of the last year's war with Russia, and contrast her claims at the commencement of the war with the terms on which she was willing to conclude peace at Vienna, and I think you will not find that the history of any war shows greater alterations in tone and terms than those which have been obtained in the late Conferences of Vienna from Russia, and obtained, as I contend, by force of arms. Now, Sir, will the House permit me—because this is a very essential part of the subject—somewhat to investigate this point in detail? I will, first of all, state the original demands of Russia, and I will contrast those demands with the concessions she was willing to make. But here, before I do so, I must state that in my opinion the test by which you ought to try negotiations of this kind was wisely and well laid down by the noble Lord the British Plenipotentiary on that occasion, when he declared that, in his judgment, at the commencement of negotiations no treaty of peace could be sound or permanent in which the honour of the adversary was not consulted and duly considered. The noble Lord then went on to make another observation, to which I call attention, and to which I most cordially and entirely subscribe. He said, with reference to this question of honour, that the defence of Sebastopol, on the one hand, and the attack on the other, had covered the contending armies with equal glory, and that the military honour of Russia, France, and England, was safe when tested by those operations. I will now recall in detail to the recollection of the House what were the demands and language of Russia at the commencement of the war, and what, after a year's hard fighting, were her submissions—for I can give them no other name—on which she was willing to conclude peace at Vienna. I will go through the demands seriatim. Her first pretension was that no other Power should be permitted to interfere in any negotiation between Russia and the Sublime Porte. That pretension was stated repeatedly in the most distinct, arrogant, and offensive terms. Now let us contrast the result. All the negotiations for the last two years, by the forced consent of Russia, have been conducted by England, France, and Austria on behalf and in aid of the Sultan. The next pretension of Russia was that the Turkish Ambassador must sue for peace either at St. Petersburg or at the head-quarters of the Russian army. A more arrogant pretension than this was never put forward. How much is her tone abated now. Actually, through the mediation of Austria, Russia, if she did not ask, at all events suggested, the opening of the Conference of Vienna, and the Turkish Plenipotentiary, instead of suing for peace at the head-quarters of the Russian army, met the Russian envoys in the capital of the Austrian Emperor, and treated with them on terms of perfect equality. What was the next pretension of Russia? She refused to meet the Turkish envoys in any conference on equal terms with the representatives of other Powers, Russia holding that Turkey was not entitled to rank on terms of equality with other European States. Ask the noble Lord the British Plenipotentiary, who has just returned from a conference at which the Turkish Ambassador sat at the same table with the Russian envoys, and discussed conditions of peace with them on equal terms, in the presence of the noble Lord the British plenipotentiary, of the French envoy M. Drouyn de Lhuys, of M. Buol, the First Minister of the Emperor of Austria, and the other Plenipotentiaries there assembled. This monstrous pretension of Russia was thus not only modified but practically negatived in the most unquestionable and decisive manner. The next pretension was that the Principalities should be occupied by Russia as a material guarantee. The conference is opened at Vienna, and the Russian army is found expelled from the Principalities altogether, and those provinces occupied by the allied troops. But Russia, not satisfied with occupying the Principalities, had passed the Danube, and had invaded Bulgaria. How was that met? By a treaty of offensive and defensive alliance, to which even Prussia was a party as well as Austria, stipulating, in express terms, that if Russia passed the Balkan a *casus belli* would arise involving the necessity of those great European Powers, in addition to the forces which England and France had sent to the aid of Turkey, taking part in the war. Have there been, I ask, no military successes? Has there been for the last nine months a single Russian on the right bank of the Danube, and has not the valour of the Turks themselves achieved this victory? By the gallant defence of Silistria, Russia was expelled, not only from the Principalities by Austria, but from Turkish territory by a Turkish army. Then, as to the fleets in the Baltic and the Black Sea. It was the boast of Russia that the Black Sea was virtually in her possession; her commanding naval force had been held by her to give her a complete dominion over that sea; and her boast was that in the Baltic, whenever the weather would permit the navigation of the waters, she had at all times ready a fleet amounting to thirty sail of the line prepared to close that sea against a hostile invader. Now, Sir, I ask, what has become of those fleets? They have been destroyed, by the suicidal policy of Russia herself from fear of an attack. Talk of *prestige!* The naval *prestige* of Russia, whether in the East or in the Baltic, has been destroyed by the superiority of the arms of the allied Powers of France and England, and I do not think we shall hear much more of Russian naval celebrity or power in any waters. Now, the noble Lord, I think, mentioned the threatening character of the works at Bomarsund, which were, indeed, of the most alarming nature. They were erected in defiance of a treaty with Sweden, and nothing could prove more clearly the justice of the war at its commencement than the very fact of the existence of such works in defiance of a treaty with a friendly Power. But where is that fortress now? Razed to the ground by the attack of France and England; and a practical lesson has thus been given which will not be forgotten speedily by Russia, with whom we are at war, or by Sweden, whose alliance we seek. Then, Sir, as to the river Danube. For the last three or four years the command of the mouth of that river, and of the lower portion of it (the most important portion in regard to the trade of the Principalities), was in the hands of Russia; by various artifices, and by the establishment of a system of quarantine, by the possession of both sides of the Sulina mouth, and by a number of fortresses erected on the Bessarabian shore, the whole command of the river was in the hand of Russia only. But what were the terms which the noble Lord (Lord John Russell) negotiated successfully with respect to the Danube? Russia consented to remove her line of frontier works, to have no fortifications at the Sulina mouth, and to place the navigation under a free commission of the European powers, in which England should have a voice. The fourth point, Sir, to which I have already adverted, is with respect to the rights, privileges, and immunities of members of the orthodox Russo-Greek faith within the dominions of the Turk, claimed as being placed under the peculiar protection of Russia *ab antiquo* in force of treaty engagements, and especially that of Kainardji, with Count Nesselrode's enforcement of his demand on rejection of the Turkish amendments of the Vienna note. It will be remembered, with respect to this particular claim, it was alluded to in the terms in which I have stated it to the House when made by the Emperor Nicholas himself at an audience which Sir Hamilton Seymour, the British Ambassador had with the Emperor, and it was also so reported by Colonel Rose to Lord Malmesbury as made at Constantinople so far back as 1852. Now, Sir, I very much regret that the British and French Governments did not consent at the conferences to the proposal to proceed, pending the reference to the respective Governments of the question regarding the third point, to the exhaustion of the ground of difference with regard to the fourth point. I think that if the negotiators had proceeded to discuss that point there is every reason to believe that no practical difficulty would have arisen in its adjustment. All doubt would have been removed with respect to the remaining matters of difference between the contending parties, the ground would have been cleared, and a nearer approximation to a peace would have been obtained. The Austrian Government was anxious that that point should be discussed; Russia was willing to discuss it; but it was France and England alone that interposed objections. However, Prince Gortchakoff, on the part of Russia, did make an important declaration with regard to this fourth point. He regretted that any delay should take place in the discussion, said he was ready to discuss the matter at once, and declared that he attached no political importance to this fourth article. Recollect what had been the language of the Emperor of Russia to Sir Hamilton Seymour in respect to it, and what had been the language also of the Russian Envoy at Constantinople to Colonel Rose; and contrast that language with the tone of Prince Gortchakoff, who accepted the four bases, foreseeing the necessity that Russia should renounce her exclusive protectorate, and who went on to make this further declaration, that nothing would give greater security to the Sultan in governing his empire than that he should act without foreign intervention for the happiness of his Christian subjects. Thus, not only on the first and second points our claims were fully satisfied, but my belief is, that this fourth point presented no insuperable obstacle to the complete and final settlement. But now, Sir, we arrive at the third point. The pretension of Russia was that the independence and integrity of Turkey were not guaranteed by any stipulation of the treaty of 1841; that that integrity and independence were assumed in the preamble, but not sanctioned or ratified by any specific engagement. Now, on that branch of the subject a complete and specific engagement was stipulated in the presence of the noble Lord the British Plenipotentiary, and what was the result of that engagement? So far from allowing the declaration with respect to the independence and integrity of Turkey to remain excluded from the body of the treaty, Prince Gortchakoff consented that the independence and integrity of Turkey should be guaranteed by a treaty engagement on the part of Russia satisfactory to Turkey; and what is most remarkable is, that the form of guarantee proposed by Russia was varied by the Turkish Plenipotentiary, and the form suggested by the Turkish Plenipotentiary was the form adopted by the conference. Now I have gone *seriatim* through the pretensions of Russia at the commencement of the war, and the submission of that Power at the conclusion of this conference to the terms specified in the manner which I have already stated. There remains only a portion of the third point, namely, the means by which the preponderance of Russia in the Black Sea should be abated. Now, Sir, I was a party, while a Member of the Government of Lord Aberdeen, to the propositions made to France with reference to the mode of giving effect to this third article. I am a party to the proposition of this question of limitation, and, as such, I am bound to state that it was never regarded by me as an ultimatum; that it was not submitted to France, and not accepted by her as an ultimatum; and that it was not proposed at Vienna by either France or England in the character of an ultimatum. It would have been preposterous to have begun a conference with an ultimatum, and inconsistent with the whole proceedings of a negotiation. If ever there was a negotiation clear on the face of it from such an absurdity, it was the Conference at Vienna, because in good faith, and on the very face of the stipulation with respect to the third point, it was stated that the parties proposing terms should have the right to vary them in accordance with the events of the war which was being carried on. It is clear, therefore, that it was no ultimatum, and, not being an ultimatum, I come to the consideration, this being the only ground of difference, was it prudent to break off the Conferences at Vienna on this sole ground? The result of the discussion has convinced me that, as an ultimatum, it was not tenable, and I think the observations made by my hon. Friend the Member for the West Riding (Mr. Cobden) are so strong and well-founded that it is impossible to overlook them. Steam makes an immense difference in this matter, and if you give Russia a power to keep up four ships of the line of the largest size, with all the advantages of steam, and with smaller vessels in a like proportion—and such was the limitation proposed by France and England—if she be perfidious, with limitations such as these she can accomplish all her objects. You mark your distrust and you do not take adequate precautions. If, on the other hand, she is not perfidious, but trustworthy—and remember that for forty years she has been your ally, and you have never had to complain of perfidy on her part—no such stipulation is in fact required. Another observation was made in the course of the debate to which I attach great importance, because I consider it to be perfectly well-founded—it is this, that if you obtain that stipulation, and peace be once made, a ship of the line or two more added by Russia to her naval force in the Black Sea would never induce England to go to war again upon that account. Now, it is admitted on all hands that the interest of England, in this matter, is remote and contingent, while the interest of Austria is direct and immediate. Austria has a far deeper interest in this question than either France or England, and let me observe that the position of Austria at the abrupt close of these negotiations is not at all that which it was at their commencement. She was then actively co-operating with you; she is now severed and estranged from you by the rupture of the negotiations. I thought that the observations of the hon. Baronet the Member for Hertfordshire (Sir B. Lytton) last night were most wise and judicious with respect to Austria. I think that she has been under very trying circumstances a faithful friend to England. Her position is very peculiar. She stands, as it were, a narrow isthmus between the two raging seas, of Russian aggression upon the one side and the military pride and ambition of the Western Powers upon the other. It is a narrow and difficult position, and I contend that she is entitled to the utmost forbearance. I hold that peace—a great blessing to all nations—is in a paramount degree the policy of England. Peace is, also, the policy and interest of Austria. She, therefore, is a natural ally and constant friend to England; and we ought to bear with her infirmities, to consider her position, and, above all things, not to quarrel or come to a hasty rupture with her unnecessarily. For these reasons I thought that the policy indicated by the hon. Baronet was both wise and judicious. Now, Sir, I think that we are entitled to know what is the proposition which Austria has made to England and France at the close of the conference. She has the greatest and most direct interest in the matter, and I regret that the noble Lord was not present on the 26th of April when the Russian Envoy made his last proposition. I quite agree with the noble Lord in the policy of rejecting the proposition of the 21st of April. I think that there were grave objections to it, and that France and England were perfectly justified in their peremptory rejection of it. I entertain quite a different opinion of the proposition of the 26th of April, and I think that proposition is not to be regarded as an ultimatum, because Russia was, no more than France or England, justified in making an ultimatum at that stage of the negotiation. I think that that proposition, as Count Buol and M. Drouyn de Lhuys said, did contain the elements of an adjustment. There is another matter of importance, with reference to this, which ought to be considered. M. Drouyn de Lhuys having heard that proposition, and having declared that it offered the elements of a settlement, proceeded to Paris, as the noble Lord did to London, but he had the advantage of discussing the question with the Russian Envoy in detail, and he had the still greater advantage, after the proposition was made, of hearing the opinion of the Austrian Government respecting it. He returned to Paris, and the rumour is—I am only speaking from rumour, but it is rumour which is confirmed by publication in the newspapers on the Continent, and by the absence of any denial—that M. Drouyn de Lhuys was so well satisfied with the last proposition as moulded by Austria, that he submitted it to his Government; that the Emperor of the French was not unwilling to accept it; that the French Emperor proposed to the English Government that it should be accepted; and that its rejection took place in consequence of the influence of the English Government being actively exerted both in London and at Paris against it. I have no information upon the subject, and I speak only from report; but let the House remember what is the position of M. Drouyn de Lhuys. He, having brought the proposition from Vienna, having, as I believe, thought it acceptable and proposed it to his Government, and that proposition being rejected by the advice of England, has retired from the councils of the Emperor. Surely then, Sir, we are bound to speak out upon this occasion. I have endeavoured to use no concealment; I have stated without reserve my own position and feelings with respect to this question; I am not a slavish admirer of Russian tyranny; I am not the auxiliary of Russia; I am not the friend of Russia; but I am the sincere advocate of peace on honourable terms. I think that a golden opportunity has been lost for securing this the greatest of all blessings without the sacrifice of one particle of national honour. I hear much about fighting for *prestige*. I must say that a more dangerous doctrine was never broached. I think you must adhere most strictly to the definite object of the war; but, while adhering to that object, I admit that the terms may vary with a view to effect that object, and those terms will naturally vary with the events and successes of the war. But there is something in the present balanced state of affairs in the Crimea, which, as it appears to me, makes the juncture favourable to a settlement. The honour of England, I think, is sustained by the victories which she has gained wherever she has come in contact with the enemy—by the advantages which those victories have won for her in the lowered tone of the enemy, who was originally aggressive and insulting. I must say that I think, although no friend to Russia, that the honour of Russia must be considered, and that if we push her to the wall there will be something passive and dogged in her resistance. Although vanquished, she will not yield. I am by no means satisfied that this opportunity once lost, even although our armies are victorious, will ever recur again. I wish all taunts and party feeling on this occasion to be cast aside. It is a great crisis and emergency in public affairs. *Sursum corda*; let us elevate our minds and thoughts beyond the passions and party feelings of the day; the interests of a great nation and the cause of humanity are at stake, and I am confident that we shall best serve our country by such a course—that country which, whatever other differences we may have, is still dearer to us than life itself. Let us consider the interests of our country and the interests of our country only, and let us be satisfied that the greatest blessing which we can confer on the nation both with respect to its internal prosperity and its foreign relations, is the restoration of peace. I believe the opportunity is favourable, and I shall, to the last hour of my life, regret the loss of this opportunity, if it be allowed to pass away. I know that the feelings of the country—of a gallant and noble people — have been pricked and wounded by the want of greater military successes and by the occurrence of certain exaggerated disasters; but I do not think that all the money we have expended, and the losses we have sustained, will, if peace were made to-morrow, be thrown away. I think both England and Russia have been taught some useful lessons. I think that Russia has been taught that her arrogance and her pretensions cannot be sustained by the successes of her arms. I think England has also learned a useful lesson, and that past evils will be turned into national benefits if we improve the opportunity of correcting our errors and of profiting by experience. I hope that if peace be restored she will not hastily reduce her establishments, certainly not her naval, and in a very small degree her military, establishment. I think that, consistently with her position amongst the great nations of the world, both her naval and her military establishments were too much reduced at the close of the last war. I think, also, that a more perfect military organisation is necessary, and I hope it will be effected. If our object is to maintain the independence and integrity of Turkey, which is a legitimate object, you must set aside your trust in treaties and negotiations, and not return too soon to a small naval and military force. It is not to be dissembled that when once a weak power calls in its last extremity for the assistance of powerful auxiliaries, just in proportion to the length of time which she depends on such support she becomes more and more dependent on it, till at last she cannot exist without it. Now, whether you adopt the policy of limitation, or whether you devise some other expedient, still I am decidedly of opinion that the maintenance of Turkey becomes day by day more difficult, and as Lord Clarendon warned the Turkish Government, when it was bent upon rushing into war against the advice of both

England and France, its position has become so critical that its ruin will be inevitable and its maintenance all but impossible. Sir, I am sure that the great test of statesmanship in the rising generation will be to make provision for the fall of that empire in Europe, to take care that Constantinople does not become the prey of Russia on the one hand or of any great naval Western Power on the other—that this test of statesmanship and this policy, whatever be the conditions of peace, cannot be maintained unless the English Minister is backed by an adequate force both by land and sea, and, above all, by having at his command an army of reserve. Sir, I do not think that it is necessary for me to trouble the House with any further observations. I have endeavoured to express my opinions dispassionately and openly, I have endeavoured not to say anything which can give offence to any Gentleman who has heard me, and I return to the House my cordial thanks for the patience with which it has listened to my observations, which, perhaps, are not in accordance with the views of a majority of the House.

MR. J. G. PHILLIMORE said, he must beg to explain that he had made no reflections on the management of the navy by the right hon. Baronet, which he was ready to confess had been most admirable.

LORD JOHN RUSSELL: Sir, the many references which have been made to the late negotiations, and especially the observations made by the hon. Gentleman the Member for the West Riding (Mr. Cobden), make it incumbent on me to address some explanation to the House; and in so doing I shall endeavour to imitate the calm spirit in which the right hon. Gentleman who has just sat down has discussed this matter; because, as he has observed, we are not now considering any question of party triumph or party politics—we are looking to the great question of the conditions of peace which might be obtained, or to the nature of the war which we have to wage. It seems to me that these are the two great questions we have to consider. If you are determined to have peace, upon what conditions can you obtain it? If you mean to carry on the war, for what objects is that war to be carried on? Now, Sir, with respect to the first of those questions, let it be remembered that, although, as my right hon. Friend (Sir J. Graham) has truly said, we have already in a short period gained very great objects—although Russia, which began with saying she would not negotiate except with Turkey alone, and with Turkey at no other place than at St. Petersburg, or the head-quarters of the Russian army, afterwards consented to sit with Turkey as her equal in the conference—that although Russia, which at first maintained that her ancient treaties with Turkey should not be disturbed, was quite willing to consent to renounce the pretension which she had so proudly exercised, whether rightly or wrongly I will not dispute, over the Principalities, and to renounce the articles of treaties which, in the course of nearly a century, she had carefully, by means of her victories in the field and her skill in the Cabinet, been able to effect—these concessions and some others of great importance Russia made in consequence of the league that was formed against her, and the success of the war, still I could not help feeling that we were in this position—and I stated it very soon after my arrival at Vienna to Count Buol as a reason why I could not entertain very sanguine hopes of success in the negotiations—I said, the belligerent Powers had had success enough to justify them in not making peace, except on terms that would convey full security to Turkey against future aggression; but that, at the same time, Russia had not had such reverses as we could expect would lead her to make such concessions as would satisfy the alternatives we were bound to demand. That was the position in which I felt we were when the negotiations began. It may be said, then, why begin negotiations at such a time and under such circumstances? That was a necessity imposed on us by the treaty with Austria of the 2nd of December. That treaty pointed out that in a certain case Austria should join us to obtain the Four Points, even by force of arms; but Austria said, naturally, and I think wisely for her own interests, and with full consideration of the great importance of entering into a war, "It must first be ascertained that Russia is not willing to make peace on terms that we may think sufficient before we carry out the treaty into which we have entered." It was necessary, therefore, to ascertain that point, and for that purpose the Conferences at Vienna commenced. The right hon. Gentleman (Sir J. Graham) has said truly that, with regard to the first point, we placed the Principalities of Wallachia and Moldavia under the protection of the five Powers, instead of under the sole protectorate of Russia, according to former treaties. We provided, though the hon. Member for the West Riding is very ill-satisfied with the terms, for free legislation, for liberty of worship, and for freedom of trade to those Principalities. There was perfect willingness on the part of all the members of the conference—Russia amongst the rest—that the administration and legislation of those provinces should be entirely national, and not interfered with by any other Power. The hon. Gentleman has criticised some of the provisions of the protocols with respect to the Principalities. Now, let me in the first place say that I am entirely responsible for having agreed to those terms. They were agreed to by me at Vienna, and do not implicate the Government to which I belong. I am ready to take the whole responsibility that attaches to them. But, at the same time, I must say that those terms do not bear the sense which the hon. Member for the West Riding has placed on them. He said the natives were not to meddle in matters that might be dangerous to the tranquillity of their country; but our engagement was that they should not engage in intrigues that would be dangerous to the tranquillity of their country. These were the terms. I consider that the position of these provinces is a very critical one—that, in the close neighbourhood of Russia, Austria, and Turkey, it is very difficult, and will be very difficult, to maintain independence in matters of legislation and government in those Principalities. In the first place, neither Russia nor Austria would allow any intrigues to be carried on in those Principalities against the security and tranquillity of their own provinces; and, in the next place, Turkey presented an article of a treaty by which she could require that no foreigners should enter into the Principalities. I felt, therefore, that it was a difficult thing to make an arrangement in these circumstances, and the Ambassador of the Porte at Vienna not being ready with any final proposal, it was agreed, with the consent of Austria and Russia, that a future arrangement on this subject should be made at Constantinople, with the concurrence of the Ambassadors of all the Christian Powers there. Some persons imagine that it would be better to make these Principalities entirely independent; but my belief is that, if this were attempted, their independence would not be secured, and that they would fall in a very short time into the power either of Russia or Austria. There would be a contention, perhaps, between those two Powers as to which they should belong to, but they would maintain no permanent independence. Therefore I think the suzerain system was necessary in the arrangement of those Principalities; but I thought it was for their happiness and security to provide all freedom in religion, in trade, and in legislation. With respect to the Danube, it was said the other day that the Russians only gave up the power of quarantine; but that is only half the truth, because by the Treaty of Adrianople Russia agreed to have no other fortifications but those connected with the quarantine. [An hon. MEMBER: No!] If the hon. Gentleman reads the Treaty of Adrianople he will see that that is the case, and he will find, in consequence, that Russia had fortifications; and that point was what she surrendered in the Conferences at Vienna. We agreed, also, that, with respect to general supervision, there should be both an English and a French Commissioner; and it was also agreed, on a proposal of mine, that that Commission should only be dissolved by the general agreement of all the Powers. Thus the freedom of the navigation of the Danube had increased securities. We came next to the great point which is called the third point; but before I touch upon that I must allude to a statement of my right hon. Friend the Member for Carlisle to the effect that he regrets that the Governments of England and France did not permit and sanction the conference going into the question of the fourth point, and did not endeavour to settle that before discussing the third. Now, on that subject I must remark that that point was far from being so easy of settlement as my right hon. Friend supposes. I had several conversations on that subject with the very intelligent Ambassador of the Porte, who arrived at a later period, after the first point had been discussed, and who, when there was a question of considering the fourth point, talked to me very earnestly on the subject and protested against any article being inserted in a treaty by which the Porte should renounce in any way its independence and be made to depend on Christian Powers with respect to its own internal affairs. I thought that objection—though I will not call it objection, but suggestion—with respect to the fourth point a very reasonable one; and at the same time I saw that the Plenipotentiary of Russia, and probably the Plenipotentiary of Austria, would be very anxious to obtain such a settlement of the fourth point as would have enabled them in some way to control the legislation of the Porte as regards the Principalities. We therefore should have been in very considerable difficulty in discussing that fourth point, and I certainly could not have consented to any arrangement of the fourth point which, on the one hand, did not provide that such a legislation should be introduced into Turkey as would give fair and equal privileges to Christians along with Mahomedans, and, on the other hand, enable those other two Powers constantly to interfere in the internal affairs. I come now to the third point, on which so much discussion has turned, and on which we have the misfortune not to arrive at any conclusion; and here I think my right hon. Friend rather takes advantage of the moderation displayed by the Western Powers, in order to say that as they are willing to concede so much and as their terms are so moderate, why should they not make them still more moderate, and so moderate, indeed, that they should be useless. The proposition which was suggested by the French Government, though not regularly put in the form of a proposition in the protocol, but more than once stated with great eloquence and ability by the French Minister, M. Drouyn de Lhuys, was this—that there should be what he called a neutralisation of the Black Sea; that it should be a neutral sea for the purposes of commerce only; and, being so, that arsenals and fortifications for the purpose of war should be destroyed, and that no establishment should exist there except for the peaceful purpose of trade. Now that, Sir, was a large and, I must say, in itself a good proposition; but the moment it was mentioned the Russian Minister at once declared that he never could agree to any measure which would put an end to the military fortresses on the Black Sea, and prevent the Russians maintaining a force there capable of repelling the insults even of a small Power. Now, Sir, it was in order to meet that objection, and in order, too, to put an end to the preponderance of Russia in the Black Sea—those being the very terms to which all the Powers had agreed and Russia had consented—that we proposed that her naval force should be limited. I ask, therefore, how else were you to obtain the cessation of Russian preponderance in the Black Sea? I have heard many Gentlemen say that this plan would have been inefficient. I do not think it would have been so in effect, because I believe that immediately Russia tried, I will not say by increasing her strength by one ship, but by three or four ships, or even by a large force, to show her intentions of aggression, then the suspicions of Europe would have been raised, and that which does not seem at the first view to be a perfect security would have turned out in practice quite a sufficient safeguard for Turkey in the Black Sea, and, consequently, for the peace of Europe. But, supposing that plan was not to be insisted upon, in what manner was this third point to be carried out? I think, notwithstanding what has been said by various hon. Gentlemen, that we should not insist any longer on that article. I think no Gentleman will maintain that it was my business, as representative of the Government of Her Majesty, to give up that which we thought, perhaps, the most essential of all the propositions in the Four Points, with a view to put an end to the preponderance and aggressive ambition of Russia. Well, Sir, how was that to be effected? My right hon. Friend says, and with great truth, that it would not have done to have accepted the first proposition of Russia, and to have allowed the Russian fleet to pass from the Bosphorus to the Dardanelles, and also from the Dardanelles to the Bosphorus at their pleasure. It is obvious that if we had consented to those terms we should have thus increased to a large amount the Russian fleet in the Black Sea, and have allowed the Black Sea fleet to come out from time to time, passing close to the Sultan's palace, and parading the waters of Greece to raise discontent and disaffection among the subjects of the Porte. Thus the facility of menace would have been increased whenever the Czar of Russia might think proper to send a fleet to Constantinople in order to enforce unjust demands. I think, therefore, that the first plan proposed by Russia would not have been sufficient. Let me here observe, that the notion which the hon. Member for the West Riding entertains, that those great ships he spoke of with 130 guns each could be built in America and sent into the Black Sea, could not be practically carried into effect so long as the Dardanelles were closed against Russia; and unless we admit the opening of the Dardanelles it is impossible that ships of war built in America could pass into the

Black Sea, or could furnish the great fleet to which the hon. Member has alluded. Then we come to the second proposition made by Russia on the 26th of April. My right hon. Friend (Sir J. Graham) and others think that was a good proposition to accept, but it is impossible to say that it would have effected any real difference in the preponderance of Russia in the Black Sea. The only pretended difference is this—that in case of menace the Sultan might call up the fleets of his allies; but, in ordinary circumstances, there would have been no difference whatever. The same preponderance would have existed, and, therefore, how was it possible for myself or for Lord Westmorland, after I left Vienna, to say, "We insist that the predominance of Russia shall cease in the Black Sea, and at the same time we consent to place Russia in exactly the same position in which she stood before the war." My right hon. Friend thinks that Count Buol was satisfied with this proposition, but I beg the House to listen to what Count Buol actually did say:—

> "Count Buol resumes by reiterating the opinions pronounced by him; adds that the project developed by the Minister for Foreign Affairs of France, and declined by the Plenipotentiaries of Russia, contained a complete and efficacious system: that he could not say as much of the propositions put forward this day; that Russia, in attaching to the mutual guarantee the value only of an engagement not to encroach on the independence and territorial integrity of the Ottoman Empire, reduces it, in fact, to an obligation which may be said to be self-evident; that the arrangement proposed to act as an application of the principle of the cessation of Russian preponderance in the Black Sea limits itself to the power reserved to the Sultan of calling foreign fleets to his aid whenever the preponderance of the Russian fleet should become threatening to him, which, in fact, would only tend to augment the chances of a misunderstanding; that, to sum up, the Russian propositions could only be considered as including principles of a nature to be introduced into a general and complete system."

That was the opinion which the Austrian Plenipotentiary gave of this Russian proposal. How, then, if we were to insist on the most material part of the third point, could we agree to this Russian proposition? As my noble Friend (Viscount Palmerston) said the other night, "You may call this half a point. It does not matter what is its arithmetical value; its real value is the material check it would give to the power of Russia in the Black Sea." I have now stated why I think that we could not agree to the conditions of peace proposed by Russia. Of course, as Russia chose to consider that she was not sufficiently defeated in the war to agree to our terms, she had a right to refuse them. I have been somewhat criticised for having alluded even to somewhat similar conditions in the treaty of Utrecht, when the fortifications of Dunkirk were destroyed, but I thereby obtained what was a virtual admission from Prince Gortchakoff that this is not a question of honour, but more or less of defeat and inferiority in the war, because no one maintains that Louis XIV. in agreeing to the treaty of Utrecht signed a peace inconsistent with his honour. On the contrary, I believe it was a peace very creditable and almost glorious to Louis XIV. He agreed to those terms, and he agreed that they were the consequences of defeat, and the Russian Plenipotentiary, by the objection which he made when I brought forward that instance, admitted that that which he refused now might be admitted, only with the proviso that Russia had been more defeated, and had received more checks in the course of the war. I believe, therefore, that it is not at all a question of the honour of Russia, but, on the contrary, that it is that Russia sees that she has no reason as the war at present stands, to renounce in any way those aggressive projects which she has sedulously entertained, which she intermits and lays by for a time, but which Catherine entertained, and which the Emperor Nicholas, in the latter years of his life, entertained, and which the present Emperor on coming to the throne almost avowed that he meant to cherish as the objects of his reign, and which he is now endeavouring to carry into effect. That, I believe, is the reason, and not any question of insulted dignity or offended honour, which has led Russia to refuse the propositions of the Western Powers. We come now, Sir, to consider that serious question upon which I must decline to give that very definite answer which an hon. Gentleman asked from me —namely, "If you are forced to continue the war, and if you find that the only terms which you can propose, which really give security to Turkey, are refused, what is your object in that war?" My answer to that question must be a very general one, that it is still as it has been—a security for Turkey against Russia, and, therefore, a security for the peace of Europe. I cannot believe that if Russia were left to work her way undisturbedly to the capital of the Turkish Empire—making, perhaps, a little progress in 1855, greater progress ten years hence, and still further twenty years hence—the independence of Europe would be secure. Every one has read the incident—and I believe it has lately appeared in the public papers—of the first Napoleon, when engaged with the Emperor Alexander in considering this great question, calling for a map, putting his finger on Constantinople, and, after some moments' meditation, exclaiming, "Constantinople! No, it is the empire of the world." I remember, too, another great man, the Duke of Wellington, saying—I cannot remember exactly on what occasion—that if, in addition to the forces of Russia in the Baltic, she were also by means of Constantinople to obtain the command of the Mediterranean, she would be too strong for the rest of the world. That, I believe, is not only the recognised opinion of great statesmen, but it is also the pervading sense of this country, and we must not, therefore, allow Russia, either by a simulated peace or by open war to effect the conquest of Constantinople. It may be said that the terms which we proposed were not effectual for that end; but if you say so you will blame us, not for our harshness to Russia, but for our over-moderation in not asking for stronger terms and for more powerful guarantees. There are, no doubt, other guarantees besides those contained in the limitation of the Russian fleet in the Black Sea; but it has been stated in that Third Point, where we proposed that the preponderance of Russia in the Black Sea should cease, that the particular mode of carrying out that basis must depend on the events of the war, and cannot be determined beforehand. When we were compelled by the circumstances I have stated to enter into negotiations, we were then obliged to specify the particular security we wished to have; that negotiation is over, and it will be for us to consider, according to the events of the war, what will be the security which we shall, at any future negotiation, demand for the protection of Turkey. My right hon. Friend (Sir J. Graham) the other day said, to my astonishment, and I am glad he has not repeated it after my contradiction, that I had spoken the other evening as if I wished to make this a war of nationalities. Sir, I never uttered a single word of the sort. I have looked back to my speech, and I cannot see that I used a single word or phrase which would bear such an interpretation. I certainly mentioned the word "Poland" in my description of the power of Russia, for I thought it necessary to give a description of the power of Russia, in order, in the first place, to show how difficult it was to obtain by negotiation from such a Power sufficient terms of security, and thereby to justify myself in some degree against the accusations made in a speech of two hours and a half by the right hon. Gentleman the Member for Buckinghamshire; and, in the next place, to show how necessary it was to obtain some security against further aggressions on the part of that great Power. But in mentioning Poland I merely related facts. I mentioned the fortresses which Russia had in Poland. I stated the means used by her to conciliate the affections of the peasantry to the Russian rule, and the means employed by her to take away the young men from their country; but these were facts, and am I forbidden in this House to relate facts which I believe necessary to strengthen my argument? If there was any inference to be drawn from my remarks, it was that the cause of Poland is one which is hopeless, and therefore that it would be madness in England and France to take any part in promoting resistance in that country. But, Sir, be that as it may, without at all intending any war of nationalities—and never having said anything of the kind —I still do think that it will be necessary to obtain some material guarantees against the aggressions of Russia on Turkey. What we have to consider is, how far those Four Points provide a security for Europe against that aggression. It is an advantage that Russia should be compelled not to renew those treaties with Turkey by which she has managed to advance claims from which Turkey wishes to be freed; it is of importance that the navigation of the Danube should be free, in order that there should be no monopoly for the producing provinces of Russia, and it is of importance that the Sultan should give such privileges to his Christian subjects that they should be attached to him and ready to defend his empire against an enemy. My right hon. Friend has said that it will be the duty of future English statesmen to provide for the fall of Turkey; but I can assure him that it has been the view of English and French statesmen—and it is certainly the view of those Austrian statesmen who preside and who have presided over the councils of the Emperor of Austria—that there is no reason why Turkey should not be maintained, and why her integrity and independence should not continue to exist.

That is the language which I heard at Vienna; that is the language which I heard from Prince Metternich and Count Buol. They both of them repudiated the doctrine of the late Emperor Nicholas, that Turkey was sure to fall, and therefore that some provision should be made for the succession. I certainly believe that they are well acquainted with the state of Turkey; they have an interest in being so, and I believe both in the sincerity of their opinion and in the sagacity with which that opinion has been formed. I must say here that I entirely agree that Austria, in these negotiations, has been sincerely endeavouring to provide with us securities against the aggressive ambition of Russia. Everything I saw at Vienna induced me to believe that, averse as Austria was to war, and anxious, perhaps, rather beyond the bounds of fair reason to find elements of peace, she was most sincerely desirous to obtain the objects which we desire, and to obtain them by effectual means. The position of Austria, having so many enemies as she has in Germany, is one which is, at the same time, very critical; and, much as I wish that the present war should be brought to a speedy conclusion —much as I desire that Austria should take part with the allies—I should most sincerely lament anything which should at all weaken the power of that empire in the great European system. Placed as she is in the centre of Europe, and having frequently taken part in the great wars that have arisen with the view of maintaining the balance of power, I believe that her existence is of the greatest value to Europe, and that other Powers—ourselves among the rest—are interested in that policy of Austria which has for its object the maintenance of the general equilibrium. Our aim in continuing the war will, therefore, be to keep the same object in view. The means of doing so must vary according to the events of the war, and I think it would be idle, ridiculous, and even presumptuous, in us to point out now what are the other terms of peace which England, in conjunction with her allies, should consider it necessary to demand. But this point, I think, has been secured even by these abortive negotiations, that from this time forward Turkey will be reckoned one of the Powers of Europe, forming an integral part of the general system of the balance of power—that her internal legislative authority will be preserved to her, and her independence and integrity recognised; and that, thereby, partly by the events of the war, and partly also by means of negotiation, we have already gained very great and material advantages. We have not yet, indeed, obtained that amount of advantage which would render Turkey secure; and I am forced to admit that I do not think we are likely to make a peace until we have gained such terms as would be safe for the Ottoman Empire. Be it remembered always that we are seeking no object of our own—that when peace is concluded we shall not have acquired one acre of new territory, or secured any advantage whatever for ourselves. It is for Turkey and the general system of Europe that we are endeavouring to obtain security. And now, Sir, let me address a few words to the House on the peculiar position of this question at the present moment. It seems to me that we began this debate on the Motion of the right hon. Gentleman opposite (Mr. Disraeli) because the Whitsuntide holidays were at hand, and because the conferences were not closed. We have now arrived at a period when, the Whisuntide holidays being over, and the conferences entirely concluded, the various Motions and Amendments now before the House are not befitting to the present state of affairs. I own it appears to me that it would be far more regular, after the Ministers of the Crown have been enabled to bring down the final records of the Vienna Conferences containing the last proposition, which my right hon. Friend is so anxious to see, together with the declarations of Her Majesty's Ministers upon it, for this House, then, with all the papers in its possession, to proceed to address the Sovereign, assuring Her Majesty of its co-operation in the vigorous prosecution of the war. Of course it is open to those hon. Gentlemen who wish to force the Government into the resumption of the late negotiations to advocate a different view; but, having consulted with my noble Friend at the head of the Government on this subject, I know that he is of opinion that such a course as I have just described would be more regular and more conformable with the orderly proceedings of this House than the further discussion of the present series of Motions. If, however, the House chooses to go on with this debate, it is out of our power to prevent it; but it certainly appears to us that the course I have suggested would be the more regular one to pursue, and that we should decide, "Aye" or "No," whether we shall address the Crown, and then declare in what spirit we shall support Her Majesty in the prosecution of the war.

MR. ROEBUCK: I beg, Sir, to move the adjournment of this debate till Thursday next.

Motion made, and Question proposed, "That the Debate be now adjourned."

VISCOUNT PALMERSTON: Sir, I agree with my noble Friend, that, under the altered circumstances in which we at present stand—that, seeing that the conferences have been finally closed, and that negotiations are at an end—that the course which was suggested by the right hon. Gentleman (Mr. Disraeli), under very different circumstances, when the negotiations had not terminated, and when the conferences were not concluded, would now be the simplest and plainest course for us to pursue. We are at present discussing a series of Amendments, and many hon. Gentlemen have great difficulty in coming to a conclusion upon them. The question which the House has the right to consider is, how the Government has conducted these negotiations, and whether the House, under the circumstances in which the country is placed, is willing to give to Her Majesty that assurance of support in the prosecution of the war which I think the House will be disposed, by a great majority, to affirm. The course, therefore, I propose would be to agree to the adjournment proposed by the hon. and learned Gentleman the Member for Sheffield. We shall, in the course of a day or two, receive the protocol of that conference which took place yesterday. We shall then be in a condition to advise Her Majesty to submit to Parliament those papers which will show the course of negotiation up to the last moment, and then Parliament will be in a condition to judge of the course which ought to be pursued.

MR. DISRAELI: Sir, the suggestion of the noble Lord appears to me to be very unsatisfactory. More than three weeks ago I made a suggestion to the noble Lord, he having by command of Her Majesty placed certain papers on the table, that he should follow the usual course of ministers in his position, and move an Address to the Crown on the subject, so that the House might have the opportunity of expressing an opinion on the manner in which the affairs of the country had been transacted, and also of expressing their determination to support Her Majesty in the vigorous prosecution of the war, if she should think it necessary to carry it on. But how did the noble Lord receive the suggestion? First, in silence; and then when he broke through his taciturnity, in a spirit of jocularity and of levity. The noble Lord has given no reason why the debate should not proceed. If the noble Lord had placed these papers on the table—which he ought not to have done if the negotiations had not been concluded—if he had said, while placing the papers on the table, negotiations are going on, and it will probably be my duty to place other papers on the table—nobody would have urged the noble Lord to take the step which I suggested, and I should not have made the Motion which I thought it my duty to submit to the House. But the noble Lord placed the papers on the table, the Plenipotentiary Extraordinary has returned to his place in this House, and it was legitimate and necessary for the House to express its opinion on the negotiations, and all that has occurred has occurred in consequence of the conduct of the noble Lord. There has been an attempt made to distinguish between the Ministerial question and what is called the other question. I do not understand how the distinction is established. If we discuss the policy of the Government, that is as much a Ministerial question as the one in which we proposed to visit the conduct of the administration with censure. Now, what is the position in which the House is placed? We have before us an Amendment of an hon. Member which the noble Lord has publicly said he shall support. That Motion introduces the main question of the negotiations that have proved abortive at the conference, and whether we adopt the first or second Amendment, or both, the sense is the same. We declare that if Russia rejects the principle of a diminution of her naval force in the Black Sea, the means of negotiation are exhausted. The question having been discussed for two nights whether the House of Commons will sanction as a *sine quâ non* the strange proposition made by the noble Lord (Lord J. Russell) in his character of Plenipotentiary—it is trifling with the House now to propose that the debate should not be brought to its legitimate conclusion, and that our opinion should not be taken on this important question. There are no papers that can be placed on the table of the House which can lessen the paramount character of the question raised by the Amendment of the hon. Member for

Kidderminster (Mr. Lowe). I trust the House will not agree so to stultify itself after a debate of two nights, during which some of the most eminent members of the House have given their opinions, and the Minister himself has accepted this Amendment as an opportunity upon which the discussion of the whole question of the negotiations could be raised,—I hope the House will not stultify itself by allowing this debate to be made a *tabula rasa*, in order that the noble lord may place one more protocol to which the Plenipotentiary Extraordinary is not a party—as a completion of negotiations which are described by the Government themselves as utterly abortive. I feel assured the House will feel it a duty to continue the debate to its legitimate end, and come to a distinct opinion upon this issue—whether the limitation which the noble Lord, the Plenipotentiary, raised at the congress—a limitation affecting the naval force of Russia in the Black Sea—should be or should not be a *sine quâ non* for the settlement of peace between the two countries. That has been the issue which has been discussed for two nights—it is of the utmost importance, and I am of opinion we should come to a definite conclusion upon it.

Mr. BRIGHT: Sir, I entirely agree with the observations of the right hon. Gentleman that a more extraordinary proposition never came from the Ministerial bench, and that is saying a good deal. The noble Lord the Secretary for the Colonies has just made a speech of nearly an hour in length. I did not particularly look at the clock, but I know it seemed long to me. Like almost every other speech which I have heard the noble Lord make upon this most serious question, in it he laid himself open to a satisfactory and conclusive reply, and I should like an opportunity on some evening this week to make some observations upon that speech, and also upon some other passages in the recent life of the noble Lord. We are asked to discuss a proposition of Gentlemen supposed to be acting strongly in the interest of the noble Lord. It is a joint proposition from the right hon. Member for Portsmouth (Sir F. Baring), who is an old ally and Friend of the party of the noble Lord, and from the hon. Member for Kidderminster (Mr. Lowe). But the question we have been discussing is this—was the Government acting for the true interests of the country in laying down at Vienna, as a *sine quâ non*, that a limitation of the Russian Black Sea fleet should be enforced? That is the question—it is one of the highest importance—of most momentous interest—10,000 times more important than the convenience of a Minister or the existence of a Cabinet. I must say I never heard a proposition which so astonished me as that this House, full to overflowing, having for two nights discussed this question, and opinions so various having been started by the most eminent Members of the House, the country reading every word uttered with the intensest interest, that now, because the Government is in a sort of *hocus pocus*, into which it invites the House to plunge, we are to give up the question until some other time. The noble Lord at the head of the Government is very fertile in expedients—I must almost use another term, and say evasions—in this matter. I think we have a right, seeing we have as much interest in this question as the Minister for the Crown, to say it ought to be freely discussed; and I may add, I have not the slightest expectation that this debate can be concluded before Friday night. We must, of course, have the opinion of the House upon this particular proposition of the hon. Member for Kidderminster. We are almost bullied upon these benches because we venture to think, what every hour proves, that the propositions made were unwise; but night after night, as we discuss it, the intelligent people of this country will come to the conclusion, either that the Government was frightened by leading articles, or that the Ministry think their places in danger—and, therefore, war is to be carried on, it may be for six years, as alluded to by the right hon. Gentleman the Member for Southwark (Sir W. Molesworth)—a war most expensive in treasure, and still more costly in a more sacred matter in my eyes—expensive in blood, and it may be also dangerous to that which the Ministry affects to prize so much—the honour, the glory, and the *prestigè* of the country. I hope, whatever opinions we may hold in this House, whether we be for peace or for war, for a termination of bloodshed, or for ruining the country by a prolongation of hostilities, let us at any rate give out our own opinions, stand by our own honest convictions, and give to this great question the fullest and freest discussion which it is in the power of the House of Commons to give it.

Mr. LABOUCHERE: I apprehend, Sir, the question before the House is, whether the debate be adjourned to Thursday. I confess I was strongly of opinion that it should be adjourned before the right hon. Gentleman the Member for Buckinghamshire addressed the House, but after he concluded, that opinion was completely confirmed. I find the right hon. Gentleman purposes to attach to the first portion of the Amendment of the hon. Member for Kidderminster—for reasons which no doubt appear valid to him—a sense and meaning in which I think he will find few Members disposed to agree. I can conceive nothing more important than that this House should on the present occasion express its sentiments in language clear and not ambiguous. The country would be ill satisfied with anything which bore the appearance of being done only for a party triumph, or to swell the number of a division, for or against the Government, upon a question of this kind. Our object ought to be, without reference to any Government, to speak in language which fully expresses the sentiments of the House of Commons on the present state of affairs. I can truly say, without assuming any particular patriotism, I regard these discussions with feelings far deeper and more solemn than any which can belong to any party attachment, or to any Government which can be formed. I think, therefore, it is most important we should discuss this question fully and with all the facts before us. I think it is clear we shall on Thursday, after what has fallen from the noble Lord at the head of the Government, have all the circumstances more completely before us. I think I understood the noble Lord to say it was probable that the Government themselves, when they had laid on the table all the papers relating to the negotiations, might propose to the House an expression of its opinion to be given to the Crown. I do not know how that may be; I am not for giving up a discussion merely to accommodate any Government, and by adjourning the debate we shall not do so, but the matter will still be left in the hands of the House to deal with as it may think fit, with all the circumstances before it, and the Government will have time to make any proposal it chooses, while we shall have an opportunity of judging whether we shall support it or not. At any rate, I do not see that we shall lose anything.

Mr. LOWE: I think, Sir, it may be for the convenience of the House that I should say one word on the subject, although the Amendment which I have proposed is not now in my hands, but in those of the House. I think if the hon. Member for Manchester (Mr. Bright) is in any danger of being bullied, I, at all events, am in danger of being circumvented. The noble Lord at the head of the Government has—not to quibble upon words—expressed an opinion very gratifying to me as to the first part of my proposition. With such encouragement, believing that my proposition contains the truth, which it is very desirable to state, and hoping that on some future occasion the House will give me an opportunity of clearing myself from some aspersions which have been cast upon me, I feel inclined to persevere. I am advised to give up my Amendment. Why? That the noble Lord may move an Address to the Crown for the vigorous prosecution of the war—that is, that the noble Lord may get rid of my Amendment. I did not move that Amendment lightly, not until after I had taken the opportunity of suggesting to the noble Lord that the conduct of the Conference at Vienna having been brought before the House by the papers laid upon the table by order of Her Majesty, it was a proper subject for this House to give an opinion upon. I believe it to be a proper subject of discussion, and, however unfit I may be to bring it before the House, I did so under the strong conviction that we should not be doing our duty if we passed the subject without consideration. Unless I have an assurance from the Government that in any Address they may move the question shall be fairly brought under our notice for debate, I shall feel it my duty to persevere.

Question put, and *agreed to.*

Debate *further adjourned* till *Thursday.*

EXCISE ACTS.

Order for Committee read.

House in Committee upon the Excise Acts.

The CHANCELLOR of the EXCHEQUER said, it would be in the recollection of the Committee, that when the Bill to increase the duty on Spirits was under discussion, various propositions were made with respect to the distillation of malt spirits; and that he stated that it was his intention to introduce a Bill on the subject immediately after Whitsuntide. He would now state in general terms that it was proposed to allow the distillation of spirits from malt, and also from molasses in bond, and to abolish the drawback from October next. The Resolutions on the subject did not entirely correspond with the provisions of the Bill, which would shortly be placed in the hands of Members, but they had been drawn consistently with all the precedents on the subject.

ADMIRAL JONES said, he wished to know whether the duty proposed by the Resolutions was the same as was now imposed upon spirits?

THE CHANCELLOR OF THE EXCHEQUER said, an addition of *2d.* was proposed, on account of the manner in which the duty would be charged, but he thought it would be more convenient to defer any explanation of the Resolutions until they were printed and in the hands of hon. Members.

MR. HENLEY said, that Members, by now consenting to the Resolutions, must not be understood as pledged to all their details.

MR. DISRAELI said, he thought this was an irregular and unparliamentary proceeding. He did not wish to throw any obstacle in the way of private conversations and agreements between the Government and Members of Parliament and the representatives of particular trades, but it was the duty of a Minister, when he proposed Resolutions, founded on such conversations and agreements, to make a plain statement of the intentions of the Government and of the meaning of those Resolutions.

Resolved—

1. "That there shall be charged and paid for and upon every gallon of Spirits of the strength of hydrometer proof, which on or after the 1st day of October 1855 shall be distilled within the United Kingdom, or be in the stock, custody, or possession of any distiller, or of any person in trust for him, or for his use, benefit, or account, or which, having been distilled within the United Kingdom, shall on or after the said day be in warehouse, and be taken out of warehouse for consumption within the United Kingdom, the respective Rates and Duties of Excise following (that is to say):

	s.	*d.*
"In Great Britain . . .	8	0
"In Ireland	6	2

and so in proportion for any greater or less degree of strength, or any greater or less quantity, in lieu of all other Duties of Excise on such Spirits chargeable under any Act in force."

Resolved—

2. "That there shall be allowed and paid to the distiller or proprietor of all Spirits, which, having been distilled within the United Kingdom before the 1st day of October 1855, shall, on or after the last mentioned day, be in the stock of any distiller, or in warehouse, the several Allowances and Drawbacks of Excise following (that is to say): For and upon every gallon of such Spirits of hydrometer proof, and so in proportion for any greater or less quantity, or any greater or less degree of strength, if such Spirits shall have been distilled from Malt only, under the provisions and regulations entitling the distiller to the allowance in that behalf, the allowance of eight pence per gallon; and if such Spirits shall have been distilled from any other materials than Malt only, or otherwise than in conformity with such provisions and regulations, the allowance of two pence per gallon, in lieu of all other allowances on such Spirits, payable under any Act in force."

Resolved—

3. "That on and after the 1st day of October 1855, all Allowances and Drawbacks of Excise granted by any Act now in force, for or upon Spirits distilled in any part of the United Kingdom, in respect of the Malt or other materials used in making such Spirits, and for and upon Sugar and Molasses used in the distillation of Spirits, shall respectively cease and determine."

Resolved—

4. "That it is expedient to allow Malt to be made and consumed free from the Duties of Excise for the sole purpose of distilling Spirits, and to allow Sugar and Molasses to be consumed for the like purpose free from the Duties of Customs."

Resolved—

5. "That there shall be charged and paid for and upon every Licence to be taken out yearly by every person (other than a Distiller or Rectifier of Spirits) authorised by the Commissioners of Inland Revenue to make or mix methylated Spirit, the Duty of 10*l.* 10*s.* 0*d.*"

Resolved—

6. "That it is expedient to amend the Laws relating to the Duties of Excise."

House resumed.

Resolutions to be reported on *Thursday.*

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, June 6, 1855.

MINUTES.] NEW MEMBER SWORN.—For Bath, William Tite, esq.

PUBLIC BILLS.—1° Assay Office (York, &c.) Abolition.

2° Insurance on Lives Abatement of Income Tax Continuance; Gold Finger Rings.

Reported.—Public Libraries and Museums.

MAYNOOTH COLLEGE—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question [1st May]—

"That this House do resolve itself into a Committee, for the purpose of considering the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any Endowment out of the Consolidated Fund, due regard being had to vested rights or interests."

And which Amendment was to leave out from the word "considering," to the end of the Question, in order to add the words "all grants or endowments for ecclesiastical purposes, whether charged on the Consolidated Fund or annually voted by Parliament, with a view to their withdrawal, due regard being had to vested rights or interests," instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed*.

MR. SERJEANT O'BRIEN said, he was opposed to the Motion of the hon. Member for North Warwickshire (Mr. Spooner), which was of no ordinary character, and involved considerations of greater interests than would appear from a reference to the mere amount of the grant. The establishment against which the Motion was directed was not the result of hasty or ill-considered legislation. For upwards of fifty years successive Parliaments had recognised, by their annual grants, the justice and expediency of the principle that some State provision should be made for the education of the Roman Catholic clergy. That principle had been adopted by their most distinguished statesmen—not alone by those who advocated the claims of the Roman Catholics, but also by those who were uniformly opposed to such concession. In 1845 it was felt by the Government of Sir Robert Peel that the amount of the grant was wholly insufficient for its purpose; they felt, also, the injurious effect of those irritating discussions which accompanied its annual renewal, and the necessity of putting it upon a more extended and permanent basis—and, accordingly, after much deliberation, and with the concurrence of unusually large majorities of both Houses of Parliament, that Act was passed which the hon. Member (Mr. Spooner) now seeks to repeal. He (Serjeant O'Brien) regretted that this question had been brought forward—not that he apprehended any injury to the object of this attack, from inquiry or debate —not that he entertained any doubt that the justice and wisdom of the Legislature would ensure the ultimate rejection of this proposal—but he regretted the perpetual renewal of these religious struggles—the effort to convert this assembly into an arena for polemical discussion—he regretted still more the embittered spirit that would necessarily be aroused by perseverance in a measure which evinced such inveterate hostility to the religion of a large portion of Her Majesty's subjects, which was unjust in principle, and grounded upon reasoning so injurious to the character, so offensive to the feelings of those who professed that religion. With respect to the original establishment of Maynooth, in 1795, it would be unnecessary for him to go at any length into those details which had been so fully stated by the Chief Secretary for Ireland, of the circumstances in which this country was then placed— the insecurity of her foreign relations— the imperative necessity which then existed of conciliating the Irish people, and of attaching them to the British Government by other motives than those of fear —the manifest danger of leaving the spiritual directors of the Irish people dependent for their education upon foreign and hostile states. These were the circumstances which rendered the original grant a measure of unquestioned expediency, and insured its unopposed adoption by a Parliament essentially Protestant, and by a Monarch whose strongest motive of action was to maintain, unimpaired, the supremacy of his Church. But he would not rest the case upon expediency alone— there were considerations to show that the original establishment of Maynooth might be supported on higher grounds—that it was an act of clear, though incomplete and tardy justice. It should not be forgotten that although on the establishment of the Protestant Church in Ireland, the great majority of the people adhered to the Roman Catholic religion, yet that the property originally dedicated to the support of that religion was transferred to the Protestant Church; it was transferred against the will of the people—by the strong arm of power—and because the rulers, though not the people, had changed their faith. When, at length, the profession of that religion was tolerated; when their clergy were permitted to discharge the duties of their calling without incurring the penalties of the law, then the people increasing in numbers and intelligence, but, impoverished by confiscation, were unable to meet those necessary demands for the education of their clergy which would have been provided for if the property of the Roman Catholic Church, as well as of the Roman Catholic people, had not been wrested from the hands of its original possessors. The injury did not rest here. During the continuance of the persecution, when the domestic education of the laity or clergy was proscribed by law, means had been found to establish in France and other European

States various seminaries for the education of the Roman Catholic clergy. From time to time those establishments had been endowed by various grants from Roman Catholic sources; and at the breaking out of the French Revolution they were of sufficient extent to support nearly five hundred students. It appeared by returns laid before Parliament, when the late Duke of Wellington was Secretary for Ireland, that seven of these colleges were in France, and others in Spain, Portugal, Belgium and Rome. By the French Revolution the establishments in that country were destroyed, and their property confiscated; and thus the Roman Catholics of Ireland, though deprived by the penal laws of the privileges of British subjects, lost in that character the property which those very laws compelled them to place under the control of a foreign State. He would press these matters—particularly, upon the consideration of those hon. Members who dissenting altogether from the opinions and reasoning of the hon. Member for North Warwickshire, repudiating any hostility to the Roman Catholic religion, were yet expected by him to support this Motion, because they were opposed to all State endowments for ecclesiastical purposes, and not because they considered the Roman Catholics of Ireland less entitled to such endowment than the members of any other religion. He would ask those hon. Members whether the circumstances to which he had referred—the continued persecution of the Roman Catholics—the compulsory transfer of their property—and the fact of that religion being still professed by the great majority of the Irish people, did not put their claims for a State provision for the education of their clergy upon grounds very different from those applicable to other religions? did not (as had been already stated by higher authority in that House), give to the endowment of Maynooth somewhat of the character of restitution; and whether those hon. Members, notwithstanding the opinions which they held upon the general question, should not now support this grant. Supposing, however, they should not consider that these circumstances gave the Roman Catholics any greater claim for such provision than other religions had, then he would ask them to adopt the course taken by the hon. Member for Birmingham (Mr. Scholefield), who stated that if his Amendment was rejected he would support the continuance of the grant for Maynooth. The measure brought forward by the hon. Member opposite (Mr. Spooner) was not for the abolition of all ecclesiastical endowments, but of one. In the further extension of the principle for which these Gentlemen contend, they could expect no support from that hon. Member, by whom such principle is disavowed. Would they then rightly assert that principle by concurring in his (Mr. Spooner's) policy, while they disclaim his motives. They should recollect that many principles, just in their general application, could not without injustice be partially applied—and it would be unjust to the Catholics of Ireland to make them the subject of the exceptional legislation now proposed—to inflict upon them a positive and immediate injury in the hope that these hon. Members by so doing might insure at some future period the abolition of all similar endowments. It had been argued that the Act of 1795, and the subsequent Statutes of 1800 and 1808, contained no provision for the permanent endowment of Maynooth—that the annual Acts made from time to time were Acts of bounty determinable at pleasure—and gave the Catholics no claim, and constituted no compact for such permanent provision. Now it was not necessary to rest this case upon the ground of compact. If no provision had ever been made for the education of the Catholic clergy, justice and policy would alike require that such a course should now be adopted. But with reference to this question of compact, he would contend that where the Government had deliberately adopted a certain policy towards the people of Ireland, and by continued adherence to that policy had induced the people to expect its continuance, and to act on the faith of such expectation, then, though no actual compact had been originally made, a capricious departure from that policy would be inconsistent with the obligations of honour and good faith. In considering this question of compact, and the obligation which existed on the part of the Government to continue the grant, they were not left to mere inferences, which at this remote period might be drawn from facts imperfectly understood—they had surer sources of information in the recorded opinions of those who, from their position, had peculiar means of knowledge, and better grounds than now exist, of estimating the extent of such obligation. In 1807, when it was proposed by Sir John Newport to increase the grant to 13,000*l.* Mr. Perceval opposed the increase, but stated that, as the Irish

Parliament had thought such a measure advisable, the united Legislature were bound by good faith to continue the original grant. In the following year, when a similar proposition was made for increase, Mr. Perceval, then Chancellor of the Exchequer, again opposed the increase, but stated that after the connexion of this country with the Irish Catholics since the Union, the grant of the Irish Parliament should not be diminished. These opinions of Mr. Perceval—and he expressed the same opinions whether in or out of office—were adopted by the Government and party of which he was the leader, though comprising so many determined opponents of the Roman Catholic claims. In the Debates of that period would be found an instance of the conduct pursued by the Roman Catholics with reference to this matter. In 1807, Napoleon Bonaparte, anxious to have the Irish priesthood educated in France, made liberal proposals to the Roman Catholic bishops for the purpose, and offered to restore the endowments of the Irish Colleges, which were lost by the Revolution. To that proposal the Irish bishops gave (as by their loyalty and allegiance to the Crown they were bound to do) a decided rejection. In their answer they stated their gratitude to the British Government for the liberal support of Maynooth, and threatened suspension against any functionaries, and exclusion from preferment in Ireland against any students who should accept the offer of the enemy of their country. Such was the conduct of the heads of that church whose loyalty is now impugned. If friendly relations had then existed as they now do between this country and France, the offer might have been accepted with disloyalty to the Crown; but would it have been conducive to the interests of this country, that on the interruption of those relations, so uncertain in their continuance the candidates for the Irish priesthood should be recipients of the bounty of a hostile State? And could a stronger instance be adduced of the wisdom of the policy adopted by Mr. Perceval and his colleagues, who, with an attachment to the Protestant religion not inferior to that of the hon. Member opposite, did not think the continued endowment of Maynooth inconsistent with the interests of that religion. It was contended by the right hon. and learned Member for the University of Dublin (Mr. Napier) that these references to the original establishment and annual grants for Maynooth did not affect the question before the House of repealing the Act of 1845, which provided for its permanent endowment out of the consolidated fund. It could not be clearly collected from that right hon. and learned Member whether if that Act was now repealed he would consent to a renewal of the former grants; but considering the manner in which this Motion was brought forward, and the grounds upon which it was argued, it was impossible to regard it has having any other object in view than the withdrawal of all provision for the Catholic clergy, whether out of the Consolidated Fund or otherwise. The circumstances, therefore, which occurred before 1845 bore strongly upon the question now before the House. Besides, if justice or expediency required that any provision should be made for the education of the Catholic clergy of Ireland, could the right hon. and learned Member contend that such provision should not be made to the extent, and in the general manner provided for by that Act. The Act of 1845 introduced no new principles—it confirmed those upon which the Government and the people had so long acted—varying the mode of the application according to the increasing exigencies of the establishment for which provision was to be made, and remedying those defects which were inseparable from the former system. But supposing that in 1845 there was no obligation on the Government to make any such provision—supposing that the measure then passed was, as alleged by the hon. Member opposite (Mr. Spooner) a free grant, without consideration, and without any corresponding sacrifice on the part of the Roman Catholics—was that to be relied on now as a ground for the repeal of an Act by which (whatever may be said of former proceedings) a compact was clearly and deliberately made by the Legislature with the people of Ireland? Should questions of national policy—of the obligations existing between the Government and the people—be decided by inquiries into the comparative amount of consideration? When privileges were conceded, and benefits conferred upon a people by their rulers, they were not revocable merely because they were voluntary. The right to their continuance acquired by the people may be forfeited by misconduct, but the existence of such misconduct should be clearly established. Now, with respect to the charges against Maynooth, how did the matter stand? They were not now brought forward for the first time. The hon. Member opposite having repeatedly made them and demanded inquiry, to substantiate them the late Commission was issued, and the Report of the Commissioners furnished of itself a satisfactory refutation of those charges. It would be anticipating the discussion of another Motion, of which the hon. Member opposite has given notice, to enter into the details of the complaints made by him against the proceedings under that Commission. But he (Serjeant O'Brien) would remind the House that from the circumstance and dates already mentioned by the Chief Secretary for Ireland, it was manifest that the fact of a copy of the evidence having been given to Dr. Cullen, and taken by him to Rome long after that evidence was completed and printed, could have no possible bearing on the case. With respect to the alleged alterations in the evidence of some of the witnesses after it was verbally given, and before it was printed, he believed it was legitimate and usual that in proceedings under Commission of inquiry, or before Committees of that House, witnesses interrogated on abstract points involving many and difficult considerations should be allowed, under certain restrictions, to explain or modify their verbal evidence. In the present instance they had the high authority of Lord Harrowby, from his statement in another place, and of Dr. Twiss, from his published letter to that noble Lord, that permission for such alterations had been given by the Commissioners, and that their rules had not been transgressed. But further, it was before the Commissioners that the verbal evidence was given; on that they had formed their conclusions, and it was not pretended that their Report was influenced by any such alterations. It was charged against Maynooth, that the doctrines taught there inculcated disloyalty to the Crown, and breach of good faith in our private dealings with those of a different creed, and that the minds of the students were demoralised by the course of their studies. It was almost humiliating that Catholics in that House should have to disavow opinions so derogatory to their character. He would refer to the evidence given before the Commissioners, not merely by Roman Catholics, but by some of those who had left that faith and become clergymen of the Established Church, as completely disproving these charges. [The hon. and learned Member then read extracts from the evidence of Dr. O'Hanlon, Dr. Crolly, the Rev. Mr. Butler—now a Protestant clergyman—and others before the Commissioners, with reference to these charges and the statements in the Reports.] After a full investigation of these charges the Commissioners concluded that they would be doing injustice to the College if they failed to report as the general result of the whole evidence before them, that they saw no reason to believe that there had been any disloyalty in the teaching of the College, or any disposition to impair the obligations of an unreserved allegiance to Her Majesty. After that Report could it be maintained that disloyalty and breach of faith were doctrines inculcated at Maynooth? Independent of that Report, and of the evidence before the Commissioners, he would refer to the conduct of the people of Ireland as the best and most unerring test of the character of their spiritual directors; and he would ask did that people deserve the imputations of disloyalty, immorality, and bad faith. The hon. Member opposite had not ventured to make that charge. He had admitted that he knew Roman Catholics who were sincere Christians—that the Catholic soldiers were loyal—but thought they would be more so if Maynooth were abolished. The hon. Member opposite had in his opening speech claimed credit for a wish to avoid all irritating and offensive topics. It was for those who heard that speech to say how far his language was in conformity with such intentions. Notwithstanding such profession he (Mr. Spooner) had not hesitated to declare as a further ground for the measure now proposed, that the religion of the Roman Catholics was idolatrous—that the original establishment and continued endowment of Maynooth was a great national sin; and that, if persisted in, the country should expect the judgment of the Amighty for thus abandoning her duties. He (Serjeant O'Brien) was astonished to hear that assertion—making every allowance for that hon. Member's inveterate prejudices—for his total misconceptions of the tenets of the creed which he made the object of unsparing censure—it was scarcely possible to think that at this time, in presence of Roman Catholic Members of that House, the hon. Member would speak in such opprobrious terms of a religion which had been for ages the religion of the great majority of the Christian world—a religion still professed by nations not inferior to our own in civilisation and intelligence, and whose alliance we so earnestly desired—the religion of those who in former times had laid the foundations of our country's prosperity and freedom—which numbered amongst its followers names alike distinguished in war and peace—men who in intellectual acquirements or moral worth—in their untiring efforts to promote the happiness of their species—would not suffer by comparison with the professors of that creed to which the hon. Member (Mr. Spooner) himself belonged. It may be difficult to overcome the prejudices of the hon. Member—but if his opinions be adopted as the principle of our legislation, what would be done with the Roman Catholic endowments in our colonies? Were the Catholic establishments of Canada to be destroyed? Let it not be said that we were bound to maintain them by ancient treaty, if in Ireland the Act of 1845, and the policy of preceding years, were now to be repudiated upon the ground of national sin. Is the hon. Member prepared to withdraw the Roman Catholic chaplains from the army? Will he tell the Catholic soldier, on whose valour he relies, and to whose loyalty he has paid a reluctant tribute, that the evils of death which he encounters in our defence are not to be mitigated by the consolations of religion, because the religion which he professes is an idolatry and a sin? The impossibility to carry out such a principle shows its utter fallacy. But he would ask the hon. Member opposite, and those who acted with him, what result they anticipated from the success of their present efforts? They dread the influence of the priesthood on the people of Ireland; let them be assured that that influence would not be diminished by a measure such as this. They object to the endowment of Maynooth, because it tends to propagate a religion which they believe to be erroneous —it was in vain for them to hope that the existence or extent of the Catholic religion in Ireland will be affected by the withdrawal of the grant. They might depart from that liberal policy which in later years had attempted to compensate for the evils of former legislation; they might add another wrong to those which the Roman Catholics had already endured, but let them not think that by this miserable injustice they would destroy or weaken that attachment to their faith which had characterised the people of Ireland under more adverse circumstances and more oppressive laws. He trusted that this measure would be rejected by the House; that they would not be induced by prejudice and clamour to sanction the violation of an arrangement deliberately made to identify themselves with motives and opinions such as those professed by the hon. Member opposite—to yield to that spirit of intolerance which, encouraged, but not satisfied by success, would soon seek some other object of attack—to adopt a course, calculated, above all others, to revive and perpetuate those religious animosities which have proved so formidable an obstacle to our social and political improvement.

MR. WHITESIDE said, he must congratulate his hon. and learned Friend who had just sat down on the fairness and ability with which he had spoken upon the question under the consideration of the House. That question was one which he was quite justified in contending ought not to be decided by clamour or prejudice. Though dissenting from the religion which his hon. and learned Friend professed, he yet recognised the force of the wise observation of an eminent man, that all forms of Christianity ought to be respected, because they all rested on the admission of man's weakness and the necessity of his appealing to the Divine power for forgiveness and protection. In dealing with the subject, he would beg to observe, that neither the right hon. Gentleman the Secretary for Ireland, nor his hon. and learned Friend, had made out that the College of Maynooth should be maintained as it now stood, which was the real question before the House. That question might be discussed either on the ground of policy, of expediency, or of principle; and no doubt the *onus probandi* lay with those who impugned the management of any existing institution. They had nothing to do with the form of prayer, the fasts, or the ceremonies taught and enjoined in Maynooth College; but it had been represented that this grant was a matter of compact and right. What, however, were the historical facts of the case? The right hon. Gentleman the Secretary for Ireland had dealt with the question upon the broad ground of political expediency, and upon that ground he (Mr. Whiteside) was prepared to meet the right hon. Gentleman. The Chief Secretary for Ireland had commenced the observations which he had offered to the House upon that question by a reference to those interesting volumes which had been published by the late Marquess of Londonderry, and which contained a large portion of the correspondence which had passed between those eminent men who had flourished at the period of the Union. Now, he held in his hand a memorial of the Roman Catholic bishops and archbishops in Ireland to the Government of the day, praying that permission might be granted to them to establish a college for the use of Roman Catholics in Ireland. In that memorial they requested permission to establish and endow seminaries and academies in Ireland, asserting that the memorialists wished to provide places of education in that country for the Roman Catholic youth intended for the clerical profession, in order to avoid the danger to which they would be exposed, if sent to France, of imbibing the atheistical and seditious doctrines of the Revolution. The licence of the Crown was necessary for carrying out this project, and a permissive Bill was passed by the Irish Parliament, allowing the Roman Catholic bishops, at the expense of their own community, to found an educational institution on the principles of their memorial. The Irish Parliament likewise voted them 8,000*l.* for the purpose of enabling them to enter upon the construction of the proposed establishment. Now there was in connection with that subject a remarkable document extant, and one which, in his opinion, did great credit to the Roman Catholics of Ireland. When the laity of that Church had discovered that it was the intention of their bishops to confine the instruction to be given in the new establishment exclusively to students intended for the clerical order, they held a public meeting, and had at that meeting drawn up a petition which, in his opinion, contained better arguments against the institution of Maynooth as it at present stood, than almost any document to which he could refer. That petition was to be found in the fifteenth volume of the Irish Parliamentary Debates. It strongly protested against the establishment of a college, to be conducted exclusively as a monastic institution; against the inexpediency of depriving members of the Protestant persuasion from enjoying those advantages of education which the proposed college might be supposed to confer, and against the continuance of that line of distinction between the members of different religious tenets which it was a duty, in their opinion, to obliterate. Such had been the language of the Roman Catholic laity before the first Bill with reference to Maynooth had received the sanction of the Legislature. Parliament had originally intended that there should be in connection with Maynooth a lay college, and he believed that up to the year 1817 a college of that character had continued to exist. It was true, as the Chief Secretary for Ireland had stated, that Mr. Pitt, Lord Castlereagh, and other distinguished men, at the time of the Union, considered what was to be done in regard to Maynooth. Sir John Cox Hippesley, writing on January 12, 1799, from Rome, after relating that he found "a world of friars," and "eternal squabbles and annoyance resulting from their employment in the episcopacy or on foreign missions," recommended the British Government "not to blink, but fairly to face the whole Catholic subject, nor tacitly to allow, as they do, the introduction of bulls, briefs, and rescripts from Rome, without availing themselves of those safeguards which almost every Catholic as well as Protestant country on the Continent has wisely instituted;" and he then suggested that bulls should be delivered for inspection to the Secretary of State for the Home Department. It was said that the foundation of our liberties was laid by our Roman Catholic ancestors, but those men were nearer in principle to the present Protestant Church than they were to modern Roman Catholics, although he could not now stay to argue that point. The ancient common law of this country in Catholic times forbade, under the severest penalties, the introduction of papal bulls, and in the reign of Edward I. a subject who brought in a bull of excommunication against another subject of this realm, was adjudged to be guilty of treason against the Crown; but, instead of being drawn and hanged, the offender's punishment was commuted to perpetual banishment. On the 18th of April, 1799, Lord Clare, writing to Lord Cornwallis, the Lord Lieutenant, said, "it was essential to the public security that there should be a well-regulated Roman Catholic academy in Ireland;" but that he thought the insertion, in the Bill for voting a moderate sum to support Maynooth College for the current year, of any clause which could be construed into a permanent sanction of their present establishment, would "enable the Popish prelates of this country to subvert the Government of it in ten years." A person named Hussey was made president of Maynooth College—a man who had professed opinions than which nothing more intolerant had ever been uttered in the darkest ages. On the subject of this individual's sentiments a letter was written by Bishop O'Beirne (Bishop of Meath), on the 27th of April, 1799, to Lord Castlereagh. The writer expressed the opinion that it was necessary there should be a majority of Protestant trustees; that the system pursued in Maynooth College instilled an "inextinguishable hatred to the Established Church" in the minds of the pupils, and was calculated to keep the Roman Catholic portion of the King's subjects "a distinct people for ever;" that one part of the plan avowed by Dr. Hussey, the first president of Maynooth (and who it appeared had been a regular religious firebrand), and practised by all the Roman Catholic clergy, was to exclude from confession and from the sacrament all the domestic servants of protestant masters who attended their family prayers or entered a church with them—and even to follow this up by excommunication; that an establishment which maintained such a tyrannical system ought not to be tolerated, much less supported by the State. Bishop O'Beirne was a whig, and had endeavoured to persuade Charles James Fox to adopt his views as to the expediency of establishing in Ireland a college for the education of the Roman Catholic clergy; but he had failed in the attempt to make a convert of Fox upon that point. The Whigs had not, it would appear, been such consistent advocates of Roman Catholic claims as some Gentlemen in that House seemed to believe; and he would remind those Gentlemen that the hardest blows their religion had received in this country in our time had come from the noble Lord the Member for London (Lord J. Russell) whom many of them were disposed to acknowledge at present as their political chief. Bishop O'Beirne had contended for the expediency of appointing Protestant trustees over the proposed new Roman Catholic College which was to be endowed by the State, and he had added that he would suppress all friaries and monastic institutions for either men or women. Those were the opinions entertained before the period of the Union in reference to the establishment of a college at Maynooth by a learned and liberal Irishman. It was true that in the year 1800 a second Act of Parliament had been passed, under which an engagement had been contracted to maintain that institution; and no doubt it had been maintained. In a letter of Bishop O'Beirne, dated May 1800, and addressed to Lord Castlereagh, he expresses a desire that the Government should exercise such inspection and control over the heads and teachers of the college as would effectually prevent the propagation of those anti-social doctrines which had produced all the distractions of Ireland since the days of Queen Elizabeth, and defeated the great object of blending the Roman Catholic and the Protestant population together. When the subject came again under discussion in 1807, Mr. Perceval, then Chancellor of the Exchequer, laid down this principle, "that the least thing that could be done was to give the Government something to say in the management of the institution, that they might know that they were not educating a society of Jesuits who would not be suffered to exist in any other part of Europe." Sir Arthur Wellesley also said, that when Maynooth was originally established "it was not intended that it should be maintained by the public purse." The eminent men to whom he had referred held, therefore, that the Government, if it was bound to support this institution, was entitled to know the principles on which it was to be conducted. What was the statement of Thomas Moore in reference to this subject in a letter to Lady Donegal on April 16, 1805, as given in the noble Lord the Member for London's Memoir of the poet Moore—not perhaps very consistently with his religious opinions—wrote:

> "I must say that much of this vile vulgar spirit is to be traced to that wretched faith which is again polluting Europe with Jesuitism and Inquisitions, and which of all the humbugs that have stultified mankind is the most narrow-minded and mischievous. So much for the danger of my joining Messrs. O'Connell, O'Donnell, &c.

Now, was it contended that the Roman Catholic laity approved of Maynooth? What was Mr. Daniel O'Connell's opinion of that institution? It would be found fully recorded in the work on his life, published by his son. Nothing, in fact, could be more contemptuous than Mr. O'Connel's estimate of the education given at Maynooth; and when Roman Catholic gentlemen expressed their surprise that Protestants should believe that Maynooth had been a failure, he would recommend to their attentive consideration a letter written by Mr. O'Connell in the year 1808, in which he bitterley complained that genius and taste and talent found no home in Maynooth; and in which he asked when would that college produce a Magee, or a

Sands, or a Macdonald, or a Griffin? Another authority which he would cite was the opinion of Mr. Cornelius Keogh, another clever Irishman and a Roman Catholic, who, after mentioning that the priests, formerly educated abroad, generally returned home "accomplished scholars," said that he considered that the institution at Maynooth was manifestly contrived for the purpose of replacing them by "a set of ignorant, pedantic, unpatriotic priests," and observed that, up to the year 1800, such was "the moral fermentation among the students in that college, that no fewer than ninety expulsions had occurred." He had quoted these statements of Roman Catholics for the purpose of showing that Maynooth as a place of education had been a failure. He was not using the evidence of Protestants upon that point, for it might be said that they must necessarily be prejudiced judges. But again, what did Mr. O'Connell state in his evidence, when examined on oath before the House of Lords' Committee of 1825, as to the College of Maynooth. He said that the old priests who were educated in France were men who entertained a natural abhorrence of French revolutionary principles; they were strong anti-Jacobins, and there was among them a great deal of ultra-loyalty. He went on to say, that this was not the case with regard to those educated at Maynooth, the anti-Jacobin feeling had gone by, and, as to what was usually called loyalty, the priests educated at Maynooth did not come within the description of it to such a degree as those educated in France. Being asked as to the advisability of educating the Protestant and Roman Catholic clergy at the same university, he expressed a very strong opinion that it would be a most advisable thing, and would be very much in accordance with the wish of the Roman Catholic laity. Clearly, therefore, in Mr. O'Connell's opinion at that time, the College of Maynooth, as a place of education, was a failure. Another Irishman of great ability, the late Dr. Doyle, titular bishop of Carlow, when examined before the same Committee, gave a strong opinion in favour of educating the Roman Catholic laity conjointly with the Protestant laity, which he thought would tend very greatly to promote the harmony of the different religious sects in Ireland. Mr. Inglis, who, although an Englishman, might be fairly cited as a witness for a fact, visited the college in 1854. He stated that though at first sight the course of education pursued at the college might appear varied and liberal, yet on a little further questioning he discovered that this course was not strictly adhered to, and he inferred that it might vary at the pleasure of the heads of the college, and that, in fact, any one who formed an opinion of the course of education at Maynooth from what he had read in the Report of the Education Commissioners would fall into grievous error. In 1826 a Commission was appointed to inquire into the state of the College of Maynooth, of which the late Sir Thomas Frankland Lewis was an eminent member, and the Report of which was as superior to the shallow, flimsy, worthless production, emanating from the last Commission, as light was to darkness. One of the first things into which that Commission set themselves to inquire was, into the connection of the college with the society of the Jesuits, and they had not proceeded far before they discovered that there existed in the college a society, numbering 200 out of the 250 students then resident there, called the "Sodality of the Sacred Heart." They examined Mr. Kenny, a gentleman connected with the college, who stated that he was a member of the Society of Jesus, though there was some difficulty about finding out where he was admitted and sworn in, for it was thought that Russia was the only country in Europe to which the Pope's bull for the suppression of the Jesuits did not extend; and, on being asked, whether there was any connection between the members of the Sodality of the Sacred Heart and the Jesuits, he said there was not. It was evident, by the Commissioners putting this question, that they had read a passage from the *Life of Scipio Ricci*, in which it was distinctly stated that it had been discovered that there was a direct connection between the Jesuits and this Sodality of the Sacred Heart, and that when the Society of Jesus was expelled from most of the countries of Europe it was revived under that name. There could be no doubt that at that day Maynooth was a Jesuit establishment, but the Commissioners, not having been able to probe the matter to the bottom, and not having been able to obtain a satisfactory evidence on the point, could not report to that effect. Since then, however, abundant proof had been brought forward, that during the time that the Society of Jesuits was nominally suppressed, it in reality existed under the name of the "Sodality of the Sacred Heart," and that this title, in fact, served as the mask and instrument of Jesuitism. Henrion, in his *History of the Religious Orders,* stated that it was since the institution of the Society of Jesus that such institutions as this had been formed, or, at least, had become effective, and that the rules of the congregation were generally conformable to those of the Jesuits, who were, if not their direct authors, at least their constant protectors; and he went on further to relate how, after the French revolution, some young French ecclesiastics who had fled into Belgium, perceiving then the great injury which the suppression of the Jesuits had done to the cause of religion in France, conceived the project of re-establishing the order; but, by the advice of the Abbé Pey, they did not take the name of Jesuits, but that of the "Sacred Heart." He might be asked, however, supposing that all he had said as to the state of Maynooth in 1826 were true, how did that prove that the same opinions were taught there now? That was a practical question, and required an answer. When he had first learnt that Lord Harrowby was to be appointed the head of the Commissioners, he wrote to him, drawing his attention to a book which had been lately published by Dr. Murray, the Professor of Dogmatic and Moral Theology at Maynooth. In that book the Rev. Professor had attempted to answer the brilliant remarks of the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay) on the Jesuits, and he thus summed up his opinion of the bull suppressing the Jesuits:—

> "Let it be then understood that, in speaking for the Jesuits, we speak only for innocence maligned, for truth oppressed, for well doing rewarded with evil doing; we speak as men long witnessing, with sealed up lips, one of the most abominable acts of injustice ever yet inflicted on guiltless man since the sentence of Pilate was pronounced; we only defend the truth against 'the buffoon and the sarcasm, the liar and the lie.'"

This was the judgment pronounced on the sentence of Ganganelli, one of the best Popes who ever lived, suppressing the Jesuits, by the Professor of Moral Philosophy at Maynooth. In the same essay, too, Pascal fell under the Rev. Professor's condemnation as one of the sorest afflictions that had pressed on the Church since the time of Luther—of course, because he had attacked the Jesuits. His (Mr. Whiteside's) argument was, therefore, that the principles of Jesuitism were in activity at Maynooth, and that the writings of this professor proved it. When Sir Robert Peel was Secretary for Ireland, being rather above the common run of Irish Secretaries, and being a man of literary tastes, he employed a gentleman of considerable learning to draw up a catalogue of books relating to Irish history, statistics, &c., of which about fifty copies were printed for private circulation. In this catalogue appeared De Burgh's *Hibernia Dominicana,* purporting to be printed at Cologne. The copies of this book were exceedingly rare, especially the perfect copies, for from the greater number that portion relating to the politics of the reign of James II. had been carefully extracted. It would appear as though Sir Thomas Frankland Lewis had possessed a perfect copy of this book, for, when he sat on the Commission of 1825, he asked one of the witnesses whether there were any copies of the book in the library at Maynooth, and the answer was that there were four—two perfect and two imperfect. The right hon. Baronet had good cause for asking that question, for the book was the very quintescence of treason. In it the repeal of the Act of Settlement and the passing of the Act of Attainder of the Protestants by the Parliament of James II. were described as *salubria decreta,* and it went on to apply to those decrees and to others of the same nature a quotation from Maccabees, the signification of which was, that the Roman Catholics were thereby only taking back that which had been theirs before, and had been unjustly possessed for a time by their enemies. [Mr. DUFFY: Hear, hear.] The hon. Gentleman might cheer, but it was not a very pleasant thing for Protestants to pay for the teaching of such doctrines as that. In the preface of this book, too, was contained the letter of the Roman Catholic legate of the time, interdicting Irish Roman Catholics from taking the oath of allegiance, as it was incompatible with their duty to the Pope; and of this book, though it was generally a very scarce work, Maynooth possessed, at the time of the Commission of 1826, no less than four copies. It might be that these copies were still in Maynooth, though it was scarcely possible to believe that part of Lord Harrowby's Report which stated that there was no catalogue of the library there. A sum of 330,000*l.* had been voted by Parliament since the year 1845 for that College, and yet no one could know what were the books in its library. One of the professors of the establishment said that the library was in such a state of confusion that when he wanted any particular book he went up to Dublin and got it in the library of Trinity College; and another professor said that he never entered the library. Was it really true that no catalogue existed of the books in an institution so liberally endowed by Parliament? He said that if that were true it must be so because precautions had been taken that there should be no such catalogue. The right hon. Gentleman the Secretary for Ireland (Mr. Horsman) had told the House that the Commissioners had found that everything was quite right at Maynooth; but he (Mr. Whiteside) said it appeared from the Report of the Commissioners that every thing was quite wrong in that establishment. The humanity class was all wrong—the physical class was all wrong—English was not properly taught—and the money voted by Parliament was misapplied in the opinion of the Commissioners. Now, this was the college which the Parliament that had reformed Oxford, and was about to reform Cambridge, was asked to leave undisturbed. He had read with great satisfaction, in the newspapers of that morning, that a Roman Catholic had just gained the first scholarship thrown open to the competition of members of all sects. From the evidence of the professors of Maynooth themselves it appeared that the text books used there were of a very unsatisfactory or objectionable character. Dr. Murray expressed a wish that a new and better set of text books should be compiled for the use of the students. He said that the present text books were Italian, or French, or German compositions—that some of them were too short, and some were too long—and that others "contained decisions on equivocation and mental reservation, which, however applicable they might be in other countries, would be intolerable in this." He went on further to declare that these text books were like a beggar-man's coat, exhibiting to the world the intellectual poverty of Maynooth. The same rev. gentleman also stated that the answering of the students at the examinations had not, of late years, improved; but that, on the contrary, the students on those occasions made a poorer figure than the students of former times. Dr. Crolly, another of the professors, told the Commissioners that the theological class books had consisted, until within the last few years, of treatises composed by Delahogue, who had been a professor in the college, and of a part of the theology of Bailey, but that the latter work had lately been put in the *Index Expurgatorius*, and had since ceased to be used in Maynooth. And why had the work of Bailey been put in the *Index?* Why, it appeared that Bailey had maintained what he (Mr. Whiteside) considered the very fair and reasonable doctrine, that the Church ought to hold as valid marriages contracted in compliance with the law of the particular State in which the parties were united; but when it had been discovered at Rome that Bailey had put forward that opinion, his work had been put in the *Index.* Now, he (Mr. Whiteside) would tell the Roman Catholic gentlemen of these kingdoms that throughout the Continent, and more especially throughout Italy, the great mass of the educated Roman Catholic laity regarded the *Index Expurgatorius* as a frightful instrument for crushing the freedom of the human mind; and yet the doctrine taught at Maynooth was that no book placed in the *Index* could be read by any Roman Catholic layman, and in that doctrine the Roman Catholic laity of these realms tamely acquiesced. "He who kills a man kills God's image, but he who slays a book slays immortality," says Milton, and this was the principle of the *Index Expurgatorius.* Its object was that no book should be read, no school frequented or tolerated, which was forbidden by the Church of Rome. As he had said before, several of the professors were anxious that a new course of theology should be composed for the use of the students, but no such step had at present been taken. Although *Dens* had been condemned by Roman Catholic professors themselves as a sinful book, it was still a text book at Maynooth. He would now call their attention to the government of Maynooth; it was an oligarchy, being vested in five or six noblemen as trustees, and when one of them died he was succeeded by his heir-at-law, who might be a child of two or three years old. The Report said that this was an improper state of things; but no amendment was proposed by the Government. With regard to the toleration of the Jesuits, it was true that violent men, absurd Irish Protestants, might say something rash and improper, but what opinion had been given on that subject by one of the great statesmen of the day — by the present Prime Minister? The noble Lord, when he was Foreign Secretary, said, in a despatch which he wrote to Lord Normanby respecting Switzerland—

> "The Society of Jesuits must be looked at both in a religious and in a political point of view. In its religious character it is a society avowedly established to make war upon the Protestant religion. What wonder, then, that in a small country like Switzerland, where two-thirds of the people are Protestants, the introduction of such a society should give rise to dissension between Catholics and Protestants, and should be viewed with aversion by the majority of the nation? In its ecclesiastical character the Society of Jesuits is known to be exclusive and encroaching. Can it be surprising, then, that in Switzerland, as in other countries, a great portion even of the Roman Catholic population should look upon the Jesuits with jealousy and dislike? In their political character the Society of Jesuits have always been known to lean to arbitrary power, and to be averse to popular rights."

The Prime Minister was of opinion that civil war was justifiable in Switzerland, in order to expel the Jesuits from that country. What was the state of Ireland upon this all-important point? Now, he (Mr. Whiteside) believed that the late Sir Robert Peel had a policy in reference to the Catholics of Ireland which was the policy of a great statesman. Looking at the Acts of 1829 and 1845, it appeared to be the wish of Sir Robert Peel to have educated a loyal and learned parochial clergy, and, at the same time, to have extinguished the regular clergy. But what was the fact? Though the Maynooth endowment had been trebled, the laws prohibiting the presence of "regulars," and the spread of monastic institutions had been wantonly set at defiance. It was but right, then, that as the British Parliament had fulfilled its part of the compact, the upholders of Maynooth should also be compelled to perform theirs. The regular clergy were the body guard of the Pope, and, consequently, followed the interest taken in them by his Holiness, who, a short time since, addressed letters to the Irish bishops, counselling them to be more kind and considerate to the regular clergy. Had the laws with reference to monastic institutions been respected? He found, from a summary of the monastic bodies existing in Ireland, that there were now 133 nunneries, 115 monasteries, and about 440 regular clergy (the exact number had not been returned), but it was said there ought to be 600 at least. Thus they passed a law to extinguish the regular clergy and to educate the parochial clergy, but their law was studied only that it might be evaded, baffled, and defeated. Sometime ago he had had a conversation with an heir-at-law, some of whose property had been given to a monastic establishment by a deceased ancestor on his joining the fraternity. This gentleman said he was clearly of opinion that it was contrary to law to confer property upon such institutions. He (Mr. Whiteside) replied, that there were Roman Catholic gentlemen in Parliament who contended that this law should be systematically violated. He was told that the person who had given away the property was obliged to do so by virtue of the oath of poverty he had taken. He asked where that oath had been taken, and he was informed that since 1829 all persons newly sworn in as regulars were sworn in at Rome. This explained to him how the difficulty of administering an illegal oath was overcome. Notwithstanding the Emancipation Act and the Maynooth endowment, the monastic bodies and the Jesuits were increasing in Ireland to an extent never before known, and, in spite of the law, were acquiring lands, houses, and estates all over the country, and intended evidently to continue doing so. They had a Prime Minister who ranted Protestantism when it suited his purpose as Foreign Secretary. Would he now act upon his opinion; or would he maintain that what he had said was very good for Switzerland was not, notwithstanding the proved increase of monastic bodies and of Jesuits, applicable to Ireland? The Jesuits had been condemned by France, by the enlightened Leopold of Tuscany, even by Popes of Rome. A breach of faith had been committed with regard to the monastic bodies, and if Maynooth continued to be maintained, if it was reformed and allowed to teach from books decent and fit to be read, those bodies ought to be compelled to submit to the laws. He would now refer them to a book written by a professor at Maynooth, a gentleman whose income had very properly been doubled by this country, and who, therefore, might be supposed to be under some obligation not to attack its institutions. The gentleman to whom he alluded was the rev. Patrick Murray, professor of moral theology, who had published a sermon advising the students to be moderate and not to interfere in politics, and had also written a book— a very awkward thing to do sometimes.

In it he gave his opinion upon the Church of England and Ireland, and he thought it decent to write the following sentences—

> "Many of those who hold too strong notions as to the corrupting influence of money on the clergy have, I believe, drawn them from a consideration of the English Protestant Church as by law established, or from what modern historians disclose of the state of the Catholic Church previously to the Reformation. Such persons I would briefly desire to note, first, that the present establishment is just what it is styled—a Church by law established, and nothing more; that its wealth is odious, because it is possessed by men who do not work for it; because it was violently turned from the purposes for which it was originally given—the support of the poor and of Catholic sanctuaries and cloisters—to deck out a state-begotten withered changeling; because it is the trophy of victorious lust and sacrilege, and robbery and murder."

Here was a temperate piece of writing by a person who had been distinguished by Lord Harrowby as one of the most moderate and mildest of men! The former Commissioner asked Dr. M'Hale how he justified a book he had written? The present Commission did not think it right to ask a single question with regard to this book, although he had informed Lord Harrowby of its existence. The passage proceeded—

> "Because it is so often diverted, by those who share it most largely, to purposes so abhorrent from Catholic feelings, as in the case of the late Protestant Archbishop of Canterbury, who at his death bequeathed no less than 70,000*l.* to his wife."

How could an institution be tolerated when it allowed a man so far to forget the duty he owed to his wife as to make a provision for her in his lifetime? The Government certainly ought to give some justification of an institution a professor of which could write such a book. He had been unable to understand the Roman Catholic doctrine, that some Protestant Governments were to be preferred to some Roman Catholic Governments. But, as Portugal was cited as an example, he had referred to the laws of that country for an explanation, and he found that no Papal bull or rescript was allowed to be promulgated there until the Attorney or Solicitor General had expressed an opinion that it was conformable to law. Thus, the Roman Catholics, no doubt, thought the Government of England more favourable to them than that of Portugal. There was more moderate writing in the book from which he had already quoted. The author proceeded to say—

> "I think that a State endowment of the Catholic priesthood would confirm and perpetuate in Ireland one of the worst, if not the very worst, of the evils of past evil times, an abomination unequalled in its own kind in the history of the civilised world, the source of so much bitterness, of so much iniquity, of so much blood and tears in former days; preserving, as long as it is permitted to last, the rancour it first so largely contributed to generate, the spirit of social disunion and strife, the division on the same soil of two distinct nations, two hostile parties ever warring against each other; not the just separation of church from church, not the legitimate struggle of creed with creed in fair argument by the legitimate showing forth of their respective claims to a Divine origin, but, on one hand, a mere secular, state-privileged, steel-girded, power-inflated domination of a favoured minority, with the profession and show of a mere Christian society; and, on the other, all the discontent and hate and other bad effects which such a domination cannot fail to produce in such a majority. It is unnecessary to say that I allude to the ascendancy of the Established Church."

The author, in another part of his book, treated of casuistry, and upon that subject there occurred the following disagreeable piece of writing:—

> "The law of God binds us to keep a promissory oath. Catholic members of Parliament swear not to use any privilege vested in them to the injury of the Protestant church as by law established in these realms. Does this mean that a Catholic member of Parliament shall not exercise his power of voting in favour of any measure introduced for the purpose of diminishing or abolishing the temporalities of the Irish establishment, of curtailing the number of bishoprics or benefices of any kind? Or does it only mean that he shall not use his privileges to accomplish such objects by violent, fraudulent, or other unlawful means? In favour of this latter interpretation a great deal may be urged. If the former meaning be that intended by the legislative authority which framed and sanctioned the oath, the same end might have been attained in a manner not more offensive, infinitely less bungling and uncertain—namely, by having inserted in the Emancipation Act a clause depriving Catholic members of the right of voting on such questions. To confer on men the power of voting, and at the very same time to compel them to swear that they shall not vote except in one way, is a very absurd proceeding. Again, what is the meaning of the words, 'by law established?' Do they signify, established by the law as it stood when the Emancipation Act passed, or as that law stands for the time being? The first cannot be said, for the Protestant Church does not now exist in that shape. If a member of Parliament cannot vote against the church establishment, neither can he, as a member of Parliament, speak against it, for thus, too, he would exercise his senatorial privileges. If he enumerates the monstrous evils, if he depicts the hideous iniquity of this abomination of desolation, if he originates or openly concurs in any motion for its quick or gradual removal, he is a perjurer. Again, the Catholic member swears not to use his privilege to disturb or weaken the Protestant religion. So he can-

> not, as member of Parliament, utter a single word, by way of argument, against any of, what he of course believes to be, the absurdities and contradictions of the Thirty-nine Articles, if an occasion should arise to render this expedient and becoming. Thus much and a great deal more might be urged in favour of what may be called the more liberal interpretation of the oath. Still there are sensible and conscientious men (along with some canting rogues) who hesitate. We do not purpose in this place to express any leaning to either side; we are merely stating difficulties. It is of considerable importance that this piece of casuistry should be settled in one way or the other."

Did they, as men of honour, approve of this explanation of an oath? Why had not the Commissioners called this gentleman to account for his writings, as they had called Dr. M'Hale to account? It was said he was responsible to the trustees; but, if so, the trustees were censurable for allowing him to write in this style. He would now call their attention to another important branch of the subject, that of the teaching of the canon law, and he supposed no one would contend that they ought to pay for teaching what was contrary to the laws of the land. The Rev. P. Lavelle was examined before the Commission with respect to the bulls which treated of the manner of dealing with heretics; and he said that the only case in which the society of heretics was to be avoided was where they were *nominatim denunciati.* He would give them an instance of how this rule was applied:—A miller in the north of Ireland brought an action against a priest who had denounced him, because in consequence of that denunciation no one would deal with or speak to him. The priest justified himself by saying that he had acted with the authority of the Church; and the case was argued in the Court of Queen's Bench before the late Judge Burton, and then in a Court of Error, the question being whether a priest was justified by the law of England in excommunicating the plaintiff according to the law of the Church of Rome. The Court decided that he was not. The matter was settled by the priest paying the damages, and no more was heard of the matter. He wanted to know whether this doctrine of the canon law was taught at Maynooth; and in order to ascertain this they ought to get from the professors a book containing a statement of what the canon law was. Dr. Doyle stated to the House of Lords that there would be no rest in any country in which the bull *Cœna Domini* was enforced; and Mr. Lavelle, in his evidence, said that bull had not the force in this country which arose from technical publication, although it had been printed here. Dr. Doyle stated that the security against its introduction into this country was the domestic nomination of the bishops. But since 1845 the Pope had extinguished their privileges, destroyed their fancied rights; he could now send into the country any number of Italian clergy that he pleased, and the bull might be published here to-morrow. He found, from the *Nation* of the 24th of February, that it was expected that Dr. Cullen would, if he could, "come back armed with regulations to enforce the *Cœna Domini* and the *Index Expurgatorius*, never yet received in Ireland." Mr. Lavelle was asked with regard to the treatment of heretics as prescribed in several of the Pope's bulls, and he stated his view of the subject to be—

> "That physical coercion is not to be used by the Pope, as such; but where the civil power may have laws sanctioning a recourse to civil coercion, it may then be used against heretics, provided those heretics are disturbers of the public peace; but they are to be punished not as heretics, but as disturbers of the peace."

He added—

> "With regard to the historical question in those cases where heretics have been punished, we are taught in history that, with regard to the heretics who have been known to be punished in that way, such as the Albigenses and the Vaudois, there the State was justified in punishing them because they were disturbers of the public order."

There was a statement of tolerant opinion in the nineteenth century, that it was desirable to exterminate the Albigenses and the Vaudois as disturbers of the public peace. He had now to bring before the House some passages in Professor Murray's book, which he should not have thought worthy of notice if Dr. Murray were not paid for teaching these things. He was much astonished to find, from Professor Murray's book, that no Roman Catholic could read a book, or enter an establishment for education, or write a book that the Church disapproved of. Dr. Murray said—

> "The Church has the right not only of defining and pronouncing that such or such a book, system of education, association, &c., is dangerous or formally anticatholic, but she has, moreover, the right of commanding the faithful, under pain of sin, and, if need be, under the penalty of ecclesiastical censures, not to read such a book or frequent such a place of education, &c.

He might mention, incidentally, that he came upon the following passage in Dr. Murray's book relative to Cranmer—

> "But Cranmer decided according to the King's bidding, and became the King's true bishop; no clerical despot he, but the destroyer of clerical despotism, a truly Royal prelate, the corner stone of the new edifice of liberty, the great father of the Reformation—a mean slave, nevertheless, a hypocrite, a liar, a perjurer, a robber, a fornicator, and a murderer."

And the gentleman who wrote this was Professor of Moral Theology at Maynooth, and it was thus he soothed the minds of the students about to leave the college, and taught them to breathe the spirit of love, and become gentle as doves to all their heretical countrymen. Another passage described, among the evils of Ireland, Protestant ascendancy as "still towering, as insolent, as hating, and as hateful as ever." "You put me in prison," said Professor Murray—

> "And give my property to a stranger, and make him rich and titled and powerful above me. Then you break my bonds and set me free, and preach content, and say that I am to blame for my own wretchedness, because I am not on brotherly terms with him, while he is grinning at me and vilifying me from the mansion of my fathers, and diplaying his purple and fine linen beside my rags. I grant that religious rancour has been one of the chief causes of our misfortunes; but it was the rancour of your own predecessors. For our fathers there was no alternative but ruin with the true faith or prosperity with apostacy. Are we to blame because they preferred a miserable life in this world to eternal damnation in the next."

It could hardly be said that the Roman Catholics of the present day were persecuted when five out of six of the law officers of the Crown in Ireland were Roman Catholics, and when the professors of that faith appeared to be in possession of almost all the great offices of State in that country. Could it be said that such opinions as he had quoted could teach the Roman Catholic clergy to be loyal and obedient subjects, and to enter upon their duties with even a moderate respect for the established institutions of the country? He should not have brought forward these complaints against Maynooth but that they were now taken up in England and occupied a space in the public mind of this country. The whole subject of Maynooth and its teaching must be investigated and examined into. The books of the college were condemned, but no proposal had been made to rewrite them, and now it was proposed to leave the management in the hands of men whose management had likewise been condemned. Parliament must reform Maynooth, as it had proposed to reform the Universities of Cambridge and Oxford, and Dublin, and reform it thoroughly. The teaching of the canon law must be made consistent with the common and statute law, and it must be clearly understood whether or not an authority had been given to the Papal legate which had never been contemplated. He believed it would be consistent with the peace of the Roman Catholic Church that the laity should have some protection against the *Index Expurgatorius* and such teaching as that given at Maynooth. He should, therefore, support the Motion of his hon. Friend the Member for North Warwickshire.

Mr. Whiteside

Mr. KEOGH said, he had listened for two hours and a half to the entertaining and discursive speech of the hon. and learned Gentleman, and, he was astonished at the introduction of subjects so unconnected with the question under consideration, and which it was scarcely possible any one could have anticipated in the course of this debate. The hon. and learned Gentleman, in discussing the regulations and laws which affected the College of Maynooth, thought proper to make a charge against the Roman Catholic people of Ireland, that they looked to and had obtained a Catholic ascendancy, and he asserted that the Roman Catholics were in possession of all the great offices of the State. But the hon. and learned Gentleman was altogether in fault in his assertion. He (Mr. Keogh) admitted that there were two of the law officers of the Crown who were Roman Catholics, and that two of the three Queen's Serjeants were also Roman Catholics. But there was the Lord-Lieutenant of Ireland, who was necessarily a Protestant; there was the Chief-Secretary for Ireland, who was a Protestant; and there was the Under-Secretary, who was also a Protestant. In fact, the heads of all the great public departments in that country were at that moment Protestants. Of the twelve Judges only three were Roman Catholics; the Lord Chancellor must be a Protestant, the Master of the Rolls was a Protestant, and five out of six of the Masters were members of the Established Church. Having made this statement, he thought he had disposed of that part of the hon.

and learned Gentleman's speech charging a Catholic ascendancy and monopoly of public employment against the people of Ireland. The hon. and learned Gentleman had pleaded the cause of the Roman Catholic laymen against the canon law in Ireland. But the canon law had not prevented him (Mr. Keogh) from receiving his education from a Protestant clergyman, or from entering the University of Dublin and passing through the whole course of education there, nor would it prevent him from proposing any reform that might be thought desirable in the system of education at Maynooth, or from complying with any of the recommendations of the Commissioners; to whom had been intrusted the inquiry into the doctrines and discipline of the college, though he did not think he would be justified in doing that which the hon. Member for North Warwickshire (Mr. Spooner) proposed—to take steps for the abolition and withdrawal of the grant to that establishment. He had read with pleasure the paragraph in *The Times* newspaper which stated that a Roman Catholic had obtained the first scholarship in the University of Dublin, and he had been as sincerely gratified as surprised at that circumstance. Some years ago he had called attention to the University of Dublin, and had complained that all the emoluments of that University were confined to the Established Church. But now, for the first time, scholarships were instituted that a Roman Catholic could accept, although the fellowships were still restricted to the members of the Established Church. It had been made a complaint against Maynooth that no laymen were admitted there; but if hon. Members would turn to the Debates of 1807 they would find that there was a lay college at that period in connection with Maynooth; and it was in consequence of the objection then taken by Mr. Perceval on the part of the Government to the existence of that lay college that it subsequently ceased to exist. Yet it was now brought forward as a charge against Maynooth that laymen were not educated there. Then the hon. and learned Gentleman (Mr. Whiteside) had said a good deal about the abolition of monastic orders and the abolition of convents; but what had the present condition of the conventual establishments to do with Maynooth? He said the provisions of the Emancipation Act forbade the increase of monastic institutions; but nunneries and convents were specially exempted by the Emancipation Act, and, even if they had not been, what, he would inquire, had they to do with the subject they were now discussing? Then the hon. and learned Member had instanced the case of a priest who had excommunicated one of his parishioners, who eventually had obtained redress in a Court of Law. But did not that prove that the law protected the Roman Catholic laity sufficiently, and what he should like to know had that topic also to do with Maynooth? The hon. and learned Member said it was dangerous to write a book, but the hon. and learned Member had himself written a book, and in Dr. Murray's book there was a long article, headed "Whiteside's Italics," in which he found the following passage:—

> "The readers of Carlyle's works are familiar with a class of persons whom, in his own rather quaint, but not less picturesque manner, he designates 'windbags.' Now, the writer of the book before us is a genuine specimen of the windbag class."

In the truth of this remark he (Mr. Keogh) could not concur. The hon. and learned Member had quoted Dr. Murray's book, where he referred to the oath taken by Roman Catholic members. But Dr. Murray had added:—

> "We do not purpose in this place to express any leaning to either side; we are merely stating difficulties. It is of considerable importance that this piece of casuistry should be settled in one way or other."

When Dr. Murray had spoken of the Established Church in strong terms, it was to the ascendancy of that Church he had alluded. Stronger language than any used by Dr. Murray had been applied towards the Irish establishment by a divine of the Church of England. The Rev. Sydney Smith said,—"There is no abuse like it in all Europe, all Asia, in all the discovered parts of Africa, in all we have heard of Timbuctoo." The reasons cited by the hon. and learned Member against Maynooth, if they were applicable at all, were equally valid against the establishment of Maynooth at all, and must have been considered by those who established the college. The hon. and learned Member was in error when he talked of the college being paid for by British money. It was supported by money contributed by all the inhabitants of this country—Protestant, Roman Catholic, and Presbyterian. It was vain, therefore, to call it British or Protestant money, and he might as well call it Irish or Roman Catholic money.

The hon. Member for North Warwickshire proposed to tell 6,000,000 of Roman Catholics in Ireland that they were not in future to receive any support from the funds of the country for the education of their clergy. It was not a question of compact, but whether, out of the 56,000,000*l.* that the State received from all denominations, while immense sums were devoted to the Protestants, and while a large sum was contributed to the Presbyterians, the Roman Catholics should be told, after fifty years' enjoyment of a grant, that it was a national sin, and that from this day forth they should depend on their own resources. That was the real question, which should not be spoken out on Wednesdays, nor evaded by any side Motions, but should be met with a straightforward and bold answer. It was a broad question which the hon. Member for North Warwickshire had propounded in a broad manner, and it should be disposed of in a way worthy of that House. Some certainly had said the hon. Gentleman would have done well to wait until peace was proclaimed; but the hon. Member was perfectly right in bringing forward his Motion as one in which a great question of principle was involved. There was, in his opinion, nothing so prejudicial to this question as that it should be met by any evasion. It ought to be met broadly, and not by proposing further inquiry or the appointment of Commissioners. He believed that, if the Roman Catholics stood upon their rights, they were too strong not to defeat a Motion like this. The hon. Member for North Warwickshire had done the Roman Catholics the justice of saying that the Roman Catholic soldiers in the army were loyal subjects. But were they not taken from the peasantry of Ireland, and were they not the class upon which the Roman Catholic clergy exercised the greatest influence? How could the Roman Catholic soldiers be loyal while the teaching they were supposed to receive was disloyal? But where was the evidence of disloyalty? Who were the Commissioners whose Report the hon. Member for North Warwickshire never intended to be guided by? Of whom was the Commission composed? Its president was Lord Harrowby, a distinguished member of the Protestant Church, and two of its members were Drs. Twiss and Longfield, also good Protestants and eminent in their position in life. It appeared to him they had taken all the steps in their power to obtain a knowledge of everything connected with the College of Maynooth. They had not only examined Roman Catholic priests who had derived their education within its walls, but they had also called before them gentlemen who were associated together for the purpose of putting down what was called Popery in Ireland. It was all very well to say the Rev. Dr. Murray was not to be believed because he had written passages in a book which had been quoted by the hon. and learned Member for Enniskillen, but he would quote the evidence of a gentleman who had seceded from the Roman Catholic Church and was now a member of the Protestant Church, the Rev. Mr. Burke, who utterly repudiated such doctrines being held by Roman Catholics as the hon. and learned Gentleman had represented. The arguments which had been used in support of this Motion would be equally valid if used in advocating a repeal of the Emancipation Act, and of every concession which had ever been made to the Roman Catholic body. The opponents of Maynooth read the Report of the Commission, and then said everything was wrong at Maynooth. The Report did not bear out such a sweeping accusation, although the Commissioners did say that some things were to be found fault with in the College of Maynooth. They said the course of education ought to be made more liberal. So said Sir Robert Peel in 1845, and so said every Roman Catholic Member of the present House of Commons. He would beg to remind hon. Gentlemen who supported the proposition of the hon. Member for North Warwickshire that last Session the Roman Catholic Members were obliged to listen to long, weary, and tedious discussions concerning the University of Oxford. A Commission was issued to inquire into the condition of that University, and, having examined evidence, they brought strong charges against the system pursued at Oxford, and against the conduct of some of the members of the University. Surely hon. Members did not forget the passages in the Report of that Commission which described a system of dissipation and gross profligacy as prevailing at Oxford. The Roman Catholic Members might have referred to the Oxford Commission, and might have said, as the hon. Member for North Warwickshire said now with respect to Maynooth, "Will you suffer such a University as that to exist any longer?" If they had been insane enough, they might even have proposed that the House should resolve itself into Committee to take steps to dispossess Oxford of those munificent endowments, the greater part of which was contributed by the Catholic ancestors of the people of England. But they did not do so. They joined the Protestant Members in endeavouring to carry into effect the recommendations of that Commission. A Commission was appointed to inquire into the University of Dublin, and effect was being given to these recommendations. A Commission was appointed to inquire into the University of Cambridge, and it would be proposed in the present Session to give effect to these recommendations. But a Commission composed of eminent men having been appointed to inquire into Maynooth, and having found fault with the institution as not fulfilling the intentions of the Legislature, it was not sought to give effect to these recommendations; on the contrary, it was proposed to throw over their Report, to sweep away the grant altogether, and to leave the Roman Catholics of Ireland to supply education for their clergy as best they could. Supposing the hon. Member for North Warwickshire succeeded in passing his measure through that House, and supposing the noble Earl at the head of the Conservative party (the Earl of Derby), forgetting the almost menacing appeal he made ten years ago in favour of this grant, could induce the other House of Parliament to assent to its withdrawal, did any one think the matter would end there? Would the Roman Catholic clergy of Ireland remain uneducated, would Popery cease to exist, and would the people of Ireland be at once converted to the Protestant Church? He was inclined to believe such would not be the result. In 1806--7 when the French army entered Portugal, there were in that country large establishments for the education of the Roman Catholic clergy of Ireland; the students all fled to Ireland. The great man who then governed France, and aspired to universal dominion, knew how useful it was to make allies wherever he could find them, and he proposed to the Roman Catholic priests, accompanying the proposal with tempting offers, that they should send their students to France to be educated there. What was the conduct of the disloyal bishops and the disloyal clergy of Ireland at that time? They immediately passed a resolution that no person should ever be allowed to officiate as a Roman Catholic priest in Ireland who availed himself of the offer of the French Government. Would the Roman Catholic religion, which had braved the greatest persecutions, bow down before the hon. Member for North Warwickshire and the hon. and learned Member for Enniskillen? Could they say to a people educated as the Irish now were, and to whom they had given political power, "You must support your own clergy, and you must not say a word about the enormous endowments which have been conferred on the Church of the minority in your country. He did not believe that they could tear to pieces the compact made with the Roman Catholics as worthless paper, while the Protestant Church and the Protestant University would be left in possession of their parchment and unassailable bond. Perhaps the hon. and learned Member for Enniskillen would agree with him in opinion that the greatest man Ireland ever produced was Edmund Burke. He was a great statesman and a great Conservative, and yet he corresponded frequently with the very Dr. Hussey whom the hon. and learned gentleman called the firebrand President of Maynooth. But that was not all. When other officials were removed Dr. Hussey remained at Maynooth at the solicitation of Mr. Burke, in order to perfect, as that distinguished statesman phrased it, the great work he had commenced; and that was the eminent man who, fifty years after he had been in his grave, was described by the hon. and learned Gentleman (Mr. Whiteside) as the firebrand of Maynooth. He would repeat the question he had put. Did the hon. Member for North Warwickshire think, if he carried his measure, that it would end there? The Roman Catholic religion was the religion of 5,000,000 of the people of Ireland at this moment, and did he think that immense body would at once yield up their opinions? If they did not, the questions remained, would they be instructed, would they have clergymen, and where would the clergy be educated? He supposed the supporters of the Motion had some plan to propose. Most probably they would say the people of Ireland would voluntarily contribute to the support and education of their clergy. No doubt the people would contribute munificently for such an object, but if they did, having once had political power conferred upon them, they would not forget how to use it. But supposing the Roman Catholics of Ireland were unable or unwilling to pay for the education of their clergy, was there no other part of Europe where they could obtain the necessary funds? What a strange and extraordinary conjuncture of circumstances! Up to one o'clock that morning they had been discussing the greatest affairs which could interest mankind—the alliances they had formed, and the probable durability of those alliances. They had been talking of prosecuting the war with vigour against the Emperor of Russia, of discarding Austria, and relying alone upon France. But was it not a question worthy of consideration whether we had done everything in our power to consolidate our own resources before calling upon other States to assist us? The Emperor of Russia was gathering together all his resources, conciliating the Pole, emancipating the Jew, trying to make terms with the Circassian. He found it necessary, before entering upon a war which might be of thirty years' duration, to endeavour to make things safe at home. Surely we should do the same, and not copy the example described by the historian of the Fall of the Roman empire, and be engaged discussing questions of theology when the Ottoman was thundering at the gates of Constantinople. We could not carry on the war an instant if France were separated from us, and hon. members had spoken of the generous aspirations of the French people; but it should not be altogether forgotten that France was a great Roman Catholic Power, and that intimate relations had before existed between the ancient chivalry of Ireland and that nation with whom we were now in alliance. He hoped that this country would triumph over every ill. It must be the most earnest wish and holiest desire of every Briton that she should conquer all her foes; but he did not think it would be wise or politic, or that they would be acting like statesmen and true lovers of their country, if, instead of closing their ranks, uniting every class in a phalanx at a moment of such peril and natural anxiety as the present,—

"——— cum plurima fuso
Sanguine terra madet; stridentque hastilibus auræ—"

they were to excite indignation, and rouse the bad passions of millions of men, who otherwise would be as ready as ever to carry the standards of England through the opposing ranks of the common enemy of Europe.

Mr. T. CHAMBERS: Sir, the speech of the Attorney General for Ireland has been delivered in a tone which is characteristic of all the speeches on that side of the question, and I deny that it represents the true feelings of the Roman Catholic Laity. I consider every menace employed to check discussion as a slanderous imputation on the people of Ireland, as though instant rebellion were to be the result of free deliberation in Parliament. Nor can it be regarded as a well-judged compliment to the Irish priesthood to claim credit on their account for an extraordinary measure of patriotism and public virtue, because fifty years ago they did not jump at the first offer of the monarch of a country with which we were at war to involve themselves by insurrection, or desertion to the enemy, in all the perils and penalties of treason. Can there be any truth, moreover, in the insinuation, that if Parliament should think it right and expedient to repeal a statute passed ten years ago, that straightway our alliance with France would be imperilled, and the resources on which we depend for supplying the ranks of our army would be lost? Such assertions as these I regard as unmerited slanders on the loyalty of the Irish people, and as undeserving of any weight in the discussion of the question now before us. Now, the Attorney General has stated fairly enough what the question is, but he has most scrupulously, dexterously, perseveringly, and successfully avoided arguing it. Not one single sentence of his vehement address has anything to do with the subject in hand—namely, whether there exist any valid and sufficient reasons why the House should repeal the Act of 1845, and withdraw the money of the State from the support of the College of Maynooth. Of course, it is obvious that good cause must be shown before the Legislature will withdraw a grant which has been enjoyed for ten years; and I quite agree with hon. Members who affirm that the onus of proof rests upon those who are urging its revocation.

There are two modes—perfectly distinct—in which its opponents might argue against the continuance of this endowment. They may either allege that the institution teaches popery, and that popery is antagonistic to the constitution and perilous to the national interests; or they may urge that it has failed of its object, and, being confessedly nothing more than an experiment—it ought now to be abandoned. I think both these arguments valid and both decisive; but it is upon the second, and not upon the first, that the case against Maynooth is rested in this debate. We say, the advantages which we proposed to ourselves in the maintenance of this college we have failed to obtain—the evils which we aimed at mitigating or removing have been multiplied and enhanced—the scheme therefore has been unsuccessful; nay, it has been mischievous—and sound policy—to say nothing of sound principles—requires its instant abandonment. The chief Secretary for Ireland says, this is not a religious but a political question, and that we are not here to discuss the merits or tendencies of the Catholic religion, and hence he declines to enter into any controversy as to the doctrines and practices of the confessional; of marriage; or of oaths. But surely, Sir, this is resolutely excluding from the debate every important consideration on which it should turn. For grant that the question is political and not religious; still, inasmuch as Maynooth is a seminary for the education of a priesthood, how can it be possible to decide upon the policy of its maintenance without any reference to the tenets professed and the practices enforced by that body of men? It is to exclude from our view all the vital and essential elements of the controversy, to argue as to the desirableness or otherwise of maintaining this institution, with a studied disregard of papal doctrines and observances. For all these become political, and not merely theological, as soon as it is shown that they have an influence on the social character and habits of the people; and, therefore, on the social and domestic institutions of the country. It is not that complaint is made of the views of the Roman Catholic clergy on the subject of marriage—the authority of Papal Bulls—the obligation of oaths—the nature and conditions of allegiance—as being theologically unsound—but as being practically unsafe—not as religious errors or heresies; but as political mischiefs and perils, that they are denounced on platforms and in Parliament by public men. We say, you hold doctrines subversive of the very foundations of morals—tending to loosen the ties which bind together the social system—which weaken the obligation of obedience—pervert the course, or poison the springs of justice, impair the sentiments of loyalty and patriotism—diminish the force and sacredness of law—invade the family relations—alter the devolution of property—withdraw the citizens from the service of the State. As the mere articles of a creed we do not quarrel with your tenets; but as touching in an intimate manner—and at all points—the social interests, the rights and the civil institutions of our English system, the stability of which is seriously endangered by the propagation and practice of the doctrines you are educated to teach, we feel bound to oppose and denounce them. And if it can be shown, that in any respect matters of such great public concernment are injuriously affected by Roman Catholic teaching, then, I think, great progress has been made in showing that Maynooth is a vicious institution, and should no longer be maintained by public money. Nor is the force of our argument to be evaded by the insinuation or assertion that we are busying ourselves about an exclusively religious question with which the Legislature has no authority to interfere.

I entirely agree with my hon. Friend who brought forward this Motion, that the Report of the Commission has not in the least degree altered the state of the case, and I concur in the criticism of the hon. and learned Member for Enniskillen, that the testimony of the witnesses has been so garbled, and the evidence so tampered with as to be unworthy of any credit or respect. In fact, no man who hears me, who has been at all accustomed to scrutinize and weigh proofs, to estimate the value of evidence and the credibility of witnesses, will venture to affirm after what has been both proved, and admitted, in relation to this report, that its findings, either as to facts or opinions, should be allowed to influence in any manner the result of this discussion.

The question then disregarding the passionate declamation of the Attorney General, is simply this: Is Maynooth a safe Institution? That twenty-years ago it was a Jesuitical Institution has been proved beyond all controversy. That it is so now, there are the gravest reasons for believing. But in this country, as in all the other countries of Europe, Jesuitism has never been deemed safe or tolerable, either by the Church or the State—but as dangerous at once to our religion and our liberty—that its professors are forbidden by law to establish themselves in the United Kingdom is familiar to us all. But the grant is in itself singular and anomalous. No other example exists of a college for the education of a priesthood being supported out of public funds. No such grant is made to either of our Universities, nor are they established for the exclusive training of the clergy. If, therefore, this vote were withdrawn to-morrow, the Roman Catholics would have no just reason to complain, for they would only then be placed on the same footing in this respect as all other religious bodies in the country.

But the Chief Secretary for Ireland meets the advocates of this Motion with compliments to the energy, the bravery, the endurance, and the capacity of Irishmen; with the assertion that Protestantism is made a cloak for every injustice; with the expression of devout thankfulness that his religion is one of charity and good-will; as distinguished, I suppose, from the religion of those who support my hon. Friend. How far these topics are appropriate, or these insinuations fair, each one will judge for himself; but upon the last, it is impossible to avoid saying a word—for it is often urged, and is much relied upon in debates on this and kindred subjects. It is uncharitable to oppose this grant. Sir, it seems to me that no principle in legislation is likely to be more mischievous than charity. In statesmanship it has no ligitimate scope or object. Its operation, which elsewhere is most beneficent, would here be disastrous. To judge leniently of the acts and the motives of others, to make great allowances for human errors and infirmities, to tolerate, to forbear, and to forgive much and long and often, is the duty of every individual in his private relations. But this is not the duty of a politician—but a weakness and a vice. The statesman must judge calmly, rigorously, even severely, and must act upon his judgment. For him to tolerate—much more for him to patronise and establish and endow, what in his sober judgment he cannot approve, but in timid subserviency or feeble indecision he dares not condemn, is a crime to the State. To perpetuate what he feels to be mischievous, because he hesitates to charge a mischievous intention upon those who promote it, is a fatal fault in a public man; besides, the word charity has no significance, no intelligible or definite meaning, in relation to a system. It is altogether a loose inaccurate style of speaking to say that we judge charitably of the working of an institution, for charity is a sentiment or virtue to be exercised by the individual man in relation to his fellow man, not in relation to any scheme or apparatus, political or religious, which a number of men may set up and put in operation. For such a scheme, and the results of its working, I may feel and express the most unmitigated abhorrence, whilst I candidly allow that those who are responsible for it, are actuated by the purest and most benevolent impulses. Their system I am bound by the most sacred obligations to denounce and destroy as pernicious. Their motives I am equally bound to respect; or, at least, not to malign. To the persons, charity; to the system, rigorous and unbending justice. And thus its opponents deal with Maynooth. The virtues and the learning of its professors, the diligence and piety of its students, are not conclusive arguments in its favour. They may be cheerfully admitted, doubted, or denied, and the merits of the controversy not much affected. This grant is to support a system. Has the system worked successfully and beneficially, or has it not? It was designed to secure for Ireland a domestic and loyal priesthood, a quiet and peaceable body of clergy, a well-educated and gentlemanly set of Christian ministers. Has it attained these objects? So far from it, that never in modern times has the priesthood in Ireland been so illiterate, illiberal, and coarse-minded as now—drawn from the lower classes of the population, educated by charity, and associating exclusively with men sprung from the same origin and victims of the same prejudices as themselves, the instructions of Maynooth do little to polish their manners, less to refine and elevate their minds, and nothing to liberalise and enlarge their sympathies; and they pass from college to their respective spheres of duty, with priestly pretensions and arrogance grafted on the feelings and habits of their peasant boyhood; in few respects improved, in many deteriorated by the college course. Hence they have less influence with the higher classes of society than the cultivated gentlemen, who half a century ago ministered to the religious instruction of the Catholics of Ireland. The hon. and learned Member for Enniskillen has adduced ample evidence to show that an entirely different class of men have been trained for the priesthood since the establishment of the college of Maynooth. Have the Roman Catholic clergy been more loyal and peaceable, more patriotic and well-affected since their education was provided for out of the public bounty? Let the riotous parliamentary elections, the agitations, the rebellions, the political turbulence and seditious language of the parish priests, answer this question!

But does this college limit itself to the object for which it was endowed? That object was to give an education to those who should discharge the functions of parish priests in Ireland; but this institution restricts itself within no such bounds. It sends forth missionary priests in large numbers to the other portions of the United Kingdom. It sends many to Canada and to the other colonial dependencies of the Empire. It supplies India with a Maynooth-trained clergy. Surely, the Imperial Parliament had no intention to sanction such movements as these when it passed the Act of 1845; for, though a Protestant legislation may consent to make some public provision for the Roman Catholics of the Empire, it could have no idea that such provision should be employed in subverting the forms of religion recognised and established by the constitution. So far as this college, therefore, goes beyond the original object of its foundation, the giving a sufficient supply of priests to Ireland, so far it is a breach of the implied condition of the original grant; and if proselytising and controversial theologians are sent out from it, to shake the faith or change the religion of Protestants, it is a gross abuse of the bounty of the State, to be justly visited by a forfeiture of the endowment. When Sir Robert Peel brought forward the proposition for the Maynooth grant he said he introduced it as a measure of peace, and in the spirit of conciliation; and the Chief Secretary for Ireland has said that ever since that Act had been passed Ireland had improved in its social condition, and that every succeeding year had been one of increasing peace and prosperity. Now I, on the contrary, maintain that there has been no ten years since the first annual vote for Maynooth was passed in which there have been such open aggressions of the law and of the constitution or the country, and such flagrant infringements of the usages of civilised and social life among us, on the part of the Roman Catholic priesthood, as during the last ten years. The Ultramontane party in that Church has made extraordinary progress since the passing of the Act of 1845, a party notoriously hostile to the laws and institutions of this country, and yet the avowed object and purpose of that statute was to give to the Roman Catholics a ministry domestic and national, free from the foreign sympathies, and less bound by a foreign allegiance than those whom they were to succeed. The very reverse of this has been the consequence of the measure; nor can any contrast be stronger than that between the proposed objects and the accomplished results of this legislation. As a signal illustration of this remark, we have only to recall the names of those who have been appointed of late years to the highest posts in that community, and contrast the characters of M'Hale, of Cullen, and of Wiseman, with the milder dispositions and more liberal feelings of those who preceded them. Those predecessors were moderate in their views, charitable in their sentiments, obedient to the laws, and loyal to the Sovereign. What those are whose names I have mentioned must be decided by a reference to what they have said and done. If the object of Sir Robert Peel were to conciliate popish bishops, and restrain them within the bounds of law, can any purpose have been defeated more signally? Never has relentless hostility to England and to Protestantism been shown more openly; never has law been violated so flagrantly, or evaded so perseveringly. A synod is convened and assembled against the law—various ecclesiastical titles are given and assumed against the law—religious habits are publicly worn, and religious processions pompously marshalled through the principal streets of our large towns against the law. Canons and decrees are framed and passed in illegal assemblies, to oppose the enactments and defeat the policy of the Imperial Parliament. The Queen's colleges — institutions provided by the State for the benefit of all classes, irrespective of religious creed, are loudly decried—and those for whose benefit they were principally established, and who were desirous of availing themselves of their advantages, are forbidden to enter them—and all this is done at the bidding of a foreign ecclesiastical power—and a bull, or evangelical letter from the Pope—illegally introduced into the country—neutralises and virtually repeals an English statute.

Look at the multiplication of Roman Catholic institutions throughout the land. Hundreds of nunneries, with thousands of entrapped and imprisoned inmates, and hundreds of thousands of ill-gotten wealth —scores of monasteries, every one in open defiance of the very statute which gave back political rights to the papists — a multitude of Jesuits and members of numerous other religious orders—all forbidden—and, with but trivial exceptions, all sprung into existence since 1845. What answer can be given to these complaints?

Are nunneries and convents in conformity with our usages and the spirit of our institutions, or alien from both? Are monasteries the plainest infringements of positive enactment, or are they not? Is the multiplication of religious orders an observance or a defiance of the Roman Catholic Relief Act? And if these novelties are, either obviously a breach of the letter of the law, or palpably an invasion of its spirit, why are they to be tolerated or connived at?—nay, why are they to be patronised and encouraged by our rulers? Concession does not operate as conciliation. Forbearance does not secure moderation. Timidity and supineness do but invite further aggression—dishearten friends and stimulate and encourage the foe. Or, if the illustrations already given be not enough to prove the impolicy of the course we have adopted, surely the last I shall mention will be conclusive. What thinks the House of the recent papal aggression, of Protestant England parcelled out by the pontiff into popish dioceses, and the people handed over to the government of pope-made bishops, governing in the name and by the authority of a foreign Sovereign, and with territorial titles and absolute ecclesiastical jurisdiction! Could it have been conjectured by the eminent author of the Act under consideration that within so short a period after the introduction of his well-intended experiment on the loyalty and gratitude of the Roman Catholics, so arrogant, insolent, and almost treasonable, an attempt should have been made to subvert the religion and the liberties of the country? Surely, had he lived to witness that strange exhibition of priestly assurance, he would have anticipated my hon. Friend in the Motion which he has introduced, and been the first to retrace the fatal step which he encouraged the legislature to take.

It may be a question, Sir, whether the College of Maynooth is not an injury rather than a benefit to the Roman Catholic Church. Sure I am that the Ultramontane teaching given within its walls, and the Ultramontane spirit encouraged by its professors, are seriously impairing—have perceptibly diminished—the liberties of that Church. Its members will tacitly agree with me, and it is well known that thousands of the best and most honoured of them think so, that the aggressive, intolerant, ambitious, hierarchical spirit exhibited of late by certain Rome-selected rulers has been anything rather than a benefit to the Church which they govern. They more than suspect that their own spiritual liberties, and even their ecclesiastical freedom are sacrificed to the despotic and arbitary rule of Cardinal Archbishops. The interest of England is to make the Roman Catholic community free and independent, to protect them as far as possible from the tyranny of Rome; and while the unity of their Church is preserved by preserving their connexion with its head, that its domestic character should be maintained by making its government as far as possible independent of the Vatican. The policy of the Propaganda is the reverse of this; their object is—and they have made great strides lately towards its attainment—to bring the Roman Catholics of the united kingdom into the closest relation to, the most intimate alliance with, the most entire dependence upon the Holy See. And in proportion as they succeed in effecting this purpose, they put in peril both our faith and our constitution, our religion and our liberty.

But, Sir, to conclude: I oppose Maynooth on the grounds I have stated. I believe its teaching to be unsound and dangerous; that it has a tendency to weaken the bonds by which the social system is connected together; to undermine the base upon which it rests. I believe that in tampering with the binding obligation of an oath, it perils all the social interests of the community, and so endangers its political welfare and its national independence. I hold that allegiance to the Crown is not more secure under its influence than obedience to the law has been found to be; and that both are at the mercy of a false and fatal system of moral philosophy. I am convinced that this college goes far beyond the intention of its founders; that it has utterly refuted the predictions of those who advocated its permanent endowment; that it has disappointed all the hopes with which its establishment was hailed, and justified more than all the apprehensions with which it was regarded, and that the public support of it should be discontinued at once. The result of this motion, Sir, I will not pretend to predict. But of this I am well assured, the grant to Maynooth will at no distant period be withdrawn. Not, perhaps, during this session; not, perhaps, by this Parliament; but speedily and certainly, and finally. The minds of the people—those classes of the people who bring about all the social and legislative changes of the country, are made up on the subject. The thoughtful, the religious, the energetic millions of the middle class, are opposed to this grant as at once unprincipled and impolitic, and they are determined on its revocation—the thousands of their petitions on the subject (equalling, I believe, those presented on all other subjects together) show their feeling and foreshadow their triumph. They will succeed, for they are armed with deep convictions, with convincing arguments, with decisive facts, with ardent and devout sentiments, and their opponents can meet them only with spurious liberality or with specious excuses, with pleas of expediency or taunts of fanaticism. The false and temporising policy may survive for a time, but its days are numbered and we all of us know it.

Mr. MAGUIRE moved the adjournment of the debate.

Debate *further adjourned* till *Wednesday* 27th June.

The House adjourned at twelve minutes before six o'clock.

HOUSE OF LORDS,

Thursday, June 7, 1855.

Minutes.] Public Bills. — 2ª Infants' Marriage.

3ª Ecclesiastical Property (Ireland).

THE TICKET-OF-LEAVE SYSTEM.

Lord LYNDHURST wished to call the attention of their Lordships to a question of very considerable importance. He observed from the newspapers that a returned convict on ticket of leave was yesterday placed at the bar of the Bow Street police court, charged with using gross, insulting, and obscene language to a policeman when in the discharge of his duty. From the report in the papers, it appeared that the magistrate, Mr. Jardine, a gentleman of great learning and experience, expressed himself in the following terms—

> "The language must have been bad, indeed, to shock a policeman. It formed a striking contrast, no doubt, to the sentiments expressed by the prisoner in his interviews with the chaplain of the prison from which he had obtained his 'ticket of leave.' On these occasions, it appeared, the adoption of a hypocritical tone and a canting expression of the countenance (which the worst of them were capable of assuming best, when it served their purpose to do so) sufficed to obtain their discharge before the expiration of half the term of the original sentence, with the further advantage of a written character, enabling them to impose upon the public. Why, he had not presided there any day for some time past without having to dispose of some charge against a 'ticket-of-leave' man. The neighbourhood was infested with them. They stood at the corners of streets at midnight, and, pouncing suddenly upon the lonely passenger, half strangled and robbed him before even an alarm could be given."

This was the magistrate's statement, speaking of cases that had come within his own knowledge. Then Inspector Mackenzie, a policeman, said—

> "There were forty ticket-of-leave men in the immediate neighbourhood of the court, and chiefly in Charles Street, Drury Lane, who had returned to their old haunts, and to their former course of life. In order, however, to avoid the personal consequences, they usually employed boys and women to assist them, and these were constantly apprehended, while the principal delinquents escaped altogether."

After those observations Mr. Jardine said—

> "He had a very strong feeling upon the subject. Society was not safe with the present system in operation. It might be a desirable thing to clear the gaols of these men, but it was a bad thing for the public when they returned to a life of crime, having escaped more than half the punishment which it had been thought proper to award them for previous offences. The expense even of reprosecuting these men, when they were detected, must amount to a formidable sum."

Now, their Lordships would recollect that a discussion took took place on the Convict Bill when it was before that House, and he remembered that on that occasion the Lord Chief Justice stated his anticipations of what was likely to take place if the Bill were passed, and pressed upon the Government to reconsider the subject. He must say that the anticipations of the noble and learned Lord had been fully confirmed. Every day would greatly increase the number of men discharged on tickets of leave, and the sooner the subject was taken up by the Government and their Lordships the better it would be for the public.

The LORD CHANCELLOR trusted that when his noble and learned Friend had any question to put, or any motion to make, he would give notice of it. The matter to which he had called the attention of the House was no doubt well worthy of attention; but it came upon him perfectly by surprise, not having seen the account to which his noble and learned Friend referred. The subject was one beset with difficulties, and his right hon. Friend the Secretary for the Home Department had it continually under his consideration. No doubt evil had been anticipated from the Bill, but whether that evil had been exaggerated in the statement now read by the noble and learned Lord it was impossible for him to say.

Lord CAMPBELL said, that all his anticipations as to the probable ill effects of the ticket-of-leave system had been more than realised since the passing of the Bill. He was filled with the utmost dread and apprehension when he was told that the punishment of transportation was to be abolished, and that convicts in this country were to be admitted to their freedom upon tickets of leave. It was easy to perceive that the safety of society would soon be at an end under such a system. That prophecy, he thought, had been fulfilled to a considerable extent. He did not believe that the language of Mr. Jardine, which the noble and learned Lord had read, was exaggerated, and therefore he most cordially joined with his noble and learned Friend in entreating the earnest and immediate attention of the Government to this most important subject.

CRIMINAL PROSECUTIONS.

Lord BROUGHAM asked the noble and learned Lord on the woolsack when he would introduce his promised Bill for increasing the number of circuits?

The LORD CHANCELLOR said, that ever since the noble and learned Lord directed the attention of their Lordships to the subject of criminal procedure, he had had the matter constantly in view, and at the present moment a Bill was in course of preparation for carrying out the main part of the noble and learned Lord's recommendations, namely, an extension of sessions and assizes. There was no difficulty whatever with regard to the sessions; but the question of the assizes was not so easy of settlement. The Judges were not only willing, but extremely anxious to carry out the suggestions of the noble and learned Lord; but still the subject was surrounded with difficulty, though he hoped that difficulty would be overcome. That very morning he received an elaborate report from Mr. Bellenden Ker as to the mode in which the proposed alteration could be introduced immediately after Michaelmas term. That report did not, however, exactly agree with the plan of the Bill which had been prepared, and some alterations would have to be made in it. He would lay the report before Mr. Graham, a gentleman of great ability and experience, whom he had instructed to prepare a Bill on the subject, and would take care to bring forward the measure as soon as possible.

Lord CAMPBELL said, he would suggest that his noble and learned Friends in that House would obtain the best possible information as to the working of our system of criminal jurisprudence if they would themselves go as Judges of assize, and assist in delivering the gaols. They were now members of the Central Criminal Court, and he saw no reason why they should not be called upon to aid in the administration of criminal justice in the provinces as well as in the metropolis. He would especially suggest to his noble and learned Friend opposite (Lord Brougham) that he should go upon the northern circuit in the December assizes.

Lord BROUGHAM felt assured that the suggestion of his noble and learned Friend was made in the most kindly and courteous spirit; but he could not comply with it for two reasons—in the first place, because he was unwilling to interfere with what was now so admirably done by his noble and learned Friend (Lord Campbell) and the reverend Judges now upon the bench; and, in the next place, because he really had not health and strength left to undergo labours which he knew to be very arduous. He was, however, ready and willing to do anything short of going circuit himself or of asking his noble and learned Friend (Lord Lyndhurst) to attend the winter assizes, in order to prevent the grievous scandal which arose from the fact that 6,200 persons had been acquitted either upon trial or for want of prosecution, many of whom, upon an average, had suffered an imprisonment of sixty days before trial, although they were guiltless; while, in the case of sessions, many of the persons charged with offences had suffered five or six weeks' incarceration before trial. In many instances persons who were convicted, and who had suffered imprisonment for such a period before trial, were punished by imprisonment for some four or five weeks, and the consequence was, either that these persons were punished by five or six weeks' imprisonment more than they ought to undergo, or they were sentenced to less punishment than they would otherwise receive in consequence of the period of their imprisonment before trial, and the effect of the punishment was thus lost upon society.

CAMBRIDGE UNIVERSITY BILL.

Order of the Day for the House to be put into a Committee (on Recommitment) read.

The LORD CHANCELLOR said, he wished to explain the nature and scope of the Amendments he intended to propose. The main object of the Bill was to constitute a proper Council to exercise legislative functions in the University of Cambridge. At present the University was bound by certain statutes granted by the Crown, but it was part of the provisions of those statutes that the authorities of the University might from time to time adopt rules for regulating its proceedings, provided such rules were not inconsistent with the Royal statutes. The governing body at the University of Cambridge was a body called the "caput," consisting of six members, a doctor in each faculty, two masters of arts, and the Vice Chancellor, whose function it was to submit propositions to the senate, which the senate might either adopt or reject. The senate could not take up any proposition unless it came from the caput. The objection to this system was, that, according to the provisions of the Royal statutes, any one member of the caput had an absolute veto, so that, as the Vice Chancellor was always *ex officio* a member of the caput, and exercised very material influence in the nomination of the other members, nothing could come before the senate which had not his sanction. It was, however, very creditable to the University that, in spite of this defective constitution, the Royal Commissioners stated in their Report that very active and energetic endeavours had been made during the last half-century on the part of the University to reform itself, and that in many material particulars reforms had been effected. But that was no reason why, now that they were legislating on the subject, they should not endeavour to constitute a better council for the University, so as to guard against the possibility of abuse. The great object of this Bill, therefore, was to form a body that would fairly represent all the interests of the University, and that would not be open to those objections which applied to the present caput. The mode in which the governing body was proposed to be constituted by the Bill, as it was originally introduced, differed materially, for several reasons, from the mode in which the Oxford council was constituted by the Bill of last year. In the first place, an election according to the Oxford system among the resident members of the senate appeared undesirable to many persons on account of the supposed great preponderance of two large colleges, for out of 4,500 members of the senate 2,500 belonged to Trinity and St. John's Colleges. Another reason for the difference between the two Bills was, that long before the issuing of the Royal Commission the University of Cambridge had set about reforming itself, and devising a plan for a council to supersede the caput, and they recommended a scheme which they thought well calculated to constitute a competent and independent governing body. The Royal Commissioners referred to this scheme in terms which he supposed to imply their approbation of the plan, which provided for the appointment of eight masters of arts, four professors, and four heads of Houses, not, perhaps, in a manner which was perfectly unobjectionable, but which prevented the exercise of undue influence on the part of Trinity and St. John's. Thus fortified, he had thought he could not do better than adopt the plan which had been so suggested and recommended. On the very day, however, before that on which he was to have moved the second reading of the Bill, he received a letter signed by four out of the five Commissioners, and by the secretary, stating that they had been misunderstood if they were supposed to have given anything like unqualified approbation to the proposed mode of election, and pointing out various objections to it. He therefore immediately communicated with persons at Cambridge who were competent to give an opinion on the subject, and who manifested no indisposition to meet the views of the Commissioners; and these persons stated that they would consider the question and see whether the undue preponderance of Trinity and St. John's had been exaggerated, and, if so, whether some plan could be devised to obviate the objections to the mode in which the senate, in the first instance, and the Commissioners afterwards, had proposed to constitute the governing body. It was thought that if the elective body consisted, not of the whole members of the senate, but of that portion only who were resident at Cambridge, the preponderance of Trinity and St. John's would not exist, because of the 230 resident members only a comparatively small number were connected with those two colleges. Finding that there was a perfect readiness upon the part of the heads of colleges to lend a helping hand to anything that might be thought desirable, and a petition for the adoption of the Oxford mode of election having been presented from the younger members of the University, he had come to the conclusion that, upon the whole, it would be more satisfactory to the University of Cambridge if this alteration were made. With that view, he proposed to introduce clauses altering the system of election, so as to make it, as far as the masters of arts were concerned, similar to the election at Oxford. He proposed to leave the election of four heads of houses and four professors as it stood before—namely, that the heads of Houses should be elected by the heads of Houses, and the professors by the professors; and that there should be besides eight masters of arts elected by the resident members of the Senate, as in the University of Oxford. He could not but think that it would be most satisfactory if, in a body intended to be constituted of persons who had or who were supposed to have different interests, those who represented each interest should be elected by their own body. He proposed, then, that the council should consist of seventeen members—sixteen besides the Vice Chancellor—namely, four heads of colleges, four professors, and eight masters of arts who were neither heads of colleges nor professors. The heads of colleges and professors would be elected by their own body, and the eight masters of arts would be elected by the resident members of the senate, thus representing the interests of all classes in the University. It would have unlimited power of submitting to the senate any alterations which it might deem expedient; the senate, of course, being at liberty to deal with them as it might think best. Having effected these alterations, he thought he should have done nearly all that was necessary, though, at the same time, he was aware that it had been said that the Bill went extremely short of the length it ought to go. Objection had been taken to the powers which it was said the heads of colleges would possess, and he thought it necessary to explain that though no doubt there were certain functions assigned to the heads of Colleges, yet those functions were either not of the smallest importance or could not conveniently be vested in other persons. The powers remaining in the heads of colleges were such as these—Under the statute of Elizabeth, the heads of colleges made "interpretation," as it was called, of doubtful statutes, but that was a function which they had never been called upon to exercise for the last twenty-five years, and was, in truth, merely a judicial duty that must be vested in somebody, and he confessed that he could see no body more fitted to discharge it than the heads of colleges. Certainly it would be extremely inappropriate to confide it to an elective body. Then it was said that the Vice Chancellor, together with the heads of Houses, would really govern the University. Now, how did that matter stand? The heads of Houses certainly exercised an important function, inasmuch as they substantially elected the Vice Chancellor, whose duty it was to see that the proper discipline was carried into effect in the University. That, however, was a function which an elective body were not at all fitted to discharge, and it was, therefore, properly confided to the Vice Chancellor; but, before any expulsion could take place from the University it would be necessary to obtain the sanction of the majority of the heads of colleges. Still, it was said that unless some great alteration were made in the mode of electing the Vice Chancellor, the heads of colleges would practically rule everything. So far the result of everything having been ruled by the heads of colleges had been the most complete extreme of reform ever seen. Nothing could be more satisfactory than the mode in which the University had been reforming itself; but, supposing that the present state of things was objectionable, it would not exist under the Bill as now constituted. Formerly there could be no legislation that was not approved by the Vice Chancellor, and, probably, the heads of colleges, consulting with the Vice Chancellor, had had it in their power to put an obstruction in the way of any reform that was not suggested by their own body. The Bill, however, took away the veto of the Vice Chancellor, who in future would be merely one of seventeen members of the council; and the heads of colleges, together with the Vice Chancellor, would only be five against twelve, so that if they were resolved to obstruct improvements and reforms, they would be powerless. Doubtless, the heads of colleges, taking a great interest in the prosperity of the University, would often consult one another, and it would be undesirable, even if it were possible, to do away with such consultations, because, after all, the heads of colleges had by far the greatest and most permanent interest in the prosperity of the University. For the reasons which he had now stated, he did not propose to make any alteration in the mode of electing the Vice Chancellor. It was, however, considered desirable that if the council thought any changes in the mode of nominating the Vice Chancellor, or in the functions of the Vice Chancellor, could be usefully made, they should be enabled to submit any such propositions to the Royal Commissioners named in the Bill, who were to sanction those alterations which they might deem necessary; and thus the recommendations of the Council, when approved by the Commissioners, would become the law of the University, though not provided for in this Bill. He thought by pursuing this course their Lordships would be acting more safely than by introducing into this Bill changes of the effect of which they could not judge. There was one other material alteration in which he hoped their Lordships would concur. In the Bill, as originally introduced, it was provided that no test as to membership of the Church of England should be required from any one on taking his B.A. degree. The object of limiting this to the B.A. degree was that the persons obtaining higher degrees necessarily had a voice in the government of the University, and became members of the senate. Now, he thought it would not be wise, safe, or expedient to propose any alteration which should give to Dissenters, however much he might sympathise with them, a voice in the government of the University. But short of this he considered it to be the bounden duty of the Legislature to afford to Dissenters the fullest possible access to the education and social advantages, and to all the benefits which the University could confer. It had been felt to be a grievance that no Dissenter could become a master of arts, and, to put an end to this it was now proposed that Dissenters should be allowed to take M.A. degrees; but unless persons subscribed to the Thirty-nine Articles, or did that which implied that they were members of the Church of England, they were not, though masters of arts, to become members of the senate. A provision to this effect he proposed to introduce, and he believed it was perfectly well received among the most influential members of the University.

Moved, that the House do now resolve itself into Committee.

LORD LYNDHURST: My Lords, the Amendments about to be proposed by my noble and learned Friend are so numerous as almost to constitute a new Bill; and I think, therefore, that the noble and learned Lord has done right in proposing to consider them together, rather than in detail in the Bill itself. The most important of these Amendments relates to the constitution of the Council. Long before the appointment of the University Commission, however, the University itself had taken measures to reform the constitution of its council. There had been a syndicate of eighteen or twenty of the ablest men in the University appointed, and after great care and due deliberation they had framed a plan, which was the best that had yet been framed for the constitution of the Council. Their plan was afterwards referred to the Senate, by whom it was nearly unanimously adopted. I should say that before it was submitted to the Senate it was laid before the Commissioners then acting in the discharge of their functions, who considered the proposal, highly approved it, stated the reasons why they approved it, and hoped it would be adopted by the University. The Commissioners expressed themselves strongly on the subject in their report. They said—

> "We cannot hesitate to express our pleasure to find such a proposal emanating from the University itself. It has evidently been framed with careful deliberation, and with an especial view as well to preserve a balance of power among the several colleges, as also to prevent the excitements and rivalries of a more popular and unlimited mode of appointment. The suggested scheme has received the unanimous approval of the syndicate, and we hope it may, in due time, receive the sanction of the Senate."

Well, my noble and learned Friend took this report of the syndicate, thus sanctioned by the Senate and the Commissioners, as the basis of this Bill; but, one or two days before the second reading, he received from four of the gentlemen composing the Commission a letter, in which they stated they had altered their opinion with respect to the constitution of the Council; they stated, however, no reason why they had done so. The principal objection they set forth was as to the mode of election by the colleges, and this, therefore, was something in the nature of a war against the heads. Hereupon, my noble and learned Friend says, "I will get rid of the objection," and got rid of it accordingly. He said they shall not be elected by the governing body of the college, but by the whole college, members on the foundation and members not on the foundation, if they are only members of the Senate, and provided they reside within the limits of the University. So far I concur with him. But these four gentlemen, finding my noble and learned Friend of a very yielding disposition, wrote him another letter; they were not satisfied with this amendment, for, finding they had obtained it so easily, they endeavoured to get much more. It is in consequence of that letter that my noble and learned Friend has brought forward the Amendments now submitted to your Lordships. Now, what are those Amendments? The Council is composed of four heads of Houses, four professors, and eight members of the Senate, that is to say, eight members of a grave, and eight of a much more popular and active character. The heads of Houses in the Council are to be nominated by heads of Houses, and the professors by the body of professors, but these nominations are subject to the approbation of the Senate; whereas the eight masters of arts are to be elected by the bulk of the resident masters of arts, without any check whatever, so that the effect is to place a check upon the appointment of the graver part of the Council, while no check whatever is placed upon the election of the rest, elected as they will be by the bulk of the Senate composed of the younger Members of the University. This appears to me very extraordinary, and, with the permission of your Lordships, I will read a letter upon this subject, written by a very high authority. That letter says—

> "By Clause 6, as amended, the resident masters of arts elect eight Council, and the heads of Houses and professors nominate four each. For every nomination a grace must pass the Senate. Hence every nomination by the heads of Houses or the professors may be thrown out by the Council or by the Senate—in other words, the choice of representatives on the part of the seniors of the University is subject to the control of two popular bodies, while the wild democracy of young men, who form the bulk of the resident masters of arts, is allowed to elect its representatives without any control whatever. No scheme that has been hitherto proposed places the heads and the professors in so unsatisfactory a position. By the original Bill all parties—heads, professors, and masters of arts—nominate their representatives, and their nominations could be negatived by the Council or by the Senate. By Lord Lyttelton's Amendment—which may be considered as Dr. Peacocke's—all parties—heads, professors, and masters of arts—alike elected their representatives. Now, for the first time, a distinction is drawn between the classes represented, and this entirely to the disadvantage—not to say the degradation—of the heads and the professors."

I do not mean to cast any reflections upon any person in these proceedings, especially upon Dean Peacocke, whom I know to be a learned and an acute man; but I have no hesitation in concurring with the writer of this letter in his view on this subject. During the whole of these discussions all parties have appeared to be anxious that the Oxford Act should be taken as a model for Cambridge. If that was so, then my noble and learned Friend has certainly gone much beyond that model in his Bill. In Oxford, the Council is composed of six heads of Houses, six professors, and six masters of arts. The grave element in the Council, therefore, exceeds the popular element in the proportion of two to one. In the Bill of my noble and learned Friend, however, these proportions are equal. Again, by the Oxford Act a member of Convocation is required to be of five years' standing; in the Bill of my noble and learned Friend, however, no qualification whatever as to time is required. I would, therefore, submit to my noble and learned Friend, as worthy of consideration, whether the constitution of the Council, under these circumstances, will be such as to enable it to exercise that caution, that prudence, and that care so requisite in a body legislating for such an establishment as the University of Cambridge? With regard to the proposed extension of degrees to Dissenters, the Bill originally provided that it should not be requisite for a student to subscribe to any test before being admitted to the degree of bachelor of arts. That limit was fixed because the degree of master of arts confers a seat in the Senate, and consequently a voice in the government of the University, and it, no doubt, would be productive of great inconvenience, and would be a great anomaly that persons dissenting from the Established Church should have a voice in the government of institutions so closely connected with that Church as are the Universities. My noble and learned Friend now proposes that a person may be admitted to the degree of master of arts without undergoing any religious test, but that before becoming a member of the Senate he shall be obliged to declare himself a member of the Established Church. I quite agree with my noble and learned Friend that the Universities are national institutions, and that it is desirable that, as far as can be done without endangering the Established Church, their advantages should be extended to all persons, and therefore I see no objection to the degree of master of arts being conferred upon a Dissenter so long as the safeguard is provided against conferring upon him a voice in the government of the University. Under these circumstances, he (Lord Lyndhurst) had no great objection to the extension, especially as he was of opinion that the University, being a national establishment, its benefits should be extended as widely as possible, without endangering its connection with the Established Church. With regard to the election of the Vice Chancellor at Cambridge, by the Amendment the election of the Vice Chancellor is to be transferred to the legislative body. The Vice Chancellor is nominated, in the first instance, by the heads of Houses, or rather, two names were presented to the Senate, who selects one of them; this nomination and selection, however, is made by a rule of rotation which has now existed 250 years, and which has been always found to work well. In Oxford, the appointment is made by Convocation presenting a name to the Chancellor, whose nomination was always accepted by the Senate. The Oxford Royal Commission made no objection to that mode of appointment; the Bill made no objection to it; the Cambridge Royal Commission made no objection to it; and the noble and learned Lord made no alteration in the Bill. Why, then, should it be altered now? The Vice Chancellor certainly has at present extensive and extraordinary powers. As the constitution now exists he could put his veto upon any proposition proposed in the Senate; but by the alteration in the constitution he will have no such power, and therefore all the arguments for a change in the mode of appointment to that office falls to the ground. The heads of Houses, in all important cases of University discipline, act with the Vice Chancellor; they have also the power of interpreting the statutes of the University. Is that power to be transferred to a legislative body in Council? That will be perfectly absurd. There has been no complaint of the manner in which that power has been exercised. Why, then, should it be taken away? It has been stated to me that a great mover in the matter contained in the letters to which his noble and learned Friend referred is the Rev. Dr. Peacocke; he it is who desires that the power of the heads of colleges should be transferred to the Council. The Rev. Dr. Peacocke, however, at one time published a work on the statutes of the Universities, in which, under the title, "Heads of Houses," he expresses himself in this manner—

> "The heads of Houses are the assessors and administrative councillors of the Vice Chancellor, and possess many other privileges which have been elsewhere enumerated; and there seems no sufficient reason for proposing a material change in the rights which they now enjoy. There is, in fact, no other body of men in the University with whom the exercise of such powers could be so safely and advantageously lodged."

I will, therefore, appeal from Dr. Peacocke under the excitement of authorship, to Dr. Peacocke when he gave notice, in the letter alluded to by my noble and learned Friend, that he has changed his opinions. It is stated in one of those letters that the government of the University is mostly in the heads of Houses; that no proposition can be brought forward except by their consent; and that that is detrimental to the interests of the University. If that is so, I will take the liberty of quoting to your Lordships the opinions expressed by the Royal Commission in its Report—that Commission of which Dr. Peacocke was a member—as to the manner in which the government of the University is carried on. That Report is signed by the Rev. Dr. Peacocke, and also by the three other recalcitrant members of the Commission; but not by the right rev. Prelate opposite (the Bishop of Chester). It runs thus—

> "It is with unfeigned pleasure that we endeavour, in a few words, to indicate the points wherein the University has, in modern times, shown in the spirit of her administration her willingness to enlarge the cycle of her studies, and to modify her institutions so far as the rigid severity of her law permitted. We have abundant proof supplied by our evidence that the University has been liberal in the general administration of her funds, not husbanding them parsimoniously, but bestowing them to the very limits of her power upon objects of great academical importance; nor should we fail to notice the vote of a Committee to revise the statutes of the University, with the view of petitioning your Majesty for your Royal sanction to an amended code of University laws. This Committee was voted by the Senate some time before the issue of a Royal Commission had been by any one anticipated. That the University was ready to enlarge its cycle of studies is proved by its constituting new triposes of the moral and natural sciences, and thus affording to more of the professors an

> extended field of usefulness. All these were spontaneous acts, and in the right direction. We regard them as marks of a wise and honourable spirit, and they have been in good part suggestive to ourselves of the reforms we have ventured to recommend."

So say the University Commissioners in their report, a document carefully founded on copious evidence, and universally received with deserved respect. Such is the character and such the conduct of the heads of Houses that, supposing the statement to be true, the administration of the University was originally entirely entrusted to them. The best consolation of the University, however, was the efforts which it had made for the advancement of literature and science. I advance these facts, not with the view of opposing the change proposed to be made in the constitution of that body, but to the end that your Lordships should consider whether the constitution of the Council now proposed is not one which ought to be modified and moderated. Having done this, I have done my duty, and will leave the case confidently in the hands of the House.

THE BISHOP OF CHESTER said, that as one of the Commissioners of inquiry into the University of Cambridge, he desired to make a few remarks on some of the points that had been referred to by the noble and learned Lord. The draft of the letter to which the noble and learned Lord had alluded, and which was signed by all the members of the Royal Commission except himself, had been courteously forwarded to him, with a request, that if he approved of the statements which it contained he would append his signature to it. It was a matter of very great regret to him that he had been compelled to decline that request, because during the whole period that the Royal Commission was in operation his colleagues and himself had acted in a spirit of perfect harmony and mutual good understanding, and at the close of their labours they were perfectly unanimous in the Report which they presented to Her Majesty. He declined to sign that document for two reasons: first, because the powers of the Royal Commission having long since expired, he felt some hesitation as to the propriety of its members resuscitating the subject and meeting together to make virtually a second Report; another reason was, that he really did not concur in all the statements or opinions expressed in that letter. Without going into a detail of the points on which he differed, he might state that he did not agree in the recommendation that all the powers exercised by the heads of Colleges collectively should be transferred to the new legislative Council. Now, although all the powers which the heads of Colleges exercised were to be taken out of their hands, he would remind their Lordships that, in a petition numerously signed by the resident masters of arts, which had been recently presented to their Lordships' House, the petitioners did not ask to sweep away all those powers indiscriminately, but confined themselves to two or three particular powers which they wished to see transferred from the heads of Colleges to the new legislative Council; and of those powers the maintenance and enforcement of the discipline was not one. They might, therefore, fairly conclude, that the resident members of the University were well content to leave that power in the hands of those who at present exercised it. The tone of the letter to which allusion had been made, appeared to him to convey to the mind of an ordinary reader, an impression that there existed at present very great grievances and defects in the University of Cambridge, and that those grievances and defects were in some way connected with the fact of the government of the University being lodged in the heads of colleges. Upon that point he would merely ask their Lordships one question. Be the existing government of the University of Cambridge lodged where it might, had there not after all been very great progress and improvement in that University? All his brother Commissioners concurred in stating that, and also in bestowing very great praise upon the University for it. That was in itself an answer to the statement that the government of the University was a grievance, although, if there were other men of distinction not heads of colleges fit to undertake the greater part of that government, he had no wish to exclude them. At the same time, let it be done without disparagement to the governing body of a University who had had no other desire than to do their duty to the University. It was the head of a College who took the initiative in that internal reformation; for the master of Pembroke College several years ago, when he held the office of Vice-Chancellor, induced his brother heads of Colleges to appoint a committee, which undertook the laborious duty of going through the laws and statutes of the University of Cambridge, arranging them, discarding obsolete ones, and adjusting and modifying others so as to meet the requirements of the times. He thought great credit was due to the heads of Colleges for making the salutary internal reforms they had effected, and he was entitled to claim credit for them, there having been so much misunderstanding on the matter, for it was hardly fair that they should be held up as standing in the way of improvements when, as he had shown, they had taken the initiative in effecting them.

Motion *agreed to;* House in Committee accordingly.

Clause 1, 2, 3, *agreed to.*

On Clause 4,

Lord BERNERS moved the omission of words to the effect, that no oath which may have been taken by any party should be a bar to the authority of the Commission. He would not say that it was not in the power of Parliament to pass such a provision; but he would contend that the sanctity of an oath ought not to be annulled, unless there were very grave and sufficient reasons for so doing, and that in this instance there were no such reasons. The clause, in its present shape, delegated, in effect, to a body of Commissioners the power of absolving a person from any oath which he might have taken, and did not simply provide that such and such an oath should not be taken in future. If the clause were agreed to, and became law, he feared that it would result in a great increase in the crime of perjury.

The Bishop of LONDON did not think the words of the clause were open to the interpretation the noble Lord had put upon them; but though that was so, they still presented a difficulty to his mind. He granted that it was necessary and proper that the Commission, in executing the Act, should have full power to call for persons and papers, and compel the production of documents; but the words of the clause were attended with this inconvenience, that persons who had taken an oath might feel themselves imperatively called upon to disobey the orders of the Commissioners. He thought, therefore, that the words should be omitted.

Viscount CANNING opposed the Amendment, and reminded the noble Lord (Lord Berners) that when a similar proposal was made last year in the case of the Oxford University Bill, it was defeated by an overwhelming majority; he, therefore, hoped they should have heard of no such objection on the present occasion. The whole question resolved itself into this one point. The liberty of administering oaths by any corporation was held under the authority of the Crown and Parliament; and if it seemed to the Crown and Parliament that it was for the public good to abrogate that power, and to strike off the fetters imposed upon individuals by its exercise, there was no argument to be adduced against the abrogation. It did violence to no man's conscience to assert that that power was in the Legislature whenever it chose to exercise it. He trusted, therefore, that their Lordships would not sanction the omission of the words, and by so doing create a distinction between the two Universities.

The Bishop of ST. DAVID'S said, that the simple ground upon which it appeared to him that he could, with a clear conscience, vote for the clause, was, that he apprehended the oath referred to in the clause was one which was originally a lawful oath, because there was no superior authority entitled to demand the information referred to; but that the circumstances under which the oath was originally taken had now undergone an entire change, so that the oath, which was innocent and lawful in its origin, had now by the very act of the Legislature become contrary to public policy—became, indeed, unlawful, and an oath which ought not to be observed. That was the simple ground upon which he felt himself perfectly at liberty to vote for the clause.

Lord LYNDHURST said, the clause merely stated that an oath should not be a bar to the authority of the Commissioners.

Lord BERNERS, in reply, said this was not a parallel case to that of a person who had taken the oath of allegiance. There the Sovereign might absolve the party from the obligation of his oath. But in this instance a third person took an oath to a fourth. Consequently there was a very wide distinction. With regard to the overwhelming majority to which the noble Viscount (Viscount Canning) had referred, and which he seemed to think ought to have set the question at rest, he begged to remind the noble Viscount that that majority was the smallest which had been obtained on any of the divisions in their Lordships' House on the Oxford Bill, for it was thirteen only.

Amendment negatived.

Clause *agreed to.*

On Clause 5,

Earl POWIS, in rising to move the Amendments of which he had given notice, said that a great portion of the discussion on going into Committee referred to this Clause and his Amendments. The object of the Amendments which were based on the petition he had presented a short time since, from the resident members of the University, was to place the Council at Cambridge on exactly the same footing as the hebdomadal Board at Oxford had been placed by the Bill of last year. Reference had been made to the present composition of the syndicate; but that had not been obtained without a great struggle and a strong remonstrance to the Vice-Chancellor against its composition as originally proposed. The argument now used against entrusting any powers to the syndicate was, that its constitution was too democratic. The great objection of the resident members to the Clause as it now stood was, that it would leave two bodies in the University with equal authority, which must have a prejudicial effect; and if the heads were allowed to retain the proposed powers, the new Council would be utterly powerless. The Amendments expressed the opinion of a very large majority of the Senate. With regard to the statutes, they wished to have a united, and not a divided, authority in the University. The Council would be as fit to exercise these powers as were the hebdomadal Board under the Oxford University Bill.

Lord MONTEAGLE said, that his noble Friend would lead the House to imagine that he was asking for nothing more than what now existed under the Oxford University Bill of last year; but that was not so. The only question worth arguing was the question of the appointment of the Vice Chancellor. It was the nomination only, and not the election, of the Vice Chancellor that was committed to the hebdomadal Council. With regard to the interpretation of the Statutes, that was a matter rather for the Judges of the land than for either the Council or the heads of Houses; but if he were driven to an election between the two—the heads of Houses, or a body elected from time to time—he should not hesitate to prefer the heads of Houses as the depositary of the interpreting power. He trusted their Lordships would not adopt the Amendments.

The Bishop of ST. DAVID'S said, that the noble Lord had truly stated that the real question was as to the appointment of the Vice Chancellor, whether he should be appointed by the heads of Houses

or by the Senate. If, in forming an opinion on that subject, he should decide in favour of the Amendments of his noble Friend, he did not think that he should be doing anything inconsistent with the veneration and gratitude he felt towards the University. He believed, however, that the alterations which he understood the noble and learned Lord intended to make would render the adoption of his noble Friend's Amendments unnecessary. With all his respect for the University and for the heads of Houses, he had no respect and no sympathy for those particular branches of the constitution of the University—those particular privileges which for a long period had been exercised by the heads of Houses. They were of an origin that could no doubt boast of a considerable antiquity; but beyond the fact of their antiquity their origin was of that kind which was not likely to procure for them much respect and sympathy from their Lordships on either side of the House, for this part of the constitution of the University was created by a single individual—Wycliffe—for purposes purely political and ecclesiastical, and which were of a transient and temporary nature.

Lord LYTTELTON said, that if his noble Friend pressed his Amendments to a division he should be disposed to support them. With regard to the power of interpretation, he thought with the noble Lord, that it would be better to leave it in the hands of the Judges of the land.

The Bishop of LLANDAFF considered that no particular grievance resulted from the power which heads of Houses were supposed to possess. Therefore, if the Amendments were pressed to a division, he should vote against them.

Amendments *negatived;* clause *agreed to.*

Clauses 6 to 22 *postponed.*

Clauses 23 to 30 *agreed to.*

The LORD CHANCELLOR proposed a clause securing to Westminster School the right of an exhibition, instead of a scholar, to Trinity College.

Clause postponed to report.

Clause 31 struck out, and a new clause introduced for regulating the election of the Vice Chancellor and other officers.

On Clause 35,

The Bishop of LINCOLN proposed an Amendment, which raised the question, whether Eton College was within the jurisdiction of the Charitable Trusts Commissioners, under the Act of 1853?

THE LORD CHANCELLOR admitted that there were legal doubts on the point, but said that there was nothing in the clause before the House to prejudge the question one way or the other.

Amendment *withrawn;* Clause *agreed to.*

Clauses 36 to 42 inclusive *agreed to,* with verbal Amendments.

On clause 43—

> "From and after the first day of Michaelmas term, 1855, it shall not be necessary for any person, upon taking any degree in arts, law, medicine, or music in the University of Cambridge, to take any oath, or to make any declaration whatever; but such degree shall not, until the person obtaining the same shall, in such manner as the University may from time to time prescribe, have subscribed a declaration stating that he is *bonâ fide* a member of the Church of England, entitle him to be or to become a member of the Senate, or constitute a qualification for the holding of any office which has been heretofore always held by a member of the united Church of England and Ireland, and for which such degree has heretofore constituted one of the qualifications."

THE EARL OF POWIS moved to leave out the words "any degree," for the purpose of inserting the words "the degree of bachelor."

THE BISHOP OF OXFORD said, that the adoption of the clause as it stood would force the University of Oxford to depart from the settlement which had been made only last year.

THE LORD CHANCELLOR said, it was an extraordinary argument against doing good, that it would lead to good being done elsewhere.

On Question, their Lordships *divided:*—For the Amendment 13; Against it 23: Majority 10.

List of the MINORITY.

EARLS.
Nelson
Powis
Bradford
BISHOPS.
Llandaff
Oxford
St. Asaph

Lincoln
LORDS.
Berners
Colchester
Sondes
Redesdale
Lyttelton
Bayning

List of the MAJORITY.

Lord Chancellor
DUKES.
Argyll
MARQUESS.
Lansdowne
Sligo
EARLS.
Burlington
Ellesmere
Granville

Harrowby
Minto
VISCOUNTS.
Canning
BISHOPS.
Chester
St. David's
BARONS.
Byron
Camoys
Cremorne

Foley
Hatherton
Leigh
Lyndhurst

Monteagle
Panmure
Stanley of Alderley
Wodehouse

Remaining clauses *agreed to.*

Report of the Amendments to be received on *Tuesday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 7, 1855.

MINUTES.] PUBLIC BILLS.—1° Excise Duties; Spirit of Wine; Acts of Parliament Amending.
2° Stamp Duties Repeal on Matriculation and Degrees (Oxford); Gold Finger Rings; Assay Offices (York, &c.) Abolition.
3° Friendly Societies.

PROSECUTION OF THE WAR—ADJOURNED DEBATE (FIFTH NIGHT).

Order read for resuming Adjourned Debate on Amendment [25th May] to Amendment [24th May], which was, to leave out from the first word "House," in the Original Question, to the word "feels," in line 5, in order to insert the words, "having seen with regret that the Conferences of Vienna have not led to a termination of hostilities,"—(*Sir Francis Baring,*)—instead thereof:—And to which Amendment, an Amendment had been proposed on the 25th May, to insert after the words "regret that," the words "owing to the refusal of Russia to restrict the strength of her Navy in the Black Sea:"—(*Mr. Lowe*).

Question again proposed, "That these words—namely, 'owing to the refusal of Russia to restrict the strength of her Navy in the Black Sea,' be inserted in the proposed Amendment."

Debate *resumed.*

MR. ROEBUCK: At any time, Sir, I should be exceedingly anxious not to trespass at any length on the indulgence of the House, but I am more than ordinarily anxious not to do so on the present occasion on account of my weakness, with which I hope the House will bear. I shall at once proceed to state my opinion—for I am unable to argue the matter—why I think this war should be proceeded with vigorously, so that we may obtain—and I hope we shall—the blessing of an honourable and a permanent peace. The opinion of the right hon. Gentleman the Member for Carlisle (Sir J. Graham) at all times meets with the greatest consideration from me, and I must say I had looked forward to the speech which he made the other evening with great curiosity, because, as I had a shrewd suspicion of the course which he would adopt, I was anxious to know upon what grounds he would rest his justification of that course. The right hon. Gentleman had been a prominent Member of Lord Aberdeen's Government when it determined upon a war with Russia, and the last time that he had addressed this House he had declared that in his opinion the war was a just and necessary war—those two words are important, because it shows that it was for our interest to go to war. I was curious, therefore, to see how the right hon. Gentleman would now shape his course, and in what manner he would explain how it was that he was now all for peace, when a few months ago he had been all for war. I was curious to know what had occurred between his leaving office and the end of the Conferences at Vienna which could have induced him to change his opinion, and I felt confident that he would state the causes for which we went to war, the objects which we sought to gain by it, and that he would then maintain that those objects were accomplished. I was curious to know what in his opinion those objects were, and I was still more curious how he could suppose that they had been attained. Two years ago this country was in a state of profound peace; we had been accustomed to, and were pursuing the avocations of, peace with an energy and activity that were almost unparalleled in the history of man. The arts and sciences were introduced and encouraged in nearly every clime, there was no sea which was not visited by our ships, not a market which was not filled with our goods. While thus pursuing with unsurpassed energy the avocations of peace, England and the world were suddenly startled by an appeal from the Ministry of this country to go to war with Russia? Now by whom was that appeal made more lustily than by the right hon. Gentleman the Member for Carlisle? The grounds stated for that appeal were, that the independence of Europe was threatened; that there was a great Power which had long been nursing its resources in the north, which from year to year had pursued with untiring ambition the projects of dominion; and that now the time was come when its designs were ripened, and when it purposed to execute those designs by beginning to absorb the dominions of the Ottoman Empire. We all recollect, when the war-trumpet was sounded, how the right hon. Gentleman blew into it. We all recollect the speeches at the Reform Club and at the Mansion House. It was said then that the war which we were about to wage was to be a war of freedom against slavery, of civilisation against barbarism, of constitutional government against despotism. It was said that the attempt of Russia to enslave Turkey was her first step towards enslaving Europe, that she was not intent simply upon swallowing up Turkey, but that her design was, by placing herself in Constantinople, and assuming to herself the rights of the Turkish Empire, to obtain a dominion over Europe and become a standing menace to the world. It was not merely that an insolent embassy had been sent to Constantinople, that Russia had crossed the boundaries of the Turkish Empire, that we were told that there was a standing threat against Europe, and that it was necessary, for the safety of Europe, that Russia should be crippled and her power of offence taken away. It was not Turkey simply that we were called on to protect, but Europe, civilisation, and the liberties and dearest interests of mankind. Well, Sir, we went to war, and disasters followed. A Motion made in this House by myself led to important consequences, one of which was the utter defeat and destruction of Lord Aberdeen's Government. This House passed a Resolution by a majority almost unprecedented, condemning the mode—for that was its meaning in reality—in which the war had been carried on. The House passed a Resolution to appoint a Committee of inquiry; but between the passing of that Resolution and the appointment of the Committee the Ministry of the noble Lord the Member for Tiverton was formed, and that Ministry the right hon. Gentleman the Member for Carlisle joined. Over that Ministry hung the appointment of this Committee; for it must have been clear to everybody that the Committee would have to be appointed, and that the House would proceed with the Resolution which it had affirmed by so large a majority. But, notwithstanding that, and in spite of the difficulty thus staring him in the face, the right hon. Gentleman chose to join the Government of the noble Lord the Member for Tiverton. The first question which came before the House after the formation of that Ministry was the appointment of the Sebastopol Committee, and upon that question the right hon. Gentleman seceded from the Government. These circumstances I point out because they are the most significant circumstances which occurred between the time when the right hon. Gentleman advocated the war and the time when he advocates peace; and I ask the right hon. Gentleman, and I ask the House, what has happened since to induce him to become a peace advocate? It was quite clear, when the right hon. Gentleman joined the noble Lord's Government, that this Committee of inquiry would go on; it was as certain that Motions would be made in this House involving the consideration of the conduct of the war. The right hon. Gentleman being a prominent Member of Lord Aberdeen's Government, we have a right to consider that everything done and said by that Government was done and said by the right hon. Gentleman himself. When the expedition to the Crimea was propounded by the Government—for it was propounded by the Government and not by the generals—the Duke of Newcastle wrote a despatch to Lord Raglan, in which he said that there could be no peace for Europe until Sebastopol was taken and destroyed. That was the statement made by the Government, and for that statement I hold the right hon. Gentleman responsible. When the Conferences at Vienna ended—I do not mean the day before yesterday—but when they ended in reality, before that sham scene was enacted in this House, had Sebastopol then fallen? I will allow that the Russian fleet had been destroyed, but suppose that at that moment we had made peace—I ask this House and I ask every thinking man what would have been the result of such a proceeding? Would it not have been the universal opinion in the East that England and France had been conquered—would it not have been the general opinion there that the fleets and armies of France and England had retired with disgrace and discredit; would it not have been plain to the smallest tribe in the East that we had left the Crimea because we could not take Sebastopol, and because we could not obtain the objects for which the war was entered into? Yet this is the conduct which the right hon. Gentleman asks us to pursue. Suppose we had made peace, as the right hon. Gentleman would have had us, would Europe have been safe—would the Turkish Empire have been safe? True it is that the Russian army had retired beyond the Pruth—that it had evacuated the Principalities—but what security have we that in two years afterwards she would not have been across the Danube again? What does the House think of the political morality which would recommend us to undertake a war to obtain such paltry ends as those with which the right hon. Gentleman is satisfied? We have spent millions of money and sacrificed thousands of gallant lives; our army has undergone unparalleled sufferings; and all for what? Indeed, it may be said that the right hon. Gentleman is out of office, and I well know that that does make a wonderful difference in opinions; but I again ask the House whether the power of Russia has been crippled, or whether any one object for which, when in office, he entered into the war has been attained? I think, Sir, that we should bring degradation on this country if we adopted the course which he now suggests. He is one of those who cannot plead unwariness in the resolutions he takes. What he does he does with great deliberation. I do not say that he always acts prudently; but that, if he acts imprudently, it is with his eyes open. It was with his eyes thus open that he undertook this war; and for what did he induce the people of England to leave their peaceful avocations and sacrifice their blood and treasure? Was it simply that the Russian should retire beyond the Pruth, keeping all his armies and his power intact and as great as ever, and with the reputation of England and France reduced? That is all we should have obtained by following the right hon. Gentleman's advice. We should, indeed, have had a peace, but a dishonourable peace, and our power would have been weaker than when we entered into the war. I will be frank with the noble Lord at the head of Her Majesty's Government. I said in this House some days ago that the country had not confidence in the present Government for the management of the Conferences of Vienna; and I will now tell the noble Lord why I said so. In the first place, a rumour had gone abroad that there were still in the noble Lord's Government persons who felt as those felt who have left that Government; and, when I say this, I shall indulge in none of those taunts which the right hon. Gentleman told us on the last night of this debate were difficult to bear, such as that of being the friend of Russia. What I impute to him is not that he was the friend of Russia, but that, from a mistake in judgment, he was not the friend of England. I do not suppose that he was a traitor to his country, but I believe that he has committed a grave error, and, having done so, I shall have little faith in the right hon. Gentleman's judgment in future. I have told the noble Lord that there was an impression that there are still in his Government persons entertaining the same sentiments as those who lately seceded from it. One person to whom I particularly point is the noble Lord the Member for the City of London (Lord John Russell); and the reason why I say this is, that the noble Lord held language at the Conferences of Vienna that was unworthy of an English Minister. I say that no truly English Minister, especially no friend of reform in Parliament, would have put his hand to that protocol to which the noble Lord put his, taking from an independent people the power over their own affairs. England's interests are, I believe, the interests of the world, and those of civilisation and self-government; but the noble Lord sided with the despots of Europe—sided with those who would crush an independent people, and take from them the management of their own affairs. The House must know the protocol to which I now allude. A Minister of England, really understanding the position of his country and the part that Austria was playing, would have whispered in the ear of the latter Power talismanic words which, when I name them, I know will rouse the voice of Members of this House against me. But I am as sure as I am of my own existence that the time shall come when the three words which I would have mentioned to Austria shall be the watchwords of freedom and the forerunners of good government in Europe. The words I mean are —"Poland, Hungary, and Italy." It may be said that I am now arousing nationalities. Sir, I take the part of nationalities against despots always; and I believe that Austria, if these words had been whispered in her ear, would have understood her position, and would not have played fast and loose as she has done with the people of this country and of France, but would have trembled before the spirit that would have been conjured up before her at the sound of those names. I know what I incur by the statement I now make; but, although, feeble as I am, I cannot maintain as I would wish the belief that I put forth, yet I am strong in the conviction that these three words are talismans to Europe. I will tell the noble Lord the Member for the City of London that his first speech in this debate went far to answer the imputations that were rife in the public mind against him. I believe, from the statement it contained, that the world was led to suppose that the noble Lord was not of that peace party which sits behind me, although I must say that the subsequent speech of the noble Lord went greatly towards destroying the effect of his first one. And, Sir, I do object to this fast and loose mode of speaking. The people of England have been dragged by their leaders into war. I do not, however, mean to say that they have gone into it without a full confidence in those who lead them. The people have had such a confidence, but I say it behoves those who are the leaders of such a people to be stedfast in their faith, and not in the month of September to send out to their generals despatches telling them that the only means of safety to Europe spring from the destruction of Sebastopol and of the Russian fleet; and then, in the months of April, May, and June, to be the advocates of a peace, and to propose that England should make a humiliating and degrading submission to Russia. I do not believe, however, that the noble Lord at the head of Her Majesty's Councils is of this wavering disposition. I believe that he went into this war with his eyes open and his spirit firm, that he was not about to vacillate from change of circumstances—personal changes I mean. I believe that he kept before him the interests of England, that those interests were, in his mind, paramount to all others, and that he meant to consider them far beyond himself. I do hope and trust that the noble Lord will maintain the same spirit—that as we entered into this war so we shall continue it —that we shall be firm, bold, straightforward—that what we gain we shall in no self-denying spirit unwarily give up—that what in the cause of civilisation against barbarism, of Europe against Russia, we acquire honestly by our arms, we shall maintain firmly by the same means—that, our object being to cripple Russia, what we take we shall keep. These, Sir, are significant phrases, and I mean them to be such. To cripple Russia we are not to consider her honour, but we are to consider mankind as our allies in the struggle, and that in crippling Russia we are fighting the battle of mankind, and benefiting the whole human race.

MR. SIDNEY HERBERT: Sir, I have

risen thus early in the debate because I imagine it is the wish of the House, if possible, to compress the discussion within the scope of this night, and I am anxious to leave time and room for others whom I think it is important that we should hear before we arrive at any decision on this question. The hon. and learned Gentleman who has just sat down has made an attack on my right hon. Friend who sits beside me (Sir J. Graham), upon grounds which no doubt he thinks are conclusive against him, but which I trust in a few sentences to convince him are fallacious. He says, in the first place, that in a despatch written by the Duke of Newcastle so far back as June last, a despatch which was produced before the Committee of which the hon. and learned Gentleman was Chairman, the Duke of Newcastle pledged this country to make no peace until the fortress of Sebastopol was captured or destroyed. Let me say, so far as these words are concerned, that is not a correct quotation. The Duke of Newcastle never said there shall be no peace. He said there will be no prospect of peace until we can deal to Russia such a body-blow as shall induce her to submit to the terms we hope to get. [Mr. ROEBUCK: Hear, hear!] The hon. and learned Gentleman cheers that. See back to the first despatch, in which the Duke of Newcastle says—

> "Bear in mind that if the Russian generals make no demonstration of any further onward movement, it may become essential for the attainment of the objects of the war that some operations of an offensive character be undertaken by the allied armies;"

some operations actually of an offensive character, but being part of a defensive system they should be to that extent defensive operations. He goes on, "No blow that could be struck at the southern extremities of Russia would be so effectual as the taking of Sebastopol." The Duke of Newcastle conceived that to be the heaviest blow which could be dealt to the Russian empire. [Sir J. PAKINGTON: Is that the despatch of the 10th of April?] Yes; and then comes the subsequent despatch of the 29th of July. I do not see how, after those despatches, the hon. and learned Gentleman can say the Duke of Newcastle ever said we could not make peace till the fortress was taken; for how can he reconcile that with the fact that in the despatch there is not one word of imperative injunction, but the General is told it is left to his discretion? [Mr. ROEBUCK: Hear, hear!] Yes; but the discretion was not left because we would not make peace without it, but to undertake operations which, if successful, would, more than any other, force Russia to accept terms of peace. Is that the plain and obvious meaning of the expression? ["Hear, hear," and a laugh!] The hon. and learned Gentleman laughs; but I ask him, if the capture of Sebastopol was to be a condition of peace, why did not such a condition appear in the Four Points? My right hon. Friend the Member for Southwark (Sir W. Molesworth), in his eloquent and very impassioned speech, said, "If you do not take Sebastopol, you will have to return to England and furl your banners in disgrace." Is that so? What would have happened if, ten days ago, Russia had accepted the limitation you required as a condition of peace? That was what the late Mr. Sheil would have called a "rhetorical artifice." The whole error consists in this fact—we are making confusion of two things essentially distinct—confounding the operations of war, which are the means to an end, with the end itself. The operations of war are conducted with a view to force your antagonist to agree to peace. When you are at war I agree with the hon. Baronet (Sir E. B. Lytton) that we should humble our enemy if possible. When at war, injure her, humble her, crush her, if you can. But when you contemplate peace you stand on different ground. In the first case, when dealing with an enemy, you are right to seek to crush him, but in the second you are dealing with those who are about to become friends. You may mistrust them, bind them, tie their hands, but do not try to humble or insult those whom you hope may become your friends. I pass from that question raised by the hon. and learned Gentleman (Mr. Roebuck), and come to another matter which I think of some importance in this discussion. In the first place, let me say I feel as everybody else feels, in the utmost difficulty arising from the great confusion into which the subject has been thrown—the confusion of opinions beyond the power of human ingenuity to understand. We have a war party, we have a peace party, and subdivisions of both, with different objects and different antecedents or points of departure. Take the party which is of opinion the time has come when the country may with honour to itself, and with material advantage to her interests, make an honourable, safe, and prudent peace. How is that point urged by those who hold that opinion? We have the hon. Member for Manchester (Mr. Bright) who has from the first objected to the war, and who has, let me say, though I do not agree with him, in speeches of consummate ability and earnestness urged those opinions, and with a courage which does him credit, for he stood almost alone against an immense amount of popular feeling, which he resisted in the consciousness of a sincere conviction in the opinions he advocated. Then we have his Colleague (Mr. M. Gibson) who disapproved of the particular war from its commencement, but does not share the opinions of his hon. Colleague on the subject of all war. Then we have those sitting immediately behind me, who were, like me, advocates for a war for which they shared their portion of the responsibility, and are willing to bear it, thinking they can justify it. We think it is not right to assert that there is anything inconsistent or dishonourable in those who were advocates for war to attain certain objects, when they think those objects have been gained, to become the advocates of a peace as a natural consequence. The hon. Baronet opposite (Sir E. B. Lytton), to whose speech I listened with the pleasure which all must have felt, as it was essentially the speech of a gentleman and a scholar, asked, "How comes it you who were advocates for beginning war are now advocates of peace?" Well, that begs the whole question of what has happened since. I now, calmly looking back at the history of the war, recollecting the circumstances from which it sprung, the attitude of Russia towards Turkey, the imminent danger to the latter Power, and recollecting what I held then, as I hold now, to have been one of the greatest instances, I must say, of *brigandage*—for we have no word in English which suits it—and violation of the public law of Europe—the invasion of the Principalities by Russia—well, I hold all those opinions now; but I shrink in nothing from the weight of the responsibility. And, I declare before God, I know nothing more trying to the conscience of a man than having to give, even as an humble Member of a Government, his aye or no upon a question which involves such fearful consequences and exposes his country to such fearful hazards and distress. It was, then, in no spirit of levity, and not without weighty consideration of the great interests involved, that I came to the conclusion that my voice should be given in favour of a declaration of war. I justify it to myself by the magnitude of the objects we sought to obtain. Those objects we specified and stated over and over again in public documents, which are historical—in treaties with our allies. I will tell you what the objects were. They were the abrogation of that network of treaties by which Russia held Turkey in her grasp; they were the abolition of that exclusive claim to a protectorate of the Christians by which Russia had the right of interference in the Principalities and exercised it without check or hindrance from any of the allies, and the question of the freedom of the Danube. Those were objects of paramount importance, and were specified in public documents, and in our agreements with France, Austria, Turkey, and Prussia. In not one of those documents was there any mention of "limitation." Our objects were separate from that; limitation was the child of afterthought. Having stated these objects, and having the strongest conviction of their immense value and importance, when you ask me, "How can you who were for war be now for peace?" I ask, "How can we be for war now those objects are obtained, or are attainable; nay, I ask further, how can you pretend those objects are worthless and of insufficient value for peace, and yet justify the war?" That is my answer. I think we have not in this country done ourselves justice. We have not done justice to the military operations or the successes we have achieved; we are not now doing justice to the value and extent of the submission to which Russia has been forced. The hon. Baronet (Sir E. B. Lytton) said, in answer to my right hon. Friend the Member for the University of Oxford (Mr. Gladstone), these concessions, these terms are not due to negotiations—they are owing to the efforts of your arms—to the successes of the Alma and of Inkerman. I accept that; but in the first place you never do get terms by negotiations. The sword gets them, and it is the business of negotiation to define in intelligible terms the nature and extent of the successes you have gained; the pen only specifies what the sword gains. What have been our military successes; what is the difference in the relations of Russia and Turkey in a military and strategical point of view? The latter Power went to war and made a few successful forays across the Danube with great distinction; but the Principalities were in the occupation of Russia. Those Principalities are now evacuated. Early in the commencement of the campaign you had the destruction of the fortresses on the Circassian coast, the capture of Bomarsund, the blockade of two seas, the destruction of Russian commerce, and the inability of Russian men-of-war to show their flag in any part of those two seas which she boasted were her lakes. You have also, it is said, insurrection in some of those provinces where the peasantry are Russian and the nobles are Polish; you have a growing discontent among a nobility accustomed to seek throughout Europe for pleasures which they cannot find at home; and lastly, and most important of all, you have the inability of Russia, the strongest and most exclusively military Power in the world in its objects and habits, to expel from its shores for eight months two hostile armies encamped upon its soil. We have not done ourselves justice, we have kept our eyes fixed with microscopic exactitude upon failures, not upon defeats, because from beginning to end our army has never met with defeat. The superiority of our navy has been admitted. The terror of her name has deprived her of the triumphs she had a right to expect, because the Russian fleets have been unwilling in any one instance to face the navies of the allies. Last of all, you have had a success at which I rejoice with all my heart. I mean the success of which you recently received the outline by telegraph, and the details by the despatches published to-day. I wish to say a few words upon the successes at Kertch. The hon. and learned Member for Plymouth (Mr. Collier) has attacked those Members of the late Government who left it under circumstances which my hon. and learned Friend (Mr. Roebuck) has described with the gusto with which a sportsman recites the number of pheasants he has bagged, and the hon. and learned Gentleman stated that the successes which have now been obtained are owing to the withdrawal from the Cabinet of men whose heart was not in the war, and who paralyzed by their directions the efforts which would otherwise have been made and the successes which would otherwise have been obtained by the naval and military commanders. Now that, Sir, is a grave charge, and one which I will not pretend to answer by any professions of my own. I say sincerely, that if any one, after a life of twenty years spent in this House and devoted to the public service—and of course the observation applies still more strongly to my two right hon. Friends sitting beside me (Sir J. Graham and Mr. Gladstone)—can be supposed to have been guilty of conduct so base and treasonable, there is no use in character, and I cannot condescend to enter protests, caveats, or denials against such a charge. But let us look at the facts. The army, it is said, is now in a better condition, and, thank God, so it is. [MR. WHITESIDE: Hear, hear!] The hon. and learned Member for Enniskillen cheers me, and I am glad to say that in his speech the other night he made an approach to accuracy upon this subject, for, in speaking of the number of soldiers that had perished, he did not do much more than double our losses, he said we had lost half of our army. That is a gradual subsidence from old exaggeration. We did not lose half nor a quarter of our army, although, God knows, we lost enough, for, from the last returns—and they are fearful to contemplate—I find that upwards of 13,000 men have, since the first declaration of war, fallen victims to the sword or disease. But we should be cautious how we exaggerate these numbers. We should recollect what may be the effect of our doing so, how much we may thereby damage our position with regard to negotiations. The hon. and learned Gentleman says, that successes have been obtained because three traitors have been expelled from the Cabinet, and there are stories circulating all over the town as to my right hon. Friend (Sir J. Graham) being the man who prevented the expedition to Kertch and the bombardment of Odessa. I regretted to hear the hon. Member for the West Riding (Mr. Cobden) in his able and eloquent speech, deprecate in some respects our successes at Kertch, and say that the corn taken by us was private property. Now, I read in the newspaper to-day the statement of General Pelissier, taken from the *Moniteur*, upon that subject. General Pelissier, says—

> "Advices received from Kertch, dated the 31st of May, announce that, on the refusal of the military authorities of Genitchi, situate on the northern extremity of the tongue of land of Arabat, to give up the Government stores and ninety vessels laden with provisions for the Russian army in the Crimea, the squadron, under the orders of Captain Lyons, bombarded the place, drove out the troops, and destroyed all the stores. The enemy has thus lost, in four

> days, an immense quantity of provisions, four war steamers, and 240 vessels employed exclusively in provisioning the troops in the Crimea."

On the other hand,) I think the press is now, in its leading articles, drawing inferences from the successes which are not justified by the facts, for it is talking as if Arabat and Genitchi were already taken. But, although we have bombarded the one and destroyed the stores at the other place, we are not yet in possession of them, and we must not, therefore, think, because of the successes we have obtained, that we are already masters of the Putrid Sea. I hail these successes, because in war success is the best road to peace; but, if, after your objects were attained, you still went on for mere military success, your criminality would be great. This nation is a generous nation, and I believe that if we have success (as I trust in God we may) the difficulty will not be to extort sufficiently high terms from Russia, but there will be a feeling in this country to care nothing for terms, to say—we have got what we wanted, we have taught Russia a great lesson, let bygones be bygones; and the difficulty will be to get public opinion to back diplomatists in asking for any terms at all. I will now revert to the speech of the hon. and learned Member for Plymouth, who looked upon my right hon. Friend (Sir J. Graham) as a traitor for having prevented the execution of the operations which have since been undertaken. Eager and anxious officers are said to have been urging the Admiralty to undertake those services, and from my right hon. Friend are supposed to have proceeded the chilling orders to refrain from carrying out measures which would have facilitated our operations. Now, I have the permission of the noble Lord at the head of the Government to read some despatches upon this subject, and I will first take one dated October 13th, 1854, because it comprehends several points.

> "The Secretary to the Admiralty to
> "Vice Admiral Dundas.
> "Admiralty, Oct. 13, 1854.
>
> "Sir,—I am commanded by my Lords Commissioners of the Admiralty, with reference to the operations of the fleet under your orders, to call your especial and particular attention to the necessity of exercising the utmost vigilance and care in preventing the movement of craft of all descriptions proceeding out of the Bay of Kherson and the River Dniester, and I am to signify their directions to you to take every precaution in your power to prevent communication with the Crimea from ports in that direction. My Lords are further of opinion that, whenever the means at your disposal will admit, proper measures should be concerted with your colleagues in command of the allied forces for obtaining an entrance by the Gulf of Kertch into the Sea of Azoff, with a view to interrupt the communications of the enemy with the eastern shores of the Crimea, to which their Lordships have always attached the greatest importance. In concert, likewise, with your colleagues, my Lords consider that no opportunities should be lost to occupy the attention of the enemy by frequent attacks upon all parts of the coast extending from the mouths of the Danube to the isthmus of Perekop, and that any proper opportunity for the bombardment of Odessa should not be omitted."

That is my answer to the hon. and learned Gentleman. I now wish to say one word in defence of Admiral Dundas. I should be the last man to cast imputations on those who are absent, but I am bound to state that there was a conclusive reason why Admiral Dundas, who was himself eager for the attack on Odessa, did not undertake it. Admiral Dundas wanted to make the attack; he had prepared means for it, but he was prevented. What stopped him? Why, it was the opinion, given upon strategic grounds, not only of the English, but also of the French general, that the destruction of Odessa would liberate troops, which would immediately be sent to the Crimea. The generals were firm in that opinion, and it was in consequence of their urgent request that Admiral Dundas felt that he could not undertake the operation. I am not giving any opinion as to whether the strategic reasons assigned by the generals were sound or not, I am not competent to do so, but I assert that they entirely acquit Admiral Dundas. If there is any doubt as to the intentions of my right hon. Friend, then at the head of the Admiralty, as to Odessa, I will read a despatch which I think will satisfy the House on that subject.

Lord SEYMOUR: I wish, Sir, to ask whether this despatch has been laid upon the table, because I think that if we are to have a discussion on the despatches, and if they are to be read on one side, we ought to have the answers to them on the other. I shall therefore move for those despatches, and for any answer which may have been received in reply to them. I hope the noble Lord at the head of the Government will not object to lay them before the House.

Mr. SIDNEY HERBERT: The objection taken by the noble Lord is a fair one. It is a rule of the House that no despatches shall be read which have not been laid upon the table, but there are moments and occasions when the generosity of the House will allow that rule to be departed from, when a man's character is attacked, and when he can vindicate himself by the reading of a despatch to the publication of which the noble Lord at the head of Her Majesty's Government makes no objection on the ground of public convenience. The House, I trust, will therefore bear with me while I read it—

> "Admiralty, Dec. 8, 1854.
>
> "Sir,—I am commanded by my Lords Commissioners of the Admiralty to call your attention to their letter of the 13th of October last, No. 622, respecting an attack on the port of Odessa at any proper opportunity.
>
> "Although this question has been postponed, at the request of the generals commanding the allied forces on shore, my Lords are of opinion it should be again taken into consideration, with a view to an effectual operation, whenever circumstances will permit.
>
> "I am, &c.
> "R. Osborne.
>
> "Vice Admiral Dundas."

Now, the noble Lord the Member for Totness says I ought not to read these despatches unless the House has also the answers to them. But I have given a reason why Admiral Dundas had not executed the attack upon Odessa, and why he should be acquitted of all blame. I have made no imputation upon the commanders on shore. I have no doubt they had sound and good military reasons for doing what they did. But these despatches are necessary to the defence of a public man, whose character is public property. And now let me say a few words with regard to the Straits of Kertch. It may be said, "Why did not Sir Edmund Lyons attack Kertch, and open the passage before?" My right hon. Friend (Sir J. Graham) stated, on a previous occasion, and stated with truth, that the Russians had blocked up the passage with ships sunk for that purpose. But the other day it was said, "Where are the ships?" It was stated that there were no ships sunk, that the statement of my right hon. Friend was a mere excuse, and that the thing ought to have been done long ago. But what does Sir Edmund Lyons say in his letter published in *The Times* of to-day, and addressed to the Secretary of the Admiralty? He says—

> "Had this expedition been deferred but a short time longer, there would have been many and great difficulties to overcome, for the enemy was actively employed in strengthening the sea defences, and in replacing the sunken vessels which had been carried away by the current during the winter months."

And this is a current from a frozen sea, which brings down with it many obstacles to navigation. The letter proceeds—

> "Of the forty vessels sunk last year some still remain, and a French steamer touched upon one of them yesterday. It appears that the enemy did not succeed in destroying the coals, either at Kertch or Yenikale, so that about 17,000 tons remain, which will be available for our steamers."

Well, that is my answer, and I think it is conclusive and satisfactory against those discreditable attacks which were made on Tuesday by the hon. and learned Member for Plymouth (Mr. Collier.) I have said that the objects of the war have been successfully attained, and that this gives us a golden opportunity of bringing the war to a termination whenever the country shall be so pleased. My right hon. Friend (Sir J. Graham), in that lucid and masterly speech which he addressed to the House on Tuesday night, went *seriatim* through the proposals made at the conferences. I will not enter upon the question of the protectorate of the Principalities. I will not enter upon the question of the freedom of the navigation of the Danube, or the question of the right of interference with regard to the protection of the Christians in general in Turkey, except in passing to say, that I was struck by a statement made by the noble Lord (Lord John Russell), who stated as a reason for not having entered upon the fourth point, that he found in a conversation with the Turkish Ambassador that he objected to a stipulation which would infringe on the rights of the Suzerain of Turkey by giving a vested right in interference, not to one nation, but to several, in the internal concerns of the Turkish Empire. Well, that surely was not an unnatural observation for the Ambassador of Turkey to make, but there was this singularity in it, that after the enemy had agreed, not to the particular stipulations but to the four bases upon which peace should be concluded, there was one party who had not given in a similar agreement, and that party was our ally. Now that complicated the negotiations considerably. With regard to the third point, we should recollect that it divided itself into several portions. You have the question touched upon by the hon. baronet (Sir E. B. Lytton), that that which was merely the preamble of the treaty of 1841 is now to be converted into a condition. There was a statement with regard to the independence of Turkey which was recited in the treaty, but it was not made a condition in the treaty. But now, by a concession, as the hon. gentleman says, extorted by the swords of Alma and of Inkerman, it becomes converted into a condition. Well, now, look at the question of the Straits. The noble Lord our Plenipotentiary at Vienna was offered by Russia the *mare apertum.* He gave his reason for not accepting it, and I thought it unanswerable. For some time I have held that opinion myself. But let me recall the attention of the House to a circumstance which should show how cautious we ought to be in pledging ourselves to opinions upon matters with which we are but little acquainted. When the question of peace was discussed twelve months ago in the press, every one said that no peace would be good for anything which did not open the Straits. [Mr. Layard: "I protested against it."] The hon. Member for Aylesbury, having a great knowledge of the country, protested against that opinion, but scarcely any one discussed the question in the press who did not say —"He must open the Dardanelles." The noble Lord (Lord John Russell) however, said that to open the Dardanelles would be to infringe the rights of Turkey, and would be a great advantage to Russia. It would introduce the Russian fleet into the Mediterranean, where we have great interests, and it would allow Russia or any other power to menace the existence of Turkey, which is a weak Power. I thought that was a conclusive answer. But what was the second proposition of Russia with regard to the Straits? The limitation of the Russian fleet in the Black Sea seems to be falling into general disrepute. I was originally, like my right hon. Friend, a party to limitation; but it was not one of the original objects of the war. It was not, I think, heard of till December last. I am not sure by which of the confederated Powers it was suggested. I am not disposed to blame the Government for making it a *sine quâ non,* to which, however, we were no party. We should be careful how we blame the Government for matters, in which they may be sometimes, apparently at any rate, in error. They may have several courses which they may pursue, and the difference between those courses in point of policy may be very small. The Government can adopt but one, and in this an Opposition has great advantage, all the unadopted courses become their property, but in this particular case they have a quadruple advantage. They have got as the ground of opposition the errors, not of one Government but of four; and any Government may have to take the course which it may not itself prefer. We should, therefore, look with indulgence on the conduct of the Government in questions of this kind. Hon. Members may wish only to attack the Government, but the shaft goes further, and they may be striking an ally as well as hitting the Government. Well, but the limitation is now pretty generally said to be illusory. The noble Lord (Lord John Russell) said the Russians were only to have four ships in the Black Sea, but some one said seven or eight. The hon. Member for the West Riding (Mr. Cobden) argued that it was impossible to go to war upon one ship more or less. The noble Lord replied that they could not, but that when Russia added seven or eight, instead of four ships, the suspicions of Europe would be aroused, and then some steps would be taken to prevent the threatened evil. The hon. Member for the West Riding further stated that Russia could get ships built, not of rotten timber, at home, but could get screw vessels of the greatest size built in the Thames or the Mersey. But to that the noble Lord said, "No; for no vessels unarmed could pass the Straits." There, I think, the noble Lord was in error, for I believe that any ships not armed could pass the Straits. Here, then, was another argument in favour of limitation destroyed. I do not know with whom the question of limitation originated. I do not make that limitation a charge against the Government—I cannot afford to do so—but I was not a party, and I do not know who is, to making this a *sine quâ non.* It will not be found from the papers presented to Parliament that the French or Austrian Government made it an *ultimatum.* It was not an *ultimatum* nor a *sine quâ non.* My impression is, that it is, in the shape proposed by us at Vienna, no valid or sufficient security, though it might be made the basis of one; but I believe that, at all events, this particular basis is now defunct. We should now consider what was the merit of the counter-offer made by Russia. I do not think that question has yet been fairly stated. Constantinople is a capital situated upon a narrow strait. Turkey exercises, and has exercised from time immemorial, the right —some say the natural right—of closing these Straits, upwards or downwards, to ships of war. Other capitals are placed in a position somewhat similar. In the Bay of Naples, I believe, ships above a certain number of guns are not allowed to enter. At Copenhagen no ships of war are permitted to come within three miles of a certain battery. But, by the treaty of 1841, this restriction was put on Turkey—that, although her right to close the Straits was recognised, she could not open them at all except in case of war, and then not in favour of one particular nation, but in favour of all nations. Was that the proposal made by Russia? No! The proposal made by Russia was this,—that Turkey, at her discretion, shall either open the Dardanelles upwards, or the Bosphorus downwards, to any one Power she chooses at any time she thinks herself menaced, and although she may not be at war. The only restriction in the Russian document is when Turkey considers herself menaced. There may be objections to that. I can fancy arguments against it. But Russia has not told us to what further extent she will concede; she has not produced this proposal as an *ultimatum*, but as something for negotiation, reserving to herself the right to yield, if she cannot avoid doing so. Now, if we recognise Turkey as an independent Power she has that natural right, and if so, it may be said it is no concession on the part of Russia; but is Russia making no concession when she deprives herself of the natural right of issuing from the Black Sea into the Mediterranean? In case Turkey should be menaced by Russia after such an arrangement, what does she do? Declare war? That is always a fatal course for Turkey, unless she has friends to back her. No; but she can call to her aid a fleet which shall preponderate, and from that moment you have the cessation of Russian preponderance which you want, and that safety for Turkey which she requires. Now, I frankly confess that, if it had been submitted to me, when a member of the Government, to make this proposal to Russia, I should have said, "You may ask it, as in negotiation you may ask anything." No one knows better than the noble Lord (Lord Palmerston), who argued so impressively on the North American treaty of the late Lord Ashburton, that you do not go into negotiation with an *ultimatum*, and I should have said, "You may ask it if you like, but it is childish to think that Russia will make such a concession." By the treaty of 1841 great restrictions were placed upon Turkey. That treaty was drawn by the hand of Baron Brunow. By that treaty, and those restrictions on Turkey, Russia secured important advantages to herself. By refusing this proposal you go back to the *status quo* and those restrictions which Baron Brunow imposed; and you throw away immense advantages, which have been withheld since 1841, but which now you have an opportunity of regaining. Is this my opinion only? Here is an extract from a private letter written in 1829 by Sir Robert Gordon, our Ambassador at Constantinople, at the time of the treaty of Adrianople. He had seen a victorious Russian army—or, at any rate, what was supposed to be a victorious army—at Adrianople, dictating terms by which Turkey lost immensely in territory and strength, and here is his opinion of what should be the policy of England in the Black Sea:—

> "I beg to record my opinion that, should England at any time go to war with Russia, and the seat of war be Turkey, you ought to take care to have a British fleet on this side the Dardanelles. This alone can save (and it will effectually save) the Porte from utter destruction, while Russia will be attacked in the only quarter in which she is directly vulnerable to Great Britain."

That is the opinion of a man who knew thoroughly the merits of the case to which his attention had been turned, under very important and peculiar circumstances, and he at that distance of time foresaw the necessity of some arrangement by which to have an English fleet in the Black Sea. If you can have an English or a Western Power fleet (I do not care which for the purpose of my argument) in the Black Sea, not after war is declared, but without any one having a right to declare war on that account, or to take offence, or even to ask explanations, you may depend upon it that is the most effectual way of protecting Turkey. I said I would not touch upon the other points. I have mentioned this point because I do not think sufficient attention has been directed to it, and, as far as my judgment can lead me, my belief is that if in the autumn of 1853, instead of the then treaty preventing Turkey allowing any ships of war to enter into the Black Sea, we had had had in force this condition which we have now extorted from Russia by our success in war, the presence then of two powerful fleets in the Black Sea might have prevented any war whatever. But it was not open to us. We had a treaty to break, but I do believe, looking back to the circumstances, that if this proposal had formed the treaty, then we should have escaped the war. The House has heard me with great indulgence, and I wish to be very brief as the only return I can make. The hon. Baronet opposite (Sir E. B. Lytton)—he must pardon me for again referring to him, as it is but the penalty of making a speech so argumentative and able as his—the hon. Baronet says to my right hon. Friend the Member for the University of Oxford (Mr. Gladstone)—"You cannot have had your heart warm, because at the outset of the war you describe the objects of it in such low terms," and the hon. Baronet quoted a passage from the speech of the right hon. Member for the University, in which he said the Turkish Government was full of anomalies—"Think," said the hon. Baronet, "of your chilling the people by saying you were going to war for a Government full of anomalies." Well, I ask, is it not full of anomalies? But I apprehend we are not making war for the purpose of supporting the institutions of Turkey, but regretting that her institutions, her religion, and everything about her should have exposed her to attack. We think it desirable that some other Power than Russia should hold the key of the Dardanelles; we cannot help it, but Turkey happens to be there, and so we support her by our arms. The hon. Baronet says, in order to excite the people you should not tell the truth—you should not tell these chilling facts to the people, but paint the objects of the war in brighter colours. In plain English, why did you not tell lies in order to excite the people. I must say, if those were the ingredients to excitement which were to be supplied, so great have been the contributions of other parties, that if the Government had had no scruple on the subject, it would have been a work of supererogation to throw in any additional supply. I rejoice to think that my right hon. Friend has not been guilty of exaggerating the objects of the war, or the advantages of the nation whom we defend, and whom we defend not because we are bound by treaty to defend her, but in order to retain a great Power in the Mediterranean, and to prevent Russia marching on in her policy of aggression. I have spoken of the advantages of the proposal of Russia with respect to the Black Sea. The immense advantages to be derived from the abrogation of treaties, which were as a network upon Turkey, no one ought to know better than England. What has Russia done? Russia has been in the habit of treating Turkey as an Asiatic Power. How do we treat an Asiatic Power? How does France treat an African Power? We know that whenever a civilised nation comes in contact with a barbarous nation, seemingly by a law of Providence, the one absorbs the other. But what do we do in Asia? We make a treaty, and the moment the Sovereign puts his hand to a treaty, be he Sultan, Nabob, Rajah, or Ameer, his kingdom has departed from him. We take an early opportunity of declaring that the conditions have been broken, it is a *casus belli*, we pounce upon him, and there is an end. That too is the way France treats, in Africa, with the uncivilised nations next to her. That is the way Russia treats with the uncivilised nations next to her. The mistake Russia committed was, that she applied this system to a European power; for though by nature Asiatic, Turkey by her geographical situation is European. Europe cannot afford to have these loose Asiatic principles obtaining in the case of Turkey, and, therefore, England, France, and Austria—Austria chiefly—are interested in preventing this aggression. Now, however, comes the question, what are we to do? I have said the peace party is very much divided. They start from different points; but they have the same end in view, thinking there is an opportunity now of effecting an honourable termination of this war. Are the war party perfectly agreed? What says my hon. and learned Friend who opened the debate this evening? "Whisper but three words"—that is, whisper three words to Austria; and I must say here, in reference to what has fallen from the hon. and learned Gentleman, I beg leave to give my hearty dissent from the opinion that the noble Lord (Lord J. Russell), in the late conferences, played a part unworthy of the British nation; because, looking through those papers, I am bound to say, I think the conduct of the noble Lord was dictated by a high sense of the honour and interest of his country, and that he was in no way an unfit representative of England either in his conduct or character on that occasion. But what says my hon. and learned Friend the Member for Sheffield? Whisper but these three words into the ear of Austria—"Poland, Hungary, Italy." I have heard complaints that Austria will not fight; I have heard complaints that Prussia will not go heartily with us. Whisper, says my hon. and learned Friend, to Austria and to Prussia the word Poland. But I ask you, do you want to drive those two Powers into strict alliance with your enemy? If so, depend upon it that whisper will do it. I was glad to hear the noble Lord at the head of the Government say, that the balance of power in Europe could only be preserved by maintaining the strength of Austria. We must not be led away by our sympathies nor by any abstract regard for nationalities. Whisper "Poland," whisper "Hungary," and what will be the consequence to Europe. Then, again, the hon. and learned Gentleman says, whisper "Italy," but to whom are we to whisper it? To Austria? Is all Italy Austria? Is it the Austrian bayonet alone that keeps Italy down? If you whisper "Italy," you must whisper it in a much gentler tone, for your whisper will reach another and a heavier Power—a Power more closely allied to England herself. The moment you interfere with nationalities, away with the doctrine that you are not to meddle with political and religious sympathies, and are not to seek to propagate certain opinions and principles. If ever it should come to a war of nationalities, England, Protestant England, free England, must never forget that there is one country which has ten thousand times greater claims than Poland or Hungary on her regard. By a great crime Poland may have been divided; by a political injustice Hungary may have been subjugated; but in those countries it is the absence of individual liberty that is suffered, it is the oppression of the body, as it were, that is to be endured; but there is a country in which not only the body, but the mind, the intellect, and the soul are enslaved—and by whom? By the Government of the Pope, which seems to be perpetuated by Providence in order to give us a warning never to trust the management of our temporal affairs to the guidance of ecclesiastics. In that State, what are the affections of the people for their Government? What did I read two days ago in the foreign correspondence of a newspaper? I read an account of the Pope having—mark the expression—effected his return to Rome from Castel Gondolfo; but how did he effect it? It was done by stationing at intervals small pickets of mounted *gendarmerie* along the line of his route for his protection. But, if you are going to whisper nationalities—if you are going to name Poland, Hungary, and Italy as words of menace—you must whisper them to one whose sympathies are Roman Catholic, and who gives great support to the Roman Catholic faith in his own dominions; you must whisper them to an ally who is, in this particular, diametrically opposed to you in his sympathies, and whose alliance is too valuable to be trifled with for the sake of any such Utopian topics as these. You must whisper them to one who has been fighting by your side with a bravery, a fidelity, a courage, and good-fellowship that has never yet been surpassed. Speaking of the time when I was a Member of the Government, I can bear testimony that the Emperor of the French behaved towards the English Government with a frankness, cordiality, and good faith to which I attach the greatest importance. But do I attach to it that importance merely because we are engaged in a mighty enterprise together? No; but I do so because I believe that the conduct of the Emperor of the French is the conduct of the French people. I believe that he represents the French nation, that he understands their feelings, and thoroughly appreciates their character; and I trust in God that when this war shall be happily at an end the alliance we have now formed may lay the foundation of a lasting friendship between this country and that valiant and chivalrous people. But the question with us now is, what are we to do? The Four Points are, or are not, at an end—I do not know which. It has been lately stated by Lord Clarendon that the Four Points may still be considered to contain the main objects of the war. The noble Lord the Member for the City of London, in the course of this debate, has used expressions with regard to Russia which have given great alarm to hon. Gentlemen occupying the benches below the gangway. He said that the Russian family had entered into marriage alliances with the German Courts; and I observed also that Lord Clarendon adopted a similar line of argument in a speech delivered by him in the House of Lords, when he at the same time observed that Russia had been converting her line-of-battle ships into screw steamers and was covering her territory with railways. The reflection I made on reading this was, that I hoped to God we were not going to establish as a precedent, that the fact of a country converting liners into screws, forming family alliances with German princes, and covering its territory with railways, was a sufficient reason for an European combination to humble and reduce its power. As an Englishman I protest against that doctrine. I am bound, however, to say that the noble Lord satisfied me on Tuesday night that he had no intention of establishing such a precedent. He said that he had used those statements merely as facts, the truth of which was well known. Having had the honour of being Lord Clarendon's colleague, I can bear my humble testimony to the great ability, patience, and tact with which he has carried on the most difficult negotiations and which required immediate action. Well, Sir, in regard to the course which is now to be taken by this country, before any decisive step is determined upon, it is necessary that we should carefully look both at the state of our alliances and at the existing state of Europe in general. I have already spoken of the interest which France and of the interest which Austria has in this war. There is no doubt that with respect to the people of France the war has never been so popular with them as it is with the people of England. Any man coming from France will tell you this. The alliance with England is popular in France, but the war itself is not. And why is this? It cannot be because it has imposed any additional burden of taxation on the people, for the war has hitherto been carried on by France wholly upon credit. There has not been one sixpence additional taxation imposed upon them on account of the war. The reason why the war is not popular in France I believe to be that its objects are too remote to be tangible to the imaginations of the French people. It is a war which commenced with self-denying ordinances in respect to conquest; but, I ask, has the Emperor of the French himself the same zeal in the cause of war as is felt by England? We know that the Emperor Napoleon is his own Minister, but that the Foreign Minister of France is virtually Prime Minister. Now, we also know that M. Drouyn de Lhuys, the late colleague of the noble Lord (Lord John Russell) at Vienna, made a proposal to us. I assume that that propsal was made with the approval of the Emperor; and what is it that I saw two or three days after this proposal was said to have been made? I read in the *Moniteur* an extract from the *Independence Belge*—a publication under the immediate *surveillance* of the Government—to the effect that the French Government had made certain proposals for renewing negotiations for peace, and which proposals were believed to be in consonance with the interests and honour of France, but that the Emperor had consented to withdraw those proposals out of respect to England. Now, I infer from that that France is nearer making peace than we are. I believe she will stand by you in this struggle as long as she can, but her interests are different. I believe in the cordiality of her friendship, but there is no friendship so cordial that can admit of being taxed too highly. Take also the case of Austria; why, even Austria may get alarmed when men like the hon. and learned Member for Sheffield whisper Poland in her ear. But there is another nation of whom we seem of late almost to have lost sight in this quarrel, and that is Turkey. What is the case of Turkey? Just let me read a despatch of Lord Stratford, in the autumn of 1852, when Lord Clarendon sent a proposal for making peace, which he thought might be settled on safe and honourable grounds, with every moral and political advantage on the Sultan's side. He observed that—

> "An unnecessary continuance of hostilities would involve the most perilous hazards, the most exhausting sacrifices, a vast effusion of blood, and more than possible the horrors of a general war. And how was this proposal received? It was peremptorily rejected by the Ministers, the Council, and the Sultan, to all of whom it was successively submitted, 'for they are now bent,' says Lord Stratford, 'upon excluding every kind of note, however carefully expressed. Unfortunately,' he adds, 'the motives to forbearance are thrown into the shade by the dazzling illusions of hope, and passion is in league with occasion to merge all fears of danger and all considerations of prudence in a wild, though attractive speculation, difficult at least to realise, and of which even the accomplishment would not be unattended with formidable drawbacks.' Our Government seems to have been perfectly aware of the danger, nay, the almost certain destruction for Turkey herself, involved in a war. Lord Clarendon says that 'it would entail the destruction of the Ottoman empire.' And again, 'Russia would be effectually repelled; but Turkey, in the meanwhile, might be irretrievably ruined, and we might find it then impossible to restore her integrity, or to maintain her independence."

I saw a statement in *The Times*, the other day, showing the difference that exists in Turkey in the means of recruiting the army now and when the war first broke out. The enlistment at the commencement of the war soon raised an army 150,000 strong. But what was the case now? It should be recollected that there is in Turkey a standing element in society—a Russian party. They are beginning to have their prejudices aroused. The Ottomans begin to think that they are suffering more from the presence of the allies than from that of the Russians. They are beginning to be apprehensive as to what may be the real intentions of the allies, and if you continue this state of things long you will strengthen that Russian party which, after peace shall be concluded, will raise its head and become more powerful than ever. Recollect that in those provinces, which are half Russian, the greatest jealousy and hatred are directed against the occupying army, to whatever nation it may belong. They had great hatred and jealousy of Russia, which, I believe, was increased by the behaviour of the Russian army while occupying the country. Austria now occupies it; and a state of things, in which a foreign army remains the master of those provinces, is one which it would be prudent to put an end to as soon as possible. I have asked you to look at these matters, because I think the country should consider them. The country wishes for successes; so do I—I admit that I long for successes, and I believe that successes will bring us nearer to peace; I think, undoubtedly, that success facilitates immensely the acquirement of an honourable peace, but it must be borne in mind that there are dangers imminent—the want of water in the Crimea, and a climate which Europeans seldom encounter without loss of health or life. But that the Government can judge of better than I. I admit that were I in the Government, the chances of success would greatly weigh with me. Therefore I entirely concur in that part of the Motion which assures Her Majesty that we are willing to support her in a war which may end in a just and honourable peace. For the rest, I care little for the words of my hon. Friend (Mr. Lowe), which he says are truisms, but which I say would be truisms if true. A portion of the hon. Gentleman's Amendment implied that Prince Gortchakoff refused to entertain the question of the limitation of Russian naval power in the Black Sea, but he made a qualification which prevents that assertion from being strictly accurate. I, however, as a party to the limitation, though not a *sine quâ non*, cannot censure the Government for adopting that part of the Amendment; and I am not now going to discuss it, nor do I mean to give a vote on it. Thanking the House for the indulgence with which they have heard me, I beg to say, in conclusion, that all I meant to do was to defend my right hon. Friend (Sir J. Graham) and myself against imputations which have been cast upon us, to show that we, who are thought to be the originators of the war, have a right to express an opinion as to its termination, and to explain that for the reason we thought war justifiable we now think peace justifiable, because we have met with the successes we desired. I have stated what are the dangers and difficulties by which the indefinite continuance of this war is beset, and, having so done, I leave it to the House to consider them.

Mr. DRUMMOND said, that the right hon. gentleman who had just sat down had stated that at the commencement of the war he was in favour of it, but that now matters have arrived at a point at which he was in favour of peace. Now his opinion was exactly the reverse of that of the right hon. Gentleman, for he (Mr. Drummond) had originally deprecated the war, and he now concluded that there was nothing left but to go on with it. There was one sentiment, however, expressed by the right hon. Gentleman which he was sorry to hear, because he thought it was unworthy of the right hon. Gentleman. The right hon. Gentleman alluded to his character in that House, and so did the right hon. Baronet (Sir J. Graham), who seemed to have caught the same weak affection. Now, when Sir Francis Burdett first entered the House of Commons, Jeremy Bentham said to him, "When you hear a man appeal to his character in the House of Commons put both your hands in your pockets." The right hon. Gentleman needed not to fear that any one would apply the anecdote to him; and it was therefore quite unnecessary for the right hon. Gentleman to make the observation he did about his character. He was glad that the noble Lord the Member for Totness (Lord Seymour) objected to the practice of reading despatches which were not fairly laid on the table of the House; and in reference to this matter the House should bear in mind the extraordinary doctrine broached by the right hon. Baronet (Sir J. Graham), that he might make use of the private letters of commanders (treating them either as public or private, as he pleased), and that he might use them in his own defence and justification, and as matters of charge against those commanders, though they had not the right to use similar documents in a similar way. They had heard much about stimulating the country, and he believed that the country was in a false position by this over stimulus. The origin of the present war was not so recent as most Gentlemen seemed to suppose. There had been a hatred of Russia inculcated for many years. The noble Lord at the head of the Government could not have a stronger opinion than he (Mr. Drummond) as to the policy of Russia, but as to its aggressive power the noble Lord had in his opinion for many years overrated that. It was this overrating of the power of Russia that was the great cause of the war. If ever there was a man, next to the noble Lord at the head of the Government, who was most active in deluding the people on the subject of Russia, that man was the hon. Member for the West Riding (Mr. Cobden), and it was no use now for him to say that when he talked of "crumpling up" Russia, he meant something else. The hon. Gentleman certainly meant to hold Russia cheap. Moreover, everything had been done to make Russia odious in the eyes of the people. They went on coquetting with and encouraging the parties who coquetted with oppressed nationalities; they flirted with Hungarians, and sent Lord Minto to flirt with the Italians; and, not content with that, they continually urged that which they now deprecated—the calling forth of these nationalities and working a ferment in Europe. Russia stood forward as the head of Conservatism or Toryism, for he did not know what Conservatism meant. Russia stood forward as the champion of legitimate monarchy, while every one of the Gentlemen near him stood forward as the champion of rebellion. Having stimulated this hatred against Russia, and having effectually poisoned the public mind on the subject, they went to war for two objects, as they said, one object being civilisation, and the other the integrity of the Turkish empire. Now, to begin with the integrity of the Turkish empire, he utterly denied that at any time any European Power ever admitted its integrity. Well, he could not repeat all *Gibbon* in the course of half an hour, but he thought very few chapters would convince them that the holy places built by Constantine immediately became the subject of battles between the Greek and Latin bishops. In the time of Francis I., of Louis XIV. of France, there were treaties with the Sultan with respect to them. That certainly was no proof of the integrity of the Turkish empire. They were going now to protect the Greek religionists; but it was necessary that there should be a clear understanding on this point, or they would only be deceiving those people. His belief was that in their hearts those people were against their professed defenders, and cordially with Russia, and did not believe that the allies would effectually protect them. Indeed, the allies could not protect them and preserve intact the sovereignty of the Sultan. Well! was geographical integrity meant? That would be at an end before the war finished. Then, with regard to civilisation, he asked, looking at the social condition of Turkey, did ever such an abomination exist? He would go into no theological question, but would appeal to the social condition of the country, and would ask whether such an abomination ever had existed? There the whole female sex were held, politically, legally, socially, and practically, as beasts—they were treated as such—they were murdered when old, while the children were murdered when young. Every one who knew any thing about the matter was aware that there was no woman in existence there above fifty years of age, that infanticide was a universal system, and that marriage was impossible with all but the rich. He would not allude to the moral condition of the great mass of the people, but for what a civilisation was it that we were told we were at war? Never was there such an abuse of terms as that by which the people of this country were deceived. The hon. Gentleman the Member for the West Riding said the other night that the people would soon rise in disgust, and then, as was his wont—for in his time he had heard the hon. Member do it three times (once to Sir Robert Peel, in the case of the corn laws)—he went on to threaten the Ministers with personal violence. He would remind the hon. Gentleman that it required much less ability than he possessed to rouse the bad passions of the mob, but a great deal more talent than he was gifted with to calm them when once roused. The hon. Gentleman must also remember that it was very frequently the tribunes of the people who fell the first victims to the excited passions of the multitude. Robespierre and Danton were as popular in their day as any demagogue could wish to be now. No doubt, the people would get disgusted; the way in which this debate had drawled on its wearisome length for three nights showed that there was a pressure from without acting on hon. Members, of which they scarcely knew how to get rid. Nevertheless, this was a people's war. Roused as the people had been by the false character given of Russia—roused as they had been by various other unworthy means, the Government had not the manliness to stand up and say to them that they should not go to war until we were prepared, and when the war was begun the Government had still less the manliness to say that they would not send a weak force to undertake that which a weak force could not accomplish. The Government were afraid of the pressure from without, and they yielded to it. It was therefore, as he had just asserted, a people's war, and the people must bear its consequences. The great danger was that the people, through that House, would make themselves the executive, and would be unjust to our commanders, naval and military. Even now they were asking for a victim somewhere—at present they might be contented with an admiral or a general, but if they got that they would not be long content without a Cabinet Minister. The *malaise* into which they had got showed itself by the ridiculous terms in which their demands were made. They were attacking the aristocracy, though no one in this country knew what the aristocracy was. They were clamouring for Administrative reform, though no one could tell what that meant. Then, said the hon. Member for the West Riding, the danger to the country was that there was no confidence in public men. How could it be otherwise? Every Opposition by its trade blackened the Government of the day; the people believed in the blackness, and the Opposition of the day fancied, because they blackened the other side, that they whitened themselves. Most miserable mistake!—the people believed both to be black alike. But never, so long as the generation lived which recollected the name of Sir Robert Peel, would any confidence be again placed in public men. The more those who affected an intimate alliance with his principles, professed themselves his followers, the less they would be trusted. Though he could perfectly well understand the delicacy of the friendship which would never hear him coarsely assailed without defending him, still the public evil which was done by the conduct of that great statesman was one under which we were still suffering, and out of which he saw no means of escape. So far from thinking that the Government was to be blamed for its ambiguous language, he thought its language had been a great deal too little ambiguous. Talk of "humbling Russia" and "material guarantee," surely, we had better measure our material strength with a little more judgment before using such language as that. But, however that might be, the Emperor of Russia was quite right when he wrote to the noble Lord the Member for the city of London that when the sick man died would be the time when the difficulty would come as to his inheritance. At all events, two good things would result from this war—first, that it would see the end of the Mahomedan power; and, secondly, that the French, whatever might happen, would assuredly remain masters of Constantinople.

MR. SERJEANT SHEE said, the question before the House was in substance this—that, owing to the refusal of Russia to limit the number of her ships of war in the Black Sea, the means of arriving at an agreement by negotiation were altogether exhausted, and there was no course to pursue but to persist in the prosecution of the war. Now, he dissented from that proposition; he did not think it was true that the means of coming to an agreement by negotiation were exhausted because the proposition of the noble Lord (Lord John Russell) on behalf of the Government was rejected. After the best consideration which he had been able to give to the whole history of this Oriental question, he thought that the first proposal of Russia was the one which offered the fairest prospect of their arriving at a safe and prudent adjustment of the present difficulties. He must be allowed briefly to state what he understood that proposition to have been. It was agreed by the Government of Russia that an end should be put to the preponderance of her power in the Black Sea by arrangements to be concerted with all the parties who were represented at the conference. Her Majesty's Government then made a proposal which the Russian Plenipotentiary declared it was impossible for him to accept, because it restricted in express terms his Master's Sovereignty in his own dominions. The noble Lord (Lord John Russell) had been much blamed for having admitted at the conference that arrangement to be the best which would leave the honour of Russia untouched. He (Mr. Serjeant Shee) did did not think that the noble Lord was open to reproach on that ground. Prince Gortchakoff, at the very commencement of the proceedings, had declared that Russia would never consent to anything which would touch her sovereignty and honour. Until all accommodation became hopeless it was evidently good policy to assent to that principle of arrangement. The proposition of the noble Lord and M. Drouyn de Lhuys having been rejected, the Russian Plenipotentiary made a proposal, and that proposal was, that the Straits of the Dardanelles and the Bosphorus should be opened not only to the commerce but to the war flags of all countries. If this proposition had been accepted, what possible object could Russia thenceforth have to keep a fleet in the Black Sea liable at all times to be mastered by the combined squadrons of the allies? This proposal he (Mr. Serjeant Shee) regarded as indicating an intention on the part of Russia to consent to the restriction of her naval power in the Black Sea by rendering it impossible that her fleet, under the arrangements she suggested, could prove dangerous to the independence and integrity of Turkey. From Annex A to the Protocol of the conference of the 21st of April it would be found that Russia, though she would not engage never to have in her own ports more than a specified number of ships, was yet willing to agree to England, France, and Turkey sending as many ships of the line and frigates as they pleased into the Black Sea. So that, unless they supposed Russia determined to keep at all times, for no possible object, a fleet larger than was required for legitimate purposes in the Black Sea, it stood to reason, said the Russian Plenipotentiaries, that by the proposals to which they would agree the naval preponderance of their sovereign in those waters would be reduced. In fact, the Russian Plenipotentiaries indicated in the clearest manner their intention to assent to an arrangement which would have the inevitable effect of limiting the power of Russia in the Black Sea, for the simple reason that it would be of no use for her to keep an armament there for purposes of aggression. Prince Gortchakoff stated that Turkey had ports of her own in that Sea, such as Varna, Sinope, and Trebizonde, where the allies, with the concurrence of the Ottoman Porte, could repair and provision their ships, and thus be enabled to maintain a very considerable strength in the Euxine. It was obvious, indeed, from the Annex to the Protocol to which he had alluded, that the opening of the Straits to all flags was never intended by the Russian Plenipotentiaries to stand as a naked proposition, but was meant to be accompanied by other arrangements, with the view of completing it in the idea of Russia, and which might, for all they knew, if the conferences had not been broken off, have proved satisfactory to the Western Powers. Taking these offers, in connection with Count Nesselrode's circular to the representatives of his Government at foreign Courts, it was plain that every possible facility would have been given to the fleets of France, England, and Turkey, to maintain themselves in the Black Sea, and effect all the objects for which there was any necessity that they should be there. The right hon. Member for South Wiltshire (Mr. S. Herbert) said that the second proposal of Russia would have answered all the purposes of the negotiation. The case was not so, however; because, under that arrangement, if the fleets of France and England were wanted, they might not be on the spot just at the time when danger most menaced Turkey. When the first proposal was made by Prince Gortchakoff, M. Drouyn de Lhuys said he was not authorised to discuss its details, which were diametrically opposed to the scheme which France wished to see maintained; the noble Lord the Member for London (Lord John Russell) declared that it rested upon a basis on which he was not authorised to treat, and added with some appearance of impatience that he could not prevent Prince Gortchakoff from explaining it; and Aali Pasha, the Ottoman representative, stated that his instructions prescribed the maintenance of the principle of closing the Straits which the Russian plan tended to abolish. It thus appeared that after Russia had consented to abandon her preponderance of a naval Power in the Black Sea the allies urged the Russian Plenipotentiaries to take the initiative, and to develope the plan of Russia, but the moment that plan was developed they were met by a peremptory refusal on the part of France and England to discuss it, and even by an expression of unwillingness to have it fully explained. He had been delighted to hear that the views which appeared to him to be rational had for a considerable time been entertained by the very intelligent gentlemen who wrote the leading articles for the London press. He thought some of those gentlemen knew as much about the matter as some Members of that House; but, if it were true that before the war broke out, or before it attained its present gigantic proportions, the public press of England thought the only mode of finally settling the Oriental question was that proposed by the Emperor of Russia, he derived considerable support in pressing upon the House the views he entertained. He understood the hon. Baronet the Member for Hertfordshire (Sir E. B. Lytton) to say the other night that, having encouraged Turkey to make war against a most powerful enemy, this country ought not to accept any terms of peace which Turkey would herself indignantly refuse to endorse. He wished to know why, if on account of the vicious system of the Turkish Government England and France were compelled to maintain vast armaments in the Black Sea, and to wage war with the most powerful among European monarchs for the protection of Turkey, they should ask Turkey on what terms peace was to be made. The noble Lord opposite had also stated the other night that he had been told in conversation by the Plenipotentiary of Turkey that the Turkish Government would never consent to any interference with its rights as a Sovereign State to make what laws it pleased affecting the interests of its Christian as well as its Mahomedan subject. In his (Mr. Serjeant Shee's) opinion, however, if the war ended without substantial guarantees being obtained for the possession of just and equal rights, civil and religious, by the Christian and Mahomedan subjects of the Porte, all the money and blood expended in the contest would have been thrown away; for, unless they secured the Christian subjects of the Porte against any necessity for seeking the protection of Russia, they would only patch up this question instead of arriving at any substantial and durable settlement. With regard to the opening of the Dardanelles and the Bosphorus, it was said to be a fundamental rule of the Ottoman Empire that those Straits should be closed to vessels of war; but it must be remembered that the same rule applied to merchant ships until the treaty of Adrianople, under which perfect freedom of access was given to the mercantile navies of all European nations. There was a doubt on the minds of some of the most distinguished jurists as to the right of a nation to impose such restrictions; some held that such a right only existed as long as there was power to enforce it. Turkey, however, did not now possess power to enforce the closing of the Dardanelles and the Bosphorus, and he might remind the House that in 1839, when there was reason to suppose that Turkey, then in alliance with England, would have objected to the passage of the Dardanelles by ships of war, the noble Viscount (Lord Palmerston) proposed to Marshal Soult to force the Dardanelles, if necessary, and to land troops to take possession of the forts. If then, under the circumstances, it would be for the interest of Europe that the right of Turkey to close the Dardanelles should be questioned ought to be questioned, and that, in his opinion, would be the best way to avoid for the future, complications such as we were at present involved in. He regretted that at the conference the representatives of the two great Western Powers should have allowed such a proposition to be made by Russia, and not only not discussed, but peremptorily rejected, with a curt expression from the Plenipotentiary for England that he could not prevent Prince Gortchakoff from making what proposals he pleased. The only objection to that proposition had been raised by Count Walewski, the present Foreign Minister of France, who said the concessions offered by Russia amounted to nothing more than a permission to England and France to send their fleets into a sea where they had neither ports for refuge nor arsenals for supplies. Was there ever such a futile answer! Nations, in time of peace, did not refuse refuge, or stores, or supplies, to ships of war of other nations, and, therefore, if the proposition had been adopted, what would have prevented us from having as a place of refuge the port of Sebastopol itself? Why, at the outbreak of this very war a Russian war vessel was being repaired at Portsmouth. In considering, therefore, the Russian proposition, we must endeavour to forget for a moment a state of war, and consider only the condition of things when in a state of peace. Besides this, a remedy for the difficulty thus suggested was pointed out by the Russians themselves, who showed that the ports of Varna, Galatz, Sinope, and Trebizond, were ports well adapted for every purpose required. Looking to the whole proposal, and the corollaries to which it led, and not to the naked form of the proposal, he did say that it was altogether inexcusable for the Governments of England and France—he would not say, not to accept the proposition—but not even to discuss it. If it was a bad proposition, the country should have had from the noble Lord the Member for the city of London a fully reasoned statement of the grounds upon which it would be inconsistent with the policy of England to entertain it. We should also have had one from M. Drouyn de Lhuys, one of the ablest among the writers of State papers, and then it would have been out of the power of the Emperor of Russia to send to all foreign States such a circular as that which Count Nesselrode had addressed to European Courts, and which had never received any answer. It was true that the noble Lord (Lord J. Russell) had said if the proposal were accepted it would enable the Russian fleet to leave the Black Sea and to be employed in intriguing with the various populations inhabiting the coasts of the Mediterranean. But with whom were they to intrigue? Not surely with the Pope's subjects. He thought the right hon. Member for South Wiltshire (Mr. S. Herbert) had somewhat slightingly spoken of the Pope as a Sovereign Prince, considering what he had done. The only check the Emperor Nicholas received in the zenith of his power, the only humiliation he ever had to feel was in the palace of the Vatican at the hands of the Pope, from whose presence he went humbled and abashed as the persecutor of his subjects. It was not right to say too much against a weak temporal Power, but one which nevertheless exercised greater influence in every part of the world than any other Sovereign. There could be no apprehension that the Russian fleet would be employed in intriguing with the Italian subjects of Austria, with the inhabitants of Ireland or of France; but, were it otherwise, a large fleet was not necessary for that purpose, and Russia could send her ships from the Baltic if she thought fit to undertake such a task. There was not a single inconvenience attaching to the first proposal of Russia which did not equally attach to the proposal of Her Majesty's Government. Their object was to keep Turkey independent, in the sense in which Belgium, Bavaria, and Switzerland are independent—in the sense of being always under recognizances to keep the peace towards neighbouring States, and of not arousing the susceptibilities of those States by injustice towards her own Christian subjects. What plan of peace was now under their consideration? The plan of the Government was said to be defunct, and the right hon. Gentleman the Member for South Wiltshire had, as it seemed to him, refuted, though supporting it, the second proposal of the Russian Government. No course was left for them to adopt, especially if the House should, by agreeing to the unwise proposition of the hon. Member for Kidderminster (Mr. Lowe) bind the Government by a declaration that all means of negotiation were exhausted, except that of continuing the war until they had destroyed the power of Russia. They had declared that their policy was only to destroy the preponderance of Russia in the Black Sea; but by refusing to discuss any terms but their own they had embarked in a policy which had a very different object—namely, the entire destruction of the power of Russia in the Black Sea. All the aspirations of those who wished for the prolongation of the war tended to that end. But what would they do if they succeeded in that object? They were not making war alone, and they would have to consult the wishes of France. Suppose France thought it suited her purpose to remain for a time in the Crimea as she had done at Ancona, at Civita-Vecchia, and also, in spite of the remonstrances of England, in Algiers, would England remain there too? Were we also to occupy the Crimea? That, he apprehended, would be a highly dangerous policy. They would have to consider what part of the Crimea should be occupied by France, and what part by England, and they must remember that their forces would be exposed to the same dangers from pestilence, and subject to the same disasters in peace as in war. Russia also would resist their occupation of the Crimea to the utmost. Then would they give it to Turkey, and, if they did, could Turkey retain possession of it without the assistance of a French and English fleet? He would admit that, after the necessity of taking arms had been forced on them by the conduct of Russia at Sinope, they ought not to be satisfied until they had obtained terms of an honourable and durable peace. But they went to war for two objects, one of which was the advancement of civilisation and Christianity by the extension of the protection of the Allied Powers to the Christian subjects of the Porte. Those subjects were members of the Græco-Russian Church, who were, in most of the points which in the estimation of Protestants were objectionable, of the same religious creed as those whom they called Papists. Hitherto they had had no protection from England. The only occasion on which England had interested herself for them was when, in conjunction with Russia, she put a stop to the atrocities committed by the Turkish Government in the Morea. What chance of protection would they have from France? The points of difference between Protestants and Roman Catholics were not more hotly contested than the points of difference between the Greek and the Latin Churches. The difficulties which led to the war originated in their rival pretensions. Substantially, then, there would be no protection whatever for the Christian subjects of the Porte. Their only protection for the last fifty years against intolerable oppression had been the influence exercised by Russia, and the knowledge on the part of the Porte that Russia had power to enforce the representations she made. Remove that influence, and there would be a repetition of what had occurred in the Morea and at Scio, of the dreadful massacres which had taken place when the whole adult population of a large Christian island was annihilated, and the children of the noblest families sold at 5*s.* a-head in the streets of Constantinople. If the power of Russia were destroyed he believed the Christian subjects of the Porte would be treated worse than they ever had been hitherto, and they would then most probably rise in insurrection. If they failed they would be extirpated, and if they succeeded, what would become of the integrity and independence of the Ottoman empire? The noble Lord the Member for Tyrone (Lord C. Hamilton) had, in the excellent speech he made the other night, adverted to what took place in 1833. There was, then, nothing to restrain Mehemet Ali from marching upon Constantinople but the certainty that there was a Russian force at Sebastopol that would be used for the defence of the Turkish capital. It was said that the Turks might have called in the English fleet; but they were wanted on the coasts of Egypt and Syria. In 1839 Mehemet Ali marched another army into Asia Minor, under the command of his distinguished son, Ibrahim Pacha. France was then prepared to make over Syria and the Egyptian and Syrian pachalics to Mehemet Ali, and there was nothing to prevent her from doing so but the power of Russia. The noble Lord (Viscount Palmerston) protested against the course taken by France on that occasion, but that Power refused to interfere for the protection of Turkey. No one could prize more highly than he did the alliance of this country with France. He believed it to be an honourable alliance, and he hoped it would be a durable one. He had no doubt that it would be so, as far as depended on the present Emperor of the French, for it was his interest to be on good terms with England, and that he had behaved in the noblest and most honourable manner towards this country. His intentions, no doubt, were as sincere as his actions were high-spirited and honourable, but we should not forget the precarious tenure of human life. We should not forget that but for a providential interference the Emperor might have fallen the other day a lifeless corpse in the streets of Paris. And who would undertake to say of what duration our alliance with France would be if any other sovereign were to occupy the throne of that country than the illustrious person now seated on it? We should not permit present events to engross our attention to such an extent as to make us unmindful of the solemn lessons of history; nor should we omit from recollection the relations which subsisted between this country and France in 1839, when, in the event of a rupture between them, the English Government relied upon our alliance with the Emperor of Russia. With all the teachings of history, and all the warnings of experience before us, he entreated the House not to fetter the discretion of the Government by pledging them to any such proposition as that, because Russia had taken the course she had, all hope of peace was necessarily destroyed, and all means of negotiation exhausted. So far was he from sharing any such opinion, that if, on our having become masters of any considerable town or fortress of the Russian empire, Prince Gortchakoff and M. de Titoff should again make overtures of peace, and offer propositions in a modified form, he believed that it would be treason to this country not to take them into consideration. With these views he should give a decided negative to the Amendment of the hon. Member for Kidderminster.

MR. ALCOCK said, he believed that it was from no want of ability or sincerity on the part of those who took part in them that the Vienna Conferences had proved unsuccessful. Those conferences had failed because we had failed in proving our mastery in war by the taking of Sebastopol; and we had failed in establishing that mastery solely because Government had neglected to supply the necessary means. He was of opinion that the Government were deeply reprehensible in not having supplied the commanders in the Black Sea with sufficient armaments, both naval and military, to enable them to carry on the operations with vigour, and to show at once that they were masters of Russia in the art of war. If there had been a sufficient number of transports, and an adequate supply of vessels of light draught, the expedition to Kertch might have been ascomplished fifteen months ago, and we might, if necessary, have taken possession of Anapa. He had always been of opinion that the moment it was found the Russians could not beat the Turks on the Danube, we ought to have directed our operations against Anapa, but that we did not do so was not the fault of Admiral Dundas. If Lord Nelson had been in command he could no more have done it than Admiral Dundas, because he had not force enough at his disposal. The bloodless triumphs in the Sea of Azoff resulted from adequate land and sea forces being employed, and showed that so humane and advantageous a course ought to be adopted on every occasion. With regard to Persia it was only two or three months ago that Mr. Murray was sent out, and up to that time our appointed Envoy to the Persian Court had for years been in England. He questioned the qualifications of Mr. Murray in comparison with those of Sir John M'Neill, who was a man of consummate ability, had for years been in Persia, and, in his opinion, was very superior in fitness for the appointment. The noble Viscount at the head of Her Majesty's Government, however, had sent Sir John M'Neill to inquire into the best mode of mitigating the evils of pestilence at Balaklava; but he (Mr. Alcock) wondered that the noble Viscount had not rather sent him to the Court of Persia, where he had been our Minister for years, with the view of inducing Persia to be our ally against Russia. We first sent a Minister to Persia at the beginning of this century, and Russia first sent a Minister there in 1828. At that time the English Minster had great influence at the Persian Court; and, in fact, but for his recommendations, the Russian Minister would not have been received at that Çourt. Nevertheless, in 1837, the Russian Minister was absolutely in the ascendant there, and now, in 1855, Russia rules supreme in Persia, and our Minister (Mr. Murray) has not yet been received. It had also been stated that we were about to send a fleet to the East to attack Persia. If we had properly used our influence in that country, we should have had firm supporters in the Tartar population. When our troops landed at Eupatoria, the Tartar population there rendered great service to them, whilst it was well known that the Greek population there, and elsewhere, were the friends of Russia. He would not vote for any proposition the effect of which would be to drive the present Ministry from office. Suppose the present Government were displaced, who would be their next War Minister? Most probably Lord Ellenborough; but he (Mr. Alcock) had no desire to see the war carried on under that noble Lord's direction. Lord Ellenborough, a few weeks ago, was considered by many to be the most competent man to conduct the war, because it was said he understood more about the matter than any other man. But he heard that noble Lord say a few days ago, in another place, that no expedition to the Crimea ought to have taken place under any circumstances, either with a large or a small army, and that our forces ought to have attacked the Russian army on the Danube, and followed it into Bessarabia. The noble Lord also said that it was of little purpose to attack Russian strength in the Black Sea, and that our energies ought to be directed to the destruction of her power in the Baltic. Now, he believed that men of great authority on this subject held opinions widely different from those held by the noble Lord, and he should be very sorry, if, by any vote of that House, the management of the war should be entrusted to that noble Lord.

Sir HENRY WILLOUGHBY said, he very much regretted that, as the Government had thought it right to send a special mission to Vienna, the opportunity was not taken to sift to the very uttermost all the propositions that might have emanated from the Russian Government. If the British Government had, from the commencement, determined to make the reduction of the number of Russian ships in the Black Sea a *sine quâ non*, that point might have been ascertained through the ordinary channel of the English Ambassador at Vienna, and the noble Lord the Member for London might have been spared his journey. But, if the real object was to ascertain what were the views of Russia, he could not comprehend why the questions stated at Vienna were not fully entered into. There was a treaty to which no allusion whatever had been made in these discussions—a treaty made between Russia and Turkey—he meant the treaty of Unkiar Skelessi. It was a treaty of offensive and defensive alliance, in which Russia stipulated to render military assistance to Turkey in case of need. But the stipulation which Russia required of Turkey in return for the great service she had rendered to the Porte was, that the Straits of the Dardanelles should be hermetically closed to all Powers that might be opposed to Russia. This appeared to him to be the key by which the allied Powers might find out the mode by which to effect an honourable and permanent peace. The question had been raised between the two proposals — namely, that of making the Black Sea an *apertum mare*, and that of making it a *clausum mare*. If hon. Gentlemen would refer to the geographical position of the Crimea, they would be convinced that, if it were a point of British policy that Russia should not be in possession of Constantinople, the very last proposal that this country should insist upon would be that of making the Black Sea an *apertum mare*. Human wit could not devise a better system for Russia. By the treaty of 1841, while the Porte was at peace, the Straits of the Dardanelles were closed; and whatever might be the danger which threatened the Porte, unless actual war existed, she had no means of protecting herself by calling in her allies. Therefore, if power were given to Turkey to call to her assistance her allies whenever she might be attacked, whether on the side of the Pruth, or in her Asiatic dominions, or by a squadron from Sebastopol itself, he thought that one most important element for the final settlement of this question would be obtained. It was not, however, to be supposed that by any one proposition to be made the object of England and France could be attained. To effect a peace that should give permanent security to the independence and integrity of Turkey, a variety of stipulations and conditions would be necessary, and which must be adjusted in reference to the particular circumstances and relations existing between that country and Russia. If the Danube was to be kept open, some force must be kept up to provide for the security of the mouth of that river. If we desired the security of Turkey we should insist on her right to have a military position on either side of the Danube. With such a position upon the Danube, some power to secure the entrance of that river, and the treaty of 1841 revised, we should then, in his (Sir H. Willoughby's) opinion, have the means of settling a peace. He could not understand on what principle it would be desirable to adopt the Amendment of the hon. Member for Kidderminster (Mr. Lowe), and if any Resolution at all were adopted, that proposed by the right hon. Member for Portsmouth (Sir F. Baring) seemed best to meet the case.

SIR WILLIAM CLAY said, he thought that it would have been better to have adopted the suggestion of the noble Lord at the head of the Government, and have adjourned the debate for the present; for at present they were carrying on a discussion which had no definite object, nor was there indeed any Motion before them which expressed distinctly the opinion of any party in the House. Feeling, however, that this was the most important question which there had been for years before the House, he thought it was the duty of hon. Members, more especially of those who represented large constituencies, to take a plain intelligible course with regard to it, and for that reason he did not feel justified in giving a silent vote. In all negotiations there must be a moment when, by the elimination or settlement of the majority of points under consideration, the matter in dispute was brought to a narrow issue. It rarely happened, however, that the point remaining open was one of small importance. It might appear in terms insignificant, but, upon investigation, it generally proved to have a very important bearing on the negotiation. So it was with reference to the Conferences at Vienna. The demand for the reduction of the Russian fleet in the Black Sea within a given limit—although apparently a trivial point on which to break off negotiations—was yet substantially, and yet more, perhaps, collaterally, a point of the greatest value. If the Russian fleet were restricted to four sail of the line, Turkey might be able to guard herself against any such a force. But if the Russian ships should be allowed to number fourteen or twenty-four, then it would be ruinous for Turkey to attempt to keep up a countervailing force. Again, if we were to have consular agents in the Black Sea, we would receive from them timely notice in case Russia attempted to increase the number of vessels of war to which she would be limited by treaty. On these grounds he thought the limitation of the Russian fleet in the Black Sea a matter of greater importance in itself than some hon. Friends of his had conceived it to be; but he considered that the fact of so limiting the naval strength of that empire would have great collateral effects, as it would be evidence to the weak and trembling neighbours of Russia that there existed a power greater than the Colossus they so dreaded —a power which could say to the advancing waves of barbaric conquest thus far shalt thou go, but no further. He did not seek for the humiliation of Russia; but if the English and French Governments had succeeded in obtaining the limitation of her fleet, she would have brought that humiliation on herself, and it would have been a wholesome humiliation, for her conquests had ever been achieved more by terror than by arms. That proposal having been rejected by Russia, the feeling, he was persuaded, throughout the country at present was that it was only by a steady and consistent carrying on of the war that any safe conditions of peace could now be secured. He did not know how to argue with those who still believed in the pretended moderation of Russia. From the will of Peter the Great to the last protocol at Vienna, from the first invasion of Poland to the seizure of the Principalities, if there were meaning in words or significance in acts, it was manifest that Russia had one settled policy —that of aggression and conquest; and that she has always meant, and does now mean *per fas aut ne fas*, to seize on Constantinople, and to make it the southern capital of her Empire. His hon. Friend the Member for the West Riding of Yorkshire (Mr. Cobden) had said that we should do wrong to impose so heavy a burden on the country as would be occasioned by the maintenance of large armies to be employed in interfering in foreign wars. But, if Russia were permitted to annex the Turkish Empire to her own, we should have to maintain a much larger force than would be requisite now to prevent her following up her schemes of aggression. It was said again that we should have confined ourselves to the operations of our naval force; but the employment of a naval force alone would not have coerced the enemy into terms of peace. He would remind his hon. Friend that a naval was proverbially a long war. He agreed with his hon. Friends the Members for the West Riding and Manchester, in entertaining a sincere desire for peace, but he differed from them in the means by which we could obtain it. They said, "see how puny are your efforts, how inadequate the force with which you are attacking the vast empire of Russia;" but we were attacking precisely that portion of the Russian Empire where our naval superiority gave us an incontestable advantage. We were attacking, too, precisely that portion, too, of her territory which she most valued, as affording the means of further aggression, and the loss of which would most destroy her *prestige* throughout the East. If England and France persevered, success was certain, and that success would insure far more favourable terms than had, at Vienna, been offered and refused. Still he was of opinion that the Government were justified in offering those terms, and that, those terms being rejected, they were equally justified in carrying on the war. In the vigorous prosecution of that war, however much he might regret its necessity, he should heartily support the Crown until a secure and honourable peace could be obtained.

LORD ROBERT CECIL said, he thought the hon. Baronet who spoke last was a worthy follower of the Government he supported, his speech being a complete caricature of their conduct and policy. The Government were satisfied with contradicting themselves in one night, but the hon. Baronet contradicted himself in almost two consecutive sentences in the same speech. He asserted that there was no distinct and intelligible issue before the House, and then he proceeded to admit that the propositions made at the Vienna Conferences were the subjects of their discussions. The leader of the House had himself admitted that the real subject of discussion in that debate was the conduct of the Government at those conferences. The negotiations had just been terminated—their final closing might have the effect of plunging this country and Europe into a prolonged war, and, having now arrived at what was the most important turning point in the history of the present century, were they, forsooth, to be told that there was no issue before the House? No doubt the question had been sufficiently perplexed by the introduction of the subject of Poland, the relations of Russia to northern Europe, and many other extraneous topics; but the real issue on which the House had now to decide was whether the noble Lord the Member for London was justified in proposing as an ultimatum at the Conferences of Vienna, that the ships of Russia in the Black Sea should be limited in their number; and whether, in thereby involving Europe in a war which might last for many years, he had acted consistently with his duty to that House and to his country? It was not the province of that House to chalk out a line of policy for the Government to pursue, but rather, when negotiations were finished and the papers relating to them laid on the table, to review, as they were now doing, the course the Ministry had adopted, and to express their opinion upon it. Now, it had not been shown that the security assumed to be afforded by the ultimatum of the noble Lord (Lord John Russell) would be in any way effectual for its professed object. It was said Turkey could resist Russia better if the latter Power had only four ships of the line than if she had a much larger number; but how were they to ensure the fulfilment of any limiting stipulation? How were they to make Russia only keep up a small fleet. The Black Sea was not the only place where Russia built ships—the majority of her vessels were stated to be built one hundred miles up in the interior of her dominions; and could it be seriously intended that we should therefore line the banks of her rivers with a chain of consuls, posted like Martello towers, in order to watch whether she was constructing more ships than the prescribed quota? But did the ultimatum of the Government define what ships of war were, and might not Russia have twenty-five hulks and other vessels on the stocks, or keep 500 transports in the harbour of Sebastopol, without violating the conditions imposed on her? Even if Russia observed such a treaty when made, it would be utterly useless; and, on the other hand, their ultimatum gave not the slightest security that if accepted it would ever be adhered to. Again, did the history of the world really prove that Constantinople was threatened by navies from the sea, and not rather from attacks by land? As to the Motion of the hon. Member for Kidderminster (Mr. Lowe) it stated that every means of a specific solution of the dispute was exhausted; and surely it would be most unwise for that House to fetter itself by a pledge to that effect, as it would do by recording such a Resolution as this on its Journals. Then taking even the most favourable view of the prospects of the war, supposing we succeeded in capturing Sebastopol and in occupying the Crimea, what were we to do with them after we we had got them? Was it to be supposed that the other Powers of Europe would allow Englishmen or Frenchmen to be placed permanently in the Crimea? To colonise it with Englishmen would certainly be to present a formidable barrier to Russia, and to destroy for ever any hopes she might have of establishing herself in Constantinople. But would the Turks agree to that? Were they then to ask the Turks to occupy it? Who would think of placing a lot of Dutchmen in the Isle of Wight, and telling them to hold it in the teeth of England; and yet it was just as reasonable to ask the Turks to hold the Crimea in the teeth of Russia. If they did not care about the wrath of Russia, and were inclined to keep it themselves, they could not do so, because they did not know what to do with it. The hon. and learned Member for Sheffield (Mr. Roebuck) spoke of appealing to the nationalities, and pointed out the importance of arousing Poland; but really this question of nationalities had been so eloquently and powerfully condemned in that House that it was scarcely worth while now to advert to the subject. There was one solution of the question before them, mentioned with approval by the noble Lord opposite (Lord John Russell) to which for one moment he would refer, and that was the propsal of M. Drouyn de Lhuys for what he called the neutralisation of the Black Sea—in other words, that the Black Sea should be closed to ships of war, and left entirely to the nations of the earth to trade in. Now, how should we like a proposition for the neutralisation of the North Sea, or one which would bind us to have no fleets or arsenals on the coast of England; Or what would be thought of a proposal that would extend the same prohibition to the coasts of France and Norway? The proposition was neither more nor less than that Russia should so disarm herself that at any moment France and England, or any other Powers, should be able to destroy every portion of her trade in the Black Sea, while Russia would be wholly unable to do anything in her own defence. Yet, this was a proposition made by the French Minister, and approved by the noble Lord opposite, who began his negotiations with the foolish and absurd sentiment that the object of the English Ministers was the maintenance of the honour and dignity of Russia. The only remaining solution of this question would, he believed, be found in a development, more or less, of Prince Gortchakoff's idea. Those who had spoken in the course of the debate had devoted much attention to the first portion of Prince Gortchakoff's proposition; but the second part of it had received little discussion, at least from the Ministerial speakers. It was that the Black Sea should remain closed, has it had been, and that the Sultan should have the power to introduce ships of war *ad libitum* whenever he was in danger, he being the only judge as to the fact whether he was in danger or not. Now, by the development of this idea, the Sultan might be able to introduce an English and French fleet, and keep them in the Black Sea, and so by that means provide a more complete assurance for the security of Turkey than any other that could be given. Against this solution of the question he had heard only one or two arguments. One was that the presence of hostile fleets in the presence of each other would be likely to provoke collisions. That was an argument which might be expected from the hon. Member for Manchester (Mr. Bright) and the members of the Peace Society; but was it one in accordance with the views of that House, or with the principles on which we were accustomed to act? Did the English and French fleets get into collision with each other at any of those stations in the Mediterranean and elsewhere, close to which ships of both nations might be seen at anchor? Another argument against this solution had been put forward, not only with the authority of the noble Lord opposite, but also with that of Lord Clarendon in another place, and of the French Minister of Foreign Affairs, and it was that the expense incurred would prevent us from protecting Turkey with our own fleets. He supposed 2,000,000*l.* a-year would cover the utmost amount that would be required to keep a fleet in the Black Sea—1,000,000*l*, by France, and 1,000,000*l.* by this country—and such an annual sum would be purchased in perpetuity by a single year's expenditure in this war. But, at all events, whatever might be the solution of this question, he protested against our being forced to commit ourselves against any solution whatever, and he protested against being bound to an ultimatum which not twenty men in that House approved—which was more pregnant with war, and likely to produce more disastrous consequences than any proposition on record.

MR. BRIGHT: Last year, when the declaration of war was brought down to the House, I took the opportunity of making a speech in opposition to the policy of the Government of that day. I was told I was too late; and it has been also said repeatedly in this debate that those who take the views which I take are too late on this occasion. It seems to be one of the consequences of the, I would say, irresponsible system of diplomacy in this country with regard to foreign affairs that we are never allowed to discuss a mischief when it is growing, but only when it is completed, and when no remedy can be applied. And now we are at liberty to discuss the conduct of the Government in the Conferences at Vienna; and, though we were repeatedly told from the Treasury bench that it might be injurious to the public service to discuss what was going on till the affair was concluded, I suspect the House has come to the conclusion that we have been pursuing our true duty to the country in the debate that has taken place. We are indebted to the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) for having placed his notice on the table of the House, and not less to my right hon. Friend and Colleague that he, before the recess, moved the adjournment of the debate. I am satisfied myself that the people of this country have no intention to go wrong either in home or foreign affairs, and it requires only that questions of this nature should be frequently discussed by the intelligent men of which this House is composed to set before them the true state of affairs, and to bring them to a wise opinion with regard to the policy which is being pursued. Now, we are not discussing the policy of the war—that is, of the origin of the war. If we were, I should lay claim to being fairly allowed to be confirmed in the opinion which I expressed a year ago, for there seems to be a general feeling that the sacrifices that have already been made are somewhat greater than the results that have been obtained. I am anxious, in the observations I may have to address to the House, to impress my opinions on them, if it be possible to do so, and to lay before my countrymen out of the House that which I believe involves their true interests with regard to this question. It is necessary, therefore, to have a basis for our discussion—to fix what were the objects of the war—to ascertain, if that be possible, whether those objects have been secured and accomplished—and whether there can be anything in prospect that we are likely to gain that will justify the Government and the House in proceeding further with the war. Now, in my observations I am not about to carry on this discussion with the Gentlemen below me, who are interested in a question which is not the question before the House. They are interested in some vast, and, as it seems to me, imaginary scheme that would involve Europe in protracted and widely-extended hostilities; and I think that, so far as the House is concerned in discussing the question with the Government, these Gentlemen are almost altogether out of court. It appears to me, if they were logical in their course, finding that the objects of the Government and the objects of the Government of France were entirely different from those which they have at heart, and believing, as they do, that the objects of the allied Governments are not worth a war, then they ought rather to join us on this bench, and, instead of there being one peace bench in the House, there would be two peace benches, and the peace party would clearly gain a considerable accession of strength. The noble Lord the Secretary of State for the Colonies has stated over and over again—and amid the confusion of statements which he and his colleagues have made, I think he will not find fault if I assume that the object of the war is simply the security of the Turkish territory from the grasp of Russia, and probably from the grasp of any other Power—the noble Lord has stated that he apprehends that if Russia were to extend her empire by the possession of Turkey, it would give her a power that would be unsafe with regard to the other nations of Europe. When the noble Lord speaks in that vague, and, if I were not speaking of a man so eminent, I should say, absurd language of the liberties of Europe and the civilisation of the world, I should say he means by that merely those great objects, so far as they can be conserved by the conservation of the Turkish territory. The noble Lord tells us—we are now getting out of some of the mystifications—that he has no kind of sympathy that would lead him into war for the oppressed nationalities of Europe. The noble Lord the Member for Tiverton (Viscount Palmerston) a few nights ago turned the cold shoulder to the people of Hungary. He said, he thought there could be no greater calamity to Europe than that Hungary should be separated from the Austrian Empire. Well, then, we have got rid of Hungary; and, next, the noble Lord the Member for the City of London (Lord John Russell) tells us it is quite a mistake to suppose that he ever intended to go to war for Poland. In fact he stated, what will be very disheartening to hon. Gentlemen below me, that he never supposed we were going to war for such a Quixotic object; that the case of Poland is one that is hopeless, and therefore it would be madness in England and France—not indiscretion—not a doubtful undertaking—but positive madness in England and France to take any part in promoting resistance in that country. Having now got rid of Hungary and Poland, we only require that some Member of the Cabinet should get up later in this evening—and that I have no doubt will be the case—to state that it is utterly impossible for this country to involve itself in hostilities with a view to the regeneration of any part of Italy. The noble Lord the Member for London tells us we are not going to war for the sake of conquest; and that, I think, is a matter which ought to be kept in mind by hon. Gentlemen who are urging the Government on to a prolonged war. He stated on Tuesday night, "Be it always remembered that we are seeking no object of our own;"—it would be a very odd thing if we were to go to war for the objects of somebody else—"that we are seeking no object of our own; that when peace is concluded we shall not have acquired one ell of new territory or secured any advantage whatever for ourselves. It is for Turkey and the general system of Europe that we are struggling." In fact, the whole matter always resolves itself into some general mystification, and at this moment we are, every man of us, almost entirely in the dark as to what are the ultimate objects of the war. One other point that I ought to mention is the question of crippling and humbling Russia. I am, of course, willing to admit that when people go to war they are not expected to be very nice in their treatment of each other, and, if the taking of Sebastopol be an object of those who are in favour of the war, to take

Sebastopol, they will inflict any injury they can upon Russia. But the noble Lord told us last year that he still intended to leave Russia a great empire. I thought that exceedingly considerate of the noble Lord; and I understand—I think it has been stated in the public papers—that it is considered at St. Petersburg a great condescension on the part of so eminent a statesman. Well, then, if we are not going to war for nationalities, nor yet for conquest, nor yet for any such crippling of Russia as would be effected by her dismemberment, we come to this simple question—in the condition in which Turkey has long existed, what are the means by which the security of Turkey can be best guaranteed? No man asserts that the security of Turkey can be absolute, but that it must be partial and conditional. As it is well to have high authority for these statements, I have here an extract from a speech made by Lord Clarendon a few nights ago on the Resolution moved by Lord Grey. The noble Lord then stated—

> "My noble Friend says, and says truly, that the attainment of all this would offer no security to Turkey. The value of a treaty must always depend upon the spirit in which it is agreed to, and the good faith with which it is entered into. No treaty can make a weak Power like Turkey perfectly safe against a powerful neighbour immediately in contact with her, if that neighbour is determined to act the aggressive towards her."—[3 *Hansard*, cxxxviii., 1152.]

Thus Lord Clarendon admits, what is perfectly obvious to the common sense of all who have heard anything of Russia or Turkey, except from the lips of the Prime Minister, that what we are seeking to obtain is not an absolute security for Turkey, but a conditional security, such as her circumstances, her population, her Government, and geographical position, render attainable by her friends and allies. We have now been fourteen months at war, and two Cabinets—the Cabinets of Lord Aberdeen and of the present Prime Minister—I might say four Cabinets, for the Cabinets of France and Austria must have agreed to the same thing—have agreed to certain terms, and have offered them to Russia. They have been accepted as the basis of negotiations, conferences have been opened, and certain proceedings towards a settlement have taken place; and now I should like to know whether the terms which were offered were offered in earnest. Judging of the Cabinet of Lord Aberdeen by the conduct of some of its Members, and especially of Lord Aberdeen himself, I am certain that they were sincere in the terms they offered. But *The Times* newspaper, which now in its many changes has become the organ and great stimulant of the present Cabinet, expresses its astonishment that any person should think that peace was intended by the Conferences at Vienna. *The Times* states that the object of the conferences was not to bring about a peace, but to shame Austria into becoming a faithful and warlike ally. Now, when the noble Lord the Member for London was sent to Vienna to negotiate, I confess I was one of those who formed the opinion that that noble Lord, amid the many eccentricities of his career, would not have undertaken that mission unless he himself had been honest with regard to the terms to be offered, and anxious, if possible, to consolidate a peace. There were, however, certain persons—malicious people, of course—who found out that it would be convenient to the Prime Minister to have the noble Lord at a distance, at least for a time. But I never gave in to that idea. I did not believe that the noble Lord's journey to Vienna, with a retinue that required him to occupy no less than thirty-two rooms in one single hotel, would have been undertaken unless the noble Lord considered that the object was a reality, on which the interests of the country and of Europe depended. I think he would have been the last man in the country to lend himself to such a miserable hoax as going to Vienna, not to make peace, but to shame Austria into becoming a faithful and warlike ally. I assume, therefore, that terms were sincerely offered, and that those terms gave guarantees which were sufficient, and a security which was as ample as the circumstances admitted for the integrity and independence of the Ottoman Empire. It is from that starting point that I would discuss the question. There are hon. Members in this House who think that even if those terms were obtained they would still be no kind of compensation for the enormous sacrifices which the country has made. I happen to hold the same opinion, and it was with that conviction that I protested against going into the war. Indeed, I think that the argument I used a year ago, that nothing to be obtained in the war could at all approach a compensation for the enormous sacrifices the country would be called upon to make, has been greatly strengthened. Well, Sir, the terms offered are called "bases;" from which one understands, not that they are everything, but that they are something capable of what diplomatists call "development." I recollect a question asked of a child at school, in one of those lessons called "object lessons"—"What is the basis of a batter pudding?" It was obvious that flour was the basis, but the eggs and the butter and the rest were developments and additions. Well, but if the bases are capable of development, so I take it for granted that the meaning of negotiation is not the offering of an *ultimatum*, but the word involves to every man's sense the probability of concession—butter, it may be—but concession of one sort or another. I will not go through all the Four Points, because the attention of the House ought really to be centred upon the third article and the matters connected with it. The House must remember that that article involves two most important subjects—first, the territorial guarantee, which if it were sufficiently secured would be everything the House and the country required from the war—namely, that the territories of Turkey shall never be molested, so long as the treaty shall continue by any of the great Powers who are parties to such treaty; and, secondly, that the preponderance of Russia in the Black Sea shall cease. Now, the territorial guarantee was granted without difficulty. [An hon. Member: No.] Well, no difficulty was made about the territorial guarantee but this:—Prince Gortchakoff said, very wisely, that he would not enter into an absolute pledge to go to war in case of any infraction of the treaty, and the noble Lord who said "No" will find when he has examined the question a little more closely, that it does not make the slightest difference as to the actual results of a treaty whether a Power guarantees in the mode proposed by Russia, or in the manner proposed by the noble Member for the City of London, because when an infraction of a treaty occurs the power of judging whether any of the Governments who are parties to such treaty should go to war or not is left with each individual Government. If, for example, France stretched her dominions westwards towards Morocco, or eastward towards Tunis or Tripoli, it would, of course, have been the duty, and would have been in the power of Russia, even had she accepted the exact terms proposed by the allies, to judge for herself whether a case had arisen which required her to go to war, or which justified her in doing so. Such a case arose very lately with reference to Schleswig-Holstein. We were bound, under an ancient treaty, to go to war in the event of the infraction of certain treaties affecting Schleswig-Holstein; but when this case occurred the subject was considered by the Government, the noble Lord (Lord Palmerston) being at the time, I believe, Foreign Secretary—who most wisely and properly, not only for this country, but for the interests of Schleswig-Holstein and of Europe, declined to act upon what was represented to be the strict letter of the treaty, and England did not engage in war in consequence of the disputes which then took place. I must say that what strikes me as the most statesmanlike and elevated declaration in the protocols is the statement of Prince Gortchakoff that the blood of Russia is the property of Russia, and that he will not pledge himself that years hence—it may even be a century hence—the blood of Russia shall be shed in a cause which, when the time arrives, may be one which would be altogether unworthy of such a sacrifice. With respect to the question of the Christian protectorate, the House will probably recollect that it was represented over and over again by Ministers in this House—it was stated in the speeches of Lord Clarendon in another place, that the proposition of Russia, as conveyed in the Menchikoff note, was intended to transfer the virtual sovereignty of 10,000,000 or 12,000,000 of Ottoman subjects to the Czar. If that were so, the Menchikoff note, and all the old protectorate treaties being abolished, surely the House will consider whether the combination of the three propositions—the territorial guarantees, the Christian protectorate, and the Black Sea project—did not give such securities to Turkey as the condition of Turkey would permit. Now the preponderance of Russia in the Black Sea, as I think my hon. Friend the Member for the West Riding (Mr. Cobden) showed very clearly the other evening, is in a certain sense a fact which all the negotiations in the world cannot write off. I see that one of the public journals this morning, commenting upon my hon. Friend's speech, says, "Yes, truly, the commercial preponderance of Russia in the Black Sea is a fact which cannot be denied;" and then proceeds to argue that it does not follow that Russia should have a political and naval preponderance. But I do not know any case in which there is a commercial supremacy in a sea like the Black Sea that is not followed by a preponderance of every other kind. The question now is, however, how is that preponderance to cease? The noble Member for the City of London referred the other night to a proposition made by the French Government, but which, I think, does not appear at all distinctly in the protocols, with regard to making the Black Sea a neutral sea. I conceive that was so monstrous a proposition, in the present condition of Europe, that I am surprised it should have been entertained for a moment by any sensible man. I supposed it was found so utterly indefensible that it does not appear as a distinct proposition in the protocols. This proposal of making the Black Sea a neutral sea gave place to another project, which appears to me very like asking Russia, voluntarily or by compulsion, to perform the operation of amputation upon herself. I maintain that the third article as offered to Russia in December last could not mean what the noble Lord offered to Russia at Vienna, because the cessation of preponderance does not mean the transfer of preponderance, but rather the establishment of an equilibrium —not the destruction of an equilibrium and the establishment of preponderance on the other side. Some hon. Gentlemen talk as if Russia were a Power which you could take to Bow Street, and bind over before some stipendiary magistrate to keep the peace for six months. Russia is a great Power, as England is, and in treating with her you must consider that the Russian Government has to consult its own dignity, its own interests, and public opinion, just as much at least as the Government of this country. Now, what was the proposition of this third article? The proposal was, that Russia should have eight ships; but what was the proposition with regard to her present antagonists? That Turkey should also have eight ships, that France should have four, and that England should have four; and I believe that in a preceding protocol, which has not been alluded to in this debate, it is proposed that the contracting Powers should have two ships each at the mouth of the Danube, so that if these terms had been agreed upon, Russia would have had eight ships in the Black Sea, while Turkey, France, and England would have had twenty. Now that is not a mere cessation of a preponderance; it is not the establishment of an equilibrium; it is a transfer of the supremacy of the Black Sea, from that country which, if any country should be supreme there, has the best claim—namely, Russia. Besides this, however, Turkey would have had whatever ships she liked in the Bosphorus, and the allies would also have had as many ships as they chose in the Mediterranean and the Levant. Now, let us for a moment consider the offer with which Russia met this proposal. The first proposition was that of the open Straits, which is disapproved by the hon. Baronet opposite. I am not about to say that that proposition should have been accepted in preference to the other, but I think it is the true interests of Europe, and also of Turkey itself, that the Straits should be thrown open. At any rate, it must be admitted that the preponderance of Russia, in the sense in which we now understand it, would be absolutely destroyed if the Straits were thrown open. Russia made a proposition which appears to me to be highly satisfactory—that such regulations should be made by the Sultan and his Government with regard to the position and duration of the anchorages of ships between the Mediterranean and the Black Sea as would preclude the possibility, so far as there were means of doing so, of any inconvenience or danger to Constantinople from the opening of the Straits. If that had been agreed to, all nations would have been entitled to the passage of the Straits, and I believe that all nations would equally have respected the privilege thus granted to them. Now, suppose these Straits, instead of being one mile wide, had been ten miles wide, what difference would it make to Turkey? If the Straits were ten miles wide they would be open. Turkey would have no right to close them, and European nations would not permit her to pretend to or to exercise, any such power; but Constantinople would be no more secure then, than it would be now with the Straits open, whether they were ten miles wide or one mile wide. If the Straits were open, the consequences to Constantinople and to Turkey appear to me to be about precisely the same. Turkey would be equally safe; Turkey would be equally menaced. Our fleets would visit the Black Sea in the course of the season, and the Russian Black Sea fleet, if it chose, would visit the Mediterranean. There would be no sort of pretence for wrangling about the Straits; and the balance of power—if I may use the term—between the fleets of Russia, France, and England, would be probably the best guarantee that could be offered for the security of Constantinople and Turkey, so far as they are in danger of aggression either from the Black Sea or the Mediterranean. But it is said, the Sultan's sovereignty would be menaced—that he has an undoubted right to close these Straits. I doubt whether that right will be very long maintained, but if it be maintained, and if you are to reject any proposition which interferes with the Sultan's sovereignty, I ask you whether the sovereignty of the Czar is not as dear to him? and whether, if, in negotiations of this kind, you can find any mode of attaining your object without inflicting injury upon either the sovereignty of the Sultan or the Czar, it would not be much more statesmanlike to adopt it, and so to frame your treaties that neither should feel that it was subjected to an indignity, and therefore seek to violate such treaties at the first opportunity? Well, but the second proposition, which I think the hon. Baronet approved, and which I think the noble Lord proposed, was, that the Sultan should open the Straits at will. I ask the House whether that proposition, if accepted, would not imply that the Sultan could have no other enemy than Russia?—which I think is doubtful. If the Black Sea were open to the West, and the Mediterranean closed to the East, surely that is assuming that the Sultan could have no enemy but Russia. The Sultan could close the Straits to Russia, but the Western Powers could always proceed to the Black Sea. The French plan, in my opinion, far more exposed Turkey to the West than the Russian plan exposed her to the East. Nothing can be more short-sighted than the notion which the noble Lord the Member for London started at the conferences, that Turkey could have no enemy but Russia. In fact, everybody there seemed to be on exceedingly good terms with himself. The Austrian Minister said nobody would suspect Austria—no one could be suspected but Russia. But our experience for many years will tell us that there has been just as much menace from the West as from the East—the rapacity of the West is not less perceptible than that of the East. ["Hear."] Some one expresses a sentiment in opposition—it is a Gentleman who has never read the Blue-books—he does not know that almost the whole of this business began in a threat of the most audacious and insulting character from the Ambassador of France, a threat to order up the French fleet to the Dardanelles, and further to land an expedition in Syria to take possession of Jerusalem and the whole of the Holy Places. Do you mean to tell me, you and the noble Lord himself, who tried to frighten the country with the notion of the French fleet coming to invade England, that the fleet which three years ago threatened England, and more recently threatened the Dardanelles, has for ever abandoned rapacious desires, and that, therefore, there will never again be a menace against Turkey from France? I understand, however, there is a very different opinion prevalent upon the southern shores of the Mediterranean. The Emperor of Morocco, a potentate somewhat allied to this country, as I am told his empress is an Irish lady—the Emperor of Morocco, who is not very well versed in what is going on in this House, has been making inquiries of the most anxious character as to whether the particular guarantee which the noble Lord was going to enter into included the territory of Morocco: and I understand he has not been able to find it out from the most assiduous study of the Gibraltar newspapers. It so happens that the Governor of Gibraltar—the noble Lord at the head of the Government corrected me the other night when I called him an irrational man—has issued an ordinance by which he has entirely suppressed the newspaper press in that town and garrison. Now we come to the question, which of the propositions would be most secure? I was very much struck by an observation which fell from my hon. colleague (Mr. M. Gibson) in the course of his speech the other night—a point I think very worthy of the attention of the House and of the Government; he said the limitation plan was one which must depend for its efficacy on the will and fidelity of Russia. I am not one of those who believe Russia to be the treacherous and felonious Power which she is described to be by the press of this country, as she is described by the noble Lord to be, and I believe the right hon. Baronet the Member for Southwark gave her the same character. Although Russia may not be more treacherous than other Powers, when you are making a bargain with her it is better you should make the efficacy of the terms depend on your own vigilance than on her good faith. The noble Lord the Member for London has admitted that the limitation plan is, after all, an inefficient one. He said that Russia might get another ship—perhaps three or four—and when she had doubled the navy permitted to her, perhaps the noble Lord would be writing despatches about it, although I am not sure he would do that. I think it would be holding out a temptation to buy Mr. Scott Russell's great ship as one of the eight ships she is to be allowed to keep by the treaty. My hon. Friend the Member for the West Riding remarked that Russia might purchase vessels of large size from the United States, and still keep within the prescribed limit; but if this great ship, now building in the Thames, should succeed, as I hope she will, Russia might buy her and send her into the Black Sea. Somebody says she could not go there without passing the Straits, but, as she is built for mercantile purposes, that monster vessel might freely be taken up, and then form one of the eight ships allowed to Russia. Another proposition has been alluded to by the hon. Member for the Tower Hamlets (Sir W. Clay)—that pointed out by the Russian Plenipotentiary—that Russia and Turkey should enter into a friendly treaty between themselves and arrange that point; but the other diplomatists would not allow it, unless done under the eyes of the conference and bearing the same features of force and compulsion as their proposal of the limitation possessed. I was astonished to hear the hon. Baronet, as I understood him, say that, even although it could be shown that the Russian propositions were better than our own, he thought the proposition which bore on its face coercion of Russia was most desirable. A more unstatesmanlike and immoral view upon a great question between nations I have rarely heard. [Sir WILLIAM CLAY rose, and was understood to deny the sentiments imputed to him by the hon. Member.] I understood my hon. Friend so. Perhaps he did not mean what I thought he did mean, but that was the conclusion I came to from his argument, and I do not think he will say I entirely misrepresented him. It has, however, been said by the press that, whether we were sincere or not at the conference, Russia was not. Hon. Gentlemen have read in *The Times* and other papers blowing the flames of war, that from first to last Russia was treacherous and insincere. I would put it to the noble Lord the Member for London whether he can say that was the case, for I observe he said, in his speech in this House on the 23rd of January last, in answer to a question from the hon. Member for Aylesbury, or some other Member—

> "My hon. Friend will see that by that act the Russian Plenipotentiary accepted this interpretation as the basis of negotiation, of course reserving to himself the power, when this basis shall have been laid down in a definite article, of making any observations on the part of his Government which he should think proper."—[3 *Hansard*, cxxxvi. 911.]

Of course the Russian Plenipotentiary, when he accepted it, did so upon the understanding that it was the basis of negotiation and discussion, as no one will deny it was a question capable of being solved in more ways than one, and it was no indication of insincerity for him to refuse the precise mode proposed by the Plenipotentiary for England. With regard to the terms proposed, I should like to read to the House a statement I have on very good authority as to the language which Prince Gortchakoff held at Vienna. The statement I have is not to be found in the protocols, but I believe it may be relied upon as the precise words he used. The noble Lord insisted, as I understand, that it was no indignity to ask Russia to limit the number of her ships in the Black Sea; but I would submit it is precisely the same in principle as if she were asked to limit the amount of her force in the Crimea to four or six regiments. Prince Gortchakoff said—

> "To ask from an independent Power that it should limit its force, is to assail its rights of sovereignty on its own territory. It is with a bad grace that they would sustain the rights of the Sultan and wish to attack those of the Emperor of Russia. The proposition to render the Black Sea inaccessible to vessels of war of all nations is so strange (*si bizarre*) that one is astonished to see the fate of nations confided to men such as those who have conceived it. How could it be believed that Russia would consent to give herself up disarmed at the good pleasure of the Napoleons and the Palmerstons, who will be able themselves to have armed forces in the Mediterranean?"

There was no answer to that. If any diplomatist from this country, under the same circumstances as Russia was placed in, had consented to terms such as the noble Lord had endeavoured to force upon Russia—I say, that if he entered the door of this House, he would be met by one universal shout of execration, and, as a public man, would be ruined for ever. I wish to ask the House this question—whether it has deliberately made up its mind that that was a proposition which ought to be imposed upon Russia? If they have ascertained which is the best—and I rather think the general opinion is that the proposition of the Government is the worst; but, assuming that it is not so, and that there may be some little difference—I want to know what that difference is, and if there is any difference which can be measured even by the finest diplomatic and statesmanlike instrument ever invented, I ask, is that difference worth to this country the incalculable calamities which a prolonged war must bring upon us? I am of opinion that, with the territorial guarantee and the abolition of the Christian protectorate, either the terms proposed by the noble Lord or by Prince Gortchakoff would have been as secure for Turkey as it is possible under existing circumstances for Turkey to be by any treaty between the great Powers of Europe. And recollect that we have been thrown a little off the original proposition, for when that proposition was first agreed to in the Cabinet of Lord Aberdeen I am satisfied in my own mind that it meant something very like that which the Russians themselves have proposed. If we take this first protocol of the conference, and look to the speech made by Count Buol and to the proposition he made, you will find the third article runs in this language—"The treaty of July 13, 1841, shall be revised with the double object," and so on. But what is the meaning of revising the treaty of 1841? That treaty has only one object, which is to guarantee to the Turk the right he has claimed since his possession of Constantinople—namely, that the Straits should be closed under the guarantee of the Powers, except in case of war. Therefore, when the Aberdeen Government, of which the noble Lords were Members, originally agreed upon these terms, their object was that the Black Sea should be thrown open, or, at least, that the closing of the Straits should be relaxed; and I presume that it was not until after it was known that, while Russia had no objection to the opening of the Straits, Turkey was very much opposed to it that it was found necessary to change the terms and bring them forward in another form. But, surely, if this be so, the House and the Government should be chary indeed of carrying on a prolonged war with Russia, Russia having been willing to accept a proposition made originally by us, and which I believe to be the best for Turkey and for the interests of Europe. If, I say, this be so, was the Government justified in breaking off these negotiations, because that really is the issue which this House is called upon to try? Can they obtain better terms? If the terms are sufficient for Turkey they ought not to ask for better ones. I do not say they may not get better terms. I agree with my hon. Friend the Member for the West Riding (Mr. Cobden), that England and France, if they choose to sacrifice 500,000 men, and to throw away 200,000,000*l.* or 300,000,000*l.* of treasure, may dismember the Russian Empire. But I doubt whether this would give better terms for Turkey—I am sure it would not give better terms for England and France. Now, what has it cost to obtain all this? And here I must be permitted to say one word with regard to the course taken by those right hon. Gentlemen who have recently taken their seats on this bench, and whose conduct on this question has been the cause of great debate, and of language which I think the state of the case has not wholly justified. I presume it will be admitted that these right hon. Gentlemen at least know the object of the war as well as any other men in this House. I presume, too, that, entertaining as they do a very serious idea of the results of a prolonged war, they are at liberty to come to the conclusion that certain terms, to which they themselves were parties, are sufficient; and if this be the conviction at which they have arrived, surely no Member of this House will say that, because they were Members of a Cabinet some time ago which went into this war, therefore they should be forbidden to endeavour to avert the incalculable calamities which threaten their country, and should be expected to maintain a show of consistency, for which they must sacrifice everything that an honest man would hold dear. Have these men gained anything in popularity with the country, or even with the Members of this House, by the course they have taken? I am almost ashamed to say anything in the defence of those who are so capable of explaining and defending their own conduct in this matter; but I may be pardoned if I rejoice that men ranking high as statesmen, powerful by their oratory, distinguished by their long services, have separated themselves from that rash, that inexcusable recklessness which, I say, marks the present Government, and are anxious to deliver their country from the dangers which surround it. Why, my hon. Friends below me—and I am quite sure not one of them will suppose that I speak from the mere wish to oppose them in any way; they are personal friends of mine, and it pains me now to differ from them—but hon. Members seem to think, when they are looking a long way off for the objects to be gained by war, that a man who looks at home is not a friend to his country. Is war the only thing a nation enters upon in which the cost is never to be reckoned? Is it nothing that in twelve months you have sacrificed 20,000 or 30,000 men who a year ago were your own fellow-citizens, living in your midst, and interested, as you are, in all the social and political occurrences of the day? Is it nothing that, in addition to those lives, a sum of—I am almost afraid to say how much, but 30,000,000*l.* or 40,000,000*l.* will not be beyond the mark—has already been expended? And let the House bear in mind this solemn fact—that the four nations engaged in this war have already lost as many men as if you were to go from Chelsea to Blackwall and from Highgate and Hampstead to Norwood and take every man of a fighting age and put him to death—that if you did this you would not sacrifice a larger number of lives than have already been sacrificed in these twelve months of war. Your own troops, as you know, have suffered, during a Crimean winter, tortures and horrors which the great Florentine hardly imagined when he wrote his immortal epic. Hon. Members are ready, I know, to say, "Whose fault is that?" But if our loss has been less than that of the French, less than that of the Turks, and less than that of the Russians, it is fair to assume that, whatever mistakes may have been committed by the Government, the loss in the aggregate would, even under other circumstances, have fallen very little short of that which I have attempted to describe. Are these things to be accounted nothing? We have had for twelve years past a gradual reduction of taxation, and there has been an immense improvement in the physical, intellectual, and moral condition of the people of this country; while for the last two years we have commenced a career of reimposing taxes, have had to apply for a loan, and, no doubt, if this war goes on, extensive loans are still in prospect. Hon. Members may think this is nothing. They say it is a "low" view of the case. Why, these things are the foundation of your national greatness, and of your national duration; and you may be following visionary phantoms in all parts of the world while your own country is becoming rotten within, and calamities may be in store for the monarchy and the nation of which now, it appears, you take no heed. Every man connected with trade knows how much trade has suffered, how much profits in every branch of trade—except in contracts arising out of the war—have diminished, how industry is becoming more precarious and the reward for industry less, how the price of food is raised, and how much there is of a growing pressure of all classes, especially upon the poorest of the people—a pressure which by and by—not just now, when the popular frenzy is lashed into fury morning after morning by the newspapers—[*Murmurs*]—but I say by and by this discontent will grow rapidly, and you (pointing to the Ministerial bench) who now fancy you are fulfilling the behests of the national will will find yourselves pointed to as the men who ought to have taught the nation better. I will not enter into the question of the harvest. That is in the hand of Providence, and may Providence grant that the harvest may be as bountiful as it was last year! But the House must recollect that in 1853, only two years ago, there was the worst harvest that had been known for forty years. Prices were very high in consequence. Last year the harvest was the greatest ever known, yet prices have been scarcely lower, and there are not wanting men of great information and of sound judgment who look with great alarm to what may come—I trust it may not come—if we should have, in addition to the calamities of war, calamities arising from a scarcity of food, which may be scarcely less destructive of the peace and comfort of the population of this country. I will ask the House in this state of things whether they are disposed to place implicit confidence in Her Majesty's Ministers? On that (the Opposition) side of the House there is not, I believe, much confidence in the Government, and on this side I suspect there are many men who are wishful that at this critical moment the affairs of the country should be under the guidance of men of greater solidity and of better judgment. I will point out now one or two causes which I think show that I am justified in placing no confidence whatever in Her Majesty's Government. Take for example what they have been doing with Austria. The noble Lord at the head of the Government has stated to us that it was of European importance that Hungary should be connected with Austria. The noble Lord the Member for the City of London said the other night it was of essential importance that Austria should be preserved as she is—a great conservative Power in the midst of Europe. Well, but at the same time this Government has been urging Austria, month after month, to enter into the same ruinous course which they themselves are disposed to pursue. They know perfectly well that if Austria were to join either with Russia on the one hand, or with the Western Powers on the other, in all human probability this great empire would no longer remain that "great conservative Power in the midst of Europe," but would be stripped on the one side of her Italian provinces, and of Hungary on the other; or, if not stripped of these two portions of the empire, would be plunged into an interminable anarchy which would prove destructive of her power. What can be more inconsistent than for Ministers to tell us that they wish Austria to be preserved, and, at the same time, to urge her upon a course which they know perfectly well must end in her disruption, and in the destruction of that which they think essential to the balance of power in Europe? We are told, with regard to our other alliance, that it is a very delicate topic. It is a very delicate and a very important topic, but there is another topic still more delicate and important—namely, the future of this country with regard to that alliance. I think we have before now spent 1,000,000,000*l*. sterling, more or less, for the sake of a French dynasty. At this moment there are French armies in Rome, in Athens, in Gallipoli, in Constantinople, and in the Crimea, and the end of all this, I fear, is not yet. It has been repeatedly stated in this House that the people of France are not themselves enthusiastic in favour of this war. I would fain hope, whatever else may happen, that between the people of England and of France an improved and friendly feeling has grown up, but, as far as the war is concerned, your alliance depends on one life. The present dynasty may be a permanent, but it may be an ephemeral one, and I cannot but think that when men are looking forward to prolonged warfare they should at least take into consideration the ground on which they are standing. Lord Clarendon has told us, with regard to Russia, that Europe was standing on a mine, and did not know it. I do not know that he is much more acute than other people, but I can fancy that Lord Clarendon by the blunders of his negotiations and the alliances he has endeavoured to form has placed this country on a mine far more dangerous and destructive than that upon which he thinks Europe was placed by the colossal power of Russia. There is another point I have to touch upon. To me it was really frightful to hear the noble Lord the Member for London (Lord John Russell) tell the House that we are not fighting for ourselves, but for Germany. I recollect one passage among many in the noble Lord's speeches upon this point; and, in looking over what has been said by Ministers, one really wonders that they should have allowed anything of the kind to appear in *Hansard*. On the 17th of February last year the noble Lord said—

> "They (England and France) feel that the cause is one, in the first place, of the independence of Turkey * * * It is to maintain the independence, not only of Turkey, but of Germany and of all European nations."—[3 *Hansard*, cxxx. 906.]

["Hear, hear!"] An hon. Member cheers. What a notion a man must have of the duties of the 27,000,000 of people living in these islands if he thinks they ought to come forward as the defenders of the 60,000,000 of people in Germany, that the blood of England is not the property of the people of England, and that the sacred treasure of the bravery, resolution, and unfaltering courage of the people of England is to be squandered in a contest in which the noble Lord says we have no interest, for the preservation of the independence of Germany, and of the integrity, civilisation, and something else, of all Europe. The noble Lord takes a much better view, as I presume many of us do, of things past than of things present. The noble Lord knows that we once did go to war for all Europe, but then we went to war with nearly all Europe, whereas now we are going to war with France only, except the little State of Sardinia, which we have cajoled or coerced into a course which I believe every friend to the freedom of Italy and to Sardinia will live to regret. All the rest of Europe — Spain, Portugal, Italy, Austria, Prussia, Switzerland, Holland, Denmark, and Sweden — take no part in the war, and yet our Ministers have—what I should call, if I were not in this House, the effrontery and audacity to get up and tell us that they are fighting the battle of all Europe, and that all Europe is leagued with us against the colossal power of Russia. Europe, in the last war, did, for the most part, unite with us. We went to Spain because we were called to go by the patriot Spaniards, but I think the Duke of Wellington has stated, in his despatches, that if he had known how little assistance would be received from them he would not have recommended even that expedition. But now, not only has all Europe not united with you, but other countries will not even allow their men to fight with you. You pay the Turks to fight their own battles, you enlist men in Germany to fight the battles of Germany, and the persons engaged in Switzerland and Hamburg in enlisting men for you are looked upon with suspicion by the authorities, and I am not sure that some of them have not even been taken into custody. Why, then, should you pretend that all Europe is leagued against Russia, and that you have authority to fight the battles of all Europe against Russia, when the greater part of Europe is standing by apathetically wondering at the folly you are committing? I would appeal to the noble Lord the Member for the Colonies—I beg his pardon, the Member for London—but he has been in so many different positions lately that it is extremely difficult to identify him. I would appeal to the noble Lord, because, however much I differ from him, I have never yet come to the conclusion that he has not at heart the interest of his country, that he is not capable of appreciating a fair argument when it is laid before him, and that he has not some sense of the responsibility as to the political course he takes, and I would ask him if there be no other world of kingdoms and of nations but that old world of Europe with which the noble Lord is so disposed to entangle this country? I wish the noble Lord could blot out from his recollection, for a little time, William III., and all the particulars of what has been called by the right hon. Member for Buckinghamshire (Mr. Disraeli) "the Dutch conquest," which is supposed to have enthroned the Whig aristocracy in this country. I would ask the noble Lord to do this for to-night—for an hour—for five minutes. There is a country called the United States of America. Only on Tuesday night the very remarkable circumstance occurred—and I think the House will be of opinion that it is one worth notice—of two of the distinguished men being present listening to the debates in this House who have occupied the position of President of the United States, a position, I venture to say, not lower in honour and dignity than that of any crowned monarch on the surface of the globe. The United States is precisely the country which is running with us the race of power and of greatness. Its population will, I believe, at the next census exceed the population of the United Kingdom; in its manufactures and general industry it is by far the most formidable rival that the great manufacturers of this country now have to contend with; it has, I suppose, ten steamers for one steamer of this country; its magnificent steamships have crossed the Atlantic in a shorter time than the steamships of this country; the finest vessels which are at this moment performing the voyage between England and the Australian colonies have been built in the United States; therefore, in shipbuilding industry the United States not only compete with, but in some respects even excel, this country. Look at our present position and that of the United States. May I entreat the attention of the House, for I am not declaiming, I am not making a party attack, I am treating of that which, in my mind, is of vital importance to every family in the kingdom. This year the Chancellor of the Exchequer told you that he must have a sum of 86,000,000*l.* in order to carry on the various departments of your Government, and to defray your vast military expenditure. The United States has at this moment in her Treasury enough, I think, to pay off all her debt. Deduct the whole amount of the expenses of the Government of the United States, not only of the general Government, but also of the thirty independent sovereign States, from the 86,000,000*l.* we are spending, and you will find that about 75,000,000*l.* will be left, which is, therefore, the sum of taxation that we are paying this year more than the people of the United States. Some hon. Gentlemen know what it is to run a horse that has been weighted. I heard, the other day, of a horse that won every race in which it started up to a certain period when it was for the first time weighted. It then lost the race, and it is reported in the annals of the turf that it never won a race afterwards. If that be the case with regard to a horse, it is much more true with regard to a nation. When a nation has gone a step backwards it is difficult to restore it to its position; if another nation has passed it in the race, it is almost impossible for it to regain the ground it has lost. I now speak particularly to hon. Members opposite, for there are, perhaps, more Gentlemen upon that than upon this side of the House in the happy position of owners of vast, productive, beautiful, and, I hope, unincumbered estates in the various parts of the kingdom. We are now about ten days' journey from the United States, and within ten years we shall probably communicate with that country by telegraph as quickly as we now do with the Crimea. I hope it will be for a much better object. The people of the United States are our people, and there are few families in England which have not friends and relatives connected with or settled in that country. The inducements of men to remain at home and their attachment to the place of their birth are necessarily to some extent weakened by the facility with which they can now travel almost round the world in a few weeks. Do you believe that when the capital of the greatest banking-house in Lombard Street can be transferred to the United States on a small piece of paper in one post, that the imposition of 75,000,000*l.* of taxation over and above the taxation of an equal population in the United States will not have the effect of transferring capital from this country to the United States, and, if capital, then trade, population, and all that forms the bone and sinew of this great empire? I ask hon. Members to remember what fell on a previous evening from the right hon. Gentleman the President of the Board of Works. The right hon. Gentleman talked of the war lasting, perhaps, six years with our resources undiminished. Now, nothing is easier than for a Cornish Baronet, possessing I am afraid to say how many thousands a year, a Member of a Cabinet, or for all those who are surrounded with every comfort, to look with the utmost complacency upon the calamities which may befall others not so fortunately situated as themselves. Six years of this war, and our resources undiminished! Why, Sir, six years of this war, at an annual expenditure of 75,000,000*l.*, give 450,000,000*l.* to the side of the United States as against the condition of the people of this country. Am I, then, talking of trifles? Am I talking to sane men, that it is necessary to bring forward facts like these? I am amazed, when the newspaper press, when public speakers, when Gentlemen on both sides of this House are so ready upon questions relating to Turkey, to Servia, or to Schamyl, that I cannot get the House of Commons to consider a question so great as the expenditure of 450,000,000*l.*, and when we have to consider if we shall trust that vast issue in the hands of the noble Lords and right hon. Gentlemen on the Treasury bench. I have stated that I have no confidence in the Government, and I will now tell the House another reason for that want of confidence. My hon. Friend the Member for the West Riding, on a previous occasion, treated the right hon. President of the Board of Works very summarily, but I wish to call the attention of the House to what was said by the right hon. Gentleman in 1850, in the debate which then took place upon the foreign policy of the noble Lord now his chief. On that occasion the right hon. Gentleman told the House that the foreign policy of the noble Lord now at the head of the Government had made us hated by every party in every nation in Europe; he said that the noble Lord had excited the disaffected to revolt, and, having brought upon them the vengeance of the Governments under which they lived, had then betrayed them. I do not say that that is true, but I state it upon the authority of a Minister now in the Cabinet of the noble Lord; but, whether true or not, I cannot have confidence in the right hon. Gentleman when sitting in a Cabinet to carry out the foreign policy of the noble Lord. I will take the case of another Minister, and I do not think that when he speaks he will call my observations undeserved. A most distinguished Member of the Government—the Chancellor of the Exchequer—has been twice elected within a very short period, once before and once since his acceptance of office, and I must say that I do not like to see changes, because a man one night sits on one bench and another night on another. On the 8th of February, 1855, the right hon. Gentleman, addressing his constituents at Radnor, said:—

> "I am not prepared to give my vote in favour of any change in our policy which would attempt to make England a first-rate military Power. It seems to me that it would be little short of madness to attempt any such gigantic undertaking. It is our true wisdom to limit ourselves to that amount of military force which shall enable us to defend our own shores, and to protect our great dependencies abroad. If we can completely defend our own coasts, it appears to me that the objects of our national policy have been fulfilled."

And, then, as if he had in view the language of the noble Lord at the head of the Government and that of his colleague the Member for London, he proceeded to say—

> "I wish to see a cessation of that inordinate and senseless desire which has been sometimes expressed of late, almost usurping the functions of Providence, that we should go to almost all parts of the world to redress wrong and to see that right is done."

I say that the right hon. Gentleman no doubt had the language of his colleagues in view, and when he speaks he will no doubt admit that such was the case. For what did the noble Lord the Secretary for the Colonies say when he addressed the baillies and the enthusiastic citizens of Greenock? He said,—

> "It is likewise to be considered, and I trust we shall none of us forget it, that this country holds an important position among the nations of the world—that not once, but many times, she has stood forward to resist oppression, to maintain the independence of weaker nations, to preserve to the general family of nations that freedom, that power of governing themselves, of which others have sought to deprive them. I trust that character will not be forgotten, will not be abandoned by a people which is now stronger in means, which is more populous and more wealthy than it ever has been at any former period. This, then, you will agree with me, is not the period to abandon any of those duties towards the world, towards the whole of mankind, which Great Britain has hitherto performed."

Now let us see what the right hon. Gentleman said, after having accepted the office of Chancellor of the Exchequer. The right hon. Gentleman made a speech, and it was just after the death of the late Emperor of Russia, and, in referring to the new Emperor, he said,—

> "If, however, it should please this mighty Potentate to continue in the course of aggression upon which his father had entered, and if our reasonable hopes of a more pacific policy should be disappointed, then let him know that in England he will find a country prepared to maintain its own rights and the rights of other nations."

Observe, "the rights of other nations," and he goes on,—

> "A country which, although its army has been placed in a perilous position, and has had to undergo the rigours of a Russian winter, has its resources unimpaired, has its revenue flourishing, has its trade substantially undiminished, has its spirit unbroken, and will be prepared, in case of necessity, to vindicate its own honour, and to maintain the rights and liberties of Europe."

I wish the House to observe what a complete change there is in the language of the right hon. Gentleman upon these two occasions. Either of the two opinions which he expressed may be right, but both of them cannot be so, and I confess that when I find that a Gentleman says one thing one day, and a month later, when he comes into office, the exact opposite, I do not think that I can be expected to have that confidence in him as to be willing to entrust him with the vast issues depending on the war. I will now refer to a colleague of the right hon. Gentleman—one who has also distinguished himself—I mean the First Lord of the Admiralty. That right hon. Gentleman (Sir C. Wood) has said nothing upon the subject of the war, and I have felt that he must entertain great doubts as to its policy; but, not very long ago, he also addressed his constituents, and indulged in very hostile and insulting language towards "our great and magnanimous ally;" but he, too, has changed his mind; and not long ago he went down by express train to Folkstone or Dover—I forget which—to meet in the most friendly and, probably, in the most humble manner, the very potentate whom he had formerly abused. If I have disposed of these Gentlemen and shown why I can have no confidence in them, are there any better reasons why I should have confidence in those two noble Lords who were the active and restless spirits in the Cabinet which the noble Lord the Member for London overthrew? I regard those noble Lords as responsible for the policy of this war. I am bound to suppose that they acted in accordance with their conscientious convictions; but, still, the fact of their having embarked in that policy is no reason why I should have confidence in them. But, are those two noble Lords men in whom the House and country ought to place implicit confidence? What of late could be more remarkable than the caprices of the noble Lord the Member for London? When that noble Lord was in the Government of Lord Aberdeen he went to Greenock, I think to Bedford, and certainly to Bristol—and, in fact, he took every opportunity which offered itself of bringing himself before the public; and, with his power of speech, his long experience, and eminent character, did his utmost to stimulate the feelings of the people to a policy which I believe to be a destructive policy, and which I think the majority of this House in calm moments does not believe to have been the wisest which could have been pursued. It certainly appears to me to be unjustifiable that, while Lord Aberdeen was honestly endeavouring to bring the negotiations to a peaceful conclusion, the noble Lord was taking a course which rendered statesmanship valueless in conducting the foreign policy of the nation. The noble Lord, however, at last brought his conduct to a climax. The hon. and learned Member for Sheffield (Mr. Roebuck) came forward as a little David with sling and stone, weapons which he did not even use, but at the sight of which the Whig Goliah went howling and vanquished to the back benches. I am afraid, Sir, to trust myself to speak of the conduct of the noble Lord on that occasion. I presume that we shall have to wait for the advent of that Somersetshire historian, whose coming the noble Lord expects, before we know whether his conduct on that occasion was, what some persons still call it, treachery to his chief, or whether it arose from that description of moral cowardice which in every man is the death of all true statesmanship. But in the year 1852 the noble Lord the Member for London gave me a strong reason why I should feel no confidence in his present chief. The House will remember that he then ejected the present Prime Minister under whom he serves from the Cabinet of which he himself was then the head, and in the explanation which he made to the House, he told us that men like Lord Grey and Lord Melbourne, men of age, of authority, and experience, had been able in some degree to control his noble Friend, but, that he being younger than the noble Lord, and having been a less long time on the political stage, had found it difficult to control him. The description which the noble Lord might give of his colleague is a little like that which we occasionally see given of a runaway horse—that he got the bit between his teeth, and there was no holding him. The noble Lord the Member for London was the captain of the State vessel, and the noble Lord the Member for Tiverton was the mate. But how is it now? The noble Lord the Member for the City of London has accepted the position of mate in the most perilous times, in the most tempestuous weather, and with no chart he goes to sea on a most dangerous and interminable voyage, and with the very reckless captain whom he would not trust as mate. Sir, the noble Lord the Member for London has made a defence of his conduct at the Conferences at Vienna. I am willing to give him credit that he did then honestly intend peace; but I do think that when he goes again, and on such a journey, he will do well to leave some of his historic knowledge behind him. They were indeed historic fancies. There is nothing to me so out of place as the comparison which the noble Lord made between the limitation of the Russian fleet in the Black Sea and the destruction of Dunkirk, or between the condition of the Black Sea and that of the lakes of North America. The noble Lord can never have heard of the falls of Niagara. If there were falls like them between the Black Sea and the Mediterranean the cases would be somewhat similar, for the Russian fleet in the Black Sea would not then be exposed to the assaults of the vast navies of England or France. Why, when I allude to this subject, I am reminded of that Welshman whom Shakspeare immortalised, who found some analogy between a river in Macedon and a river in Monmouth. He knew the name of the river in Monmouth, and he did not know the name of the river in Macedon, but he insisted upon the analogy between them because there were salmon in both. Well, Sir, I now come to the noble Lord at the head of the Government. I do not complain that he is at the head of the Government. The noble Lord the Member for the City of London had thrown everything into such inimitable and unlooked-for confusion that any one next door to him must necessarily occupy the place. But I cannot have confidence in the noble Viscount, because I cannot but recollect that in 1850 he received the condemnation of his foreign policy in the other House of Parliament; and in a speech which I shall never forget, the last, and one of the best ever delivered by the greatest statesman of the time, he received a similar condemnation, and the noble Viscount only escaped condemnation by a direct vote of this House by the energetic defence of the noble Lord the Member for the City of London, and by the stress laid upon many Members on this side of the House. But only six weeks after this the noble Lord (Lord J. Russell) presented to the noble Viscount a letter from his Sovereign, which I cannot but think must have cost him much pain, and to which I will not refer further, except to say that I do not know how it is possible, if the contents of that letter were true, that either the noble Lord or the House can be called upon to place implicit confidence in the noble Lord the leader of the Government. I have observed the noble Viscount's conduct ever since I had the honour of a seat in this House, and the noble Viscount will excuse me if I state the reason why I have often opposed him.

The reason is, that the noble Viscount treats all these questions, and the House itself, with such a want of seriousness that it has appeared to me that he has no serious, or sufficiently serious, conviction of the important business that so constantly comes before this House. I judge the noble Viscount as a man who has experience, but who with experience has not gained wisdom—as a man who has age, but who, with age, has not the gravity of age, and who, now occupying the highest seat of power, has—and I say it with pain—not appeared affected with a due sense of the responsibility that belongs to that elevated position. We are now in the hands of these two noble Lords. They are the authors of the war. It lies between them that peace was not made at Vienna upon some proper terms. And whatever disasters may be in store for this country or for Europe they will lie at the doors of these noble Lords. Their influence in the Cabinet must be supreme; their influence in this House is necessarily great; and their influence with the country is greater than that of any two statesmen now upon the stage of political life in England. They have carried on the war. They have, however, not yet crippled Russia, although it is generally admitted that they have destroyed Turkey. They have not yet saved Europe in its independence and civilisation, they have only succeeded in convulsing it. They have not added to the honour and renown of England, but they have placed the honour and renown of this country in peril. The country has been, I am afraid, the sport of their ancient rivalry, and I should be very sorry if it should be the victim of the policy which they have so long advocated. There is only one other point upon which I will trouble the House, if it will give me its attention. These Ministers—the right hon. Member for Southwark, the Commissioner of the Board of Works, especially, and evidently the Chancellor of the Exchequer, and I am afraid many other Members of this House, seem to think little of taxes. Some Members of this House seem to have no patience with me if I speak of the cost of the war; but I am obliged to ask its attention to this point. I recollect reading in the life of Necker, that an aristocratic lady came to him when he was Finance Minister of Louis XVI., and asked him to give her 1,000 crowns from the public treasury—not an unusual demand in those days. Necker refused to give the money. The lady started with astonishment—she had an eye to the vast funds of the State, and she asked, "What can 1,000 crowns be to the King?" Necker's answer was, "Madam! 1,000 crowns are the taxes of a whole village!" I ask hon. Gentlemen what are the taxes of a whole village, and what they mean? They mean bareness of furniture, of clothing, and of the table in many a cottage in Lancashire, in Suffolk, and in Dorsetshire. They mean an absence of medical attendance for a sick wife, an absence of the school pence of three or four little children—hopeless toil to the father of a family, penury through his life, a cheerless old age, and, if I may quote the language of a poet of humble life, at last—"the little bell tolled hastily for the pauper's funeral." That is what taxes mean. The hon. Member for Dorsetshire spoke the other night in a manner rather flippant and hardly respectful of some of us on this question. But the labourers of Dorsetshire, as well as the weavers and spinners of Lancashire, are toiling and must toil harder, longer, and with smaller remuneration for every single 100*l.* that you extract in taxes from the people more than is necessary for the just requirements of the Exchequer of the country. I hope I may be permitted to treat the question on this ground, and I ask the House to recollect that when you strike down the children in the cottage you attack also the children in the palace. If you darken the lives and destroy the hopes of the humble dwellers of the country, you also darken the prospects of those children the offspring of your Queen, in whom are bound up so much of the interests and so much of the hopes of the people of this country. If I defend, therefore, the interests of the people on this point, I do not the less defend the permanence of the dignity of the Crown. We on this bench are not willing to place ourselves alongside of noble Lords who are for carrying on this war with no definite object and for an indefinite period, and are ready to take our chance of the verdict of posterity whether they or we more deserve the character of statesmen in the course we have taken on this question. The House must know that the people are misled and bewildered, and that if every man in this House, who doubts the policy that is being pursued, would boldly say so in this House and out of it, it would not be in the power of the press to mislead the people as it has done for the last twelve months. If they are thus misled and bewildered, is it not the duty of this House to speak with the voice of authority in this hour of peril? We are the depositories of the power and the guardians of the interests of a great nation and of an ancient monarchy. Why should we not fully measure our responsibility? Why should we not disregard the small-minded ambition that struggles for place? and why should we not, by a faithful, just, and earnest policy, as I believe we may, restore tranquillity to Europe and prosperity to the country so dear to us?

Mr. F. SCOTT moved the adjournment of the debate.

Mr. BARROW said, he wished to observe, if the debate were not adjourned, that he should go into the same lobby with the hon. Member for Manchester (Mr. Bright), not because he agreed with him in all his opinions, but because he would not fetter future negotiators.

Viscount PALMERSTON said, he felt that it would be difficult to resist the wish of the House for an adjournment of the debate if such a wish existed; but he really hoped, after the length to which the discussion had extended, that the House would seriously determine to come to a division to-morrow.

Debate *further adjourned* till *To-morrow.*

STAMP DUTIES REPEAL ON MATRICULATION AND DEGREES (OXFORD) BILL.

Order for Second Reading read.

Colonel DUNNE said, he wished to know whether the measure would be extended to Trinity College, Dublin?

The CHANCELLOR of the EXCHEQUER said, that it was proposed to abolish the stamp duty in the University of Oxford, in pursuance of a contract which accepted that boon as an equivalent for the payment of certain fees to professors, formerly paid out of the public funds. This was not applicable to Dublin.

Lord NAAS said, that the argument could not apply with any justice to the University of Dublin, which, never having received anything from the public funds, had nothing to give up.

The CHANCELLOR of the EXCHEQUER said, that he had expressed no opinion as to the propriety of abolishing the fees in all cases. He had simply stated a fact, from which he inferred the argument that if the abolition of fees were made gratuitous in other cases, Oxford might complain of an inequality, inasmuch as she had given a *quid pro quo.*

Colonel DUNNE said, he should then give notice that upon going into Committee he should raise a discussion on the subject, as he felt certain the Chancellor of the Exchequer would not be supported in the decision to which he had arrived.

Bill read 2°.

The House adjourned at half after One o'clock.

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HOUSE OF LORDS,

Friday, June 8, 1855.

Minutes.] Public Bills.—1ª County Palatine of Lancaster Trials.

Reported—Roman Catholic Charities; Education of Poor Children.

METROPOLITAN BURIAL-GROUNDS—THE BURIAL ACTS.

The Bishop of LONDON, who had a notice on the paper to move, That an humble Address be presented to Her Majesty—

> "To inform Her Majesty that it appears, by Petitions presented to this House, that the Want of adequate Provisions for the decent Interment of the Dead in some parts of the Metropolis is now producing very injurious Effects on the Welfare of its Inhabitants, and much Suffering, which falls especially on the poorer Classes:
>
> "To express to Her Majesty the Opinion of this House that this Evil has been aggravated by Orders in Council which Her Majesty has been advised to make, under the Authority of an Act of Parliament passed in the Sixteenth Year of Her Majesty's Reign (1852), whereby certain Burial Grounds have been prematurely closed before other Places of Sepulture had been provided in lieu of them.
>
> "And humbly to pray that Her Majesty will be graciously pleased to direct Her Servants to adopt such Measures as may be necessary for applying an immediate Remedy to an Evil, which this House considers to be most serious and urgent:"

said, he rose for the purpose of once more directing the attention of their Lordships to a subject of great importance to the best interests of the country, as involving the interests of morality and religion. Their Lordships would recollect that on a former occasion he drew a picture of the present state of things in the metropolis, occasioned by the Metropolitan Burial Act; and the noble Earl who was then at the head of the Government (the Earl of Aberdeen) admitted that the subject was one of great importance; that the picture he had drawn of the actual state of things was most painful and distressing, and that it demanded the immediate attention of the Government, with the view of seeing whether something could not be done by way of removing the evils which existed. Another noble Earl (Earl Grey) had advised him on the same occasion to press for the appointment of a Select Committee to inquire into the subject; but he forbore from doing so, because he placed implicit confidence in the assurance of the noble Earl at the head of the Government that some measure would be devised for the purpose, if not of entirely removing, at least of mitigating the evils which he had described. In that hope he had been disappointed. He had made repeated applications to the noble Earl and his colleagues, and had renewed those applications to the present Ministers, but nothing had been done. The evils which he complained of still existed—they were becoming every year more numerous and more aggravated—and he really thought it was the bounden duty of the Government of a Christian country to take some measures for remedying a state of things which he could not describe otherwise than as disgraceful and indecent. The Motion of which he had given notice was for an Address to Her Majesty. On full consideration, he thought it would be inexpedient to persevere in proposing that Resolution. If he did, he feared he should have no hope of carrying it, and he did not wish to do anything which should have the appearance of casting censure on the Government. What he wanted was, to call attention to the actual state of the case, and, if possible, to elicit from their Lordships some opinion which, if it did not constrain the Government to move in the matter, would at least stimulate them to consider whether something could not be done to alleviate and mitigate the serious evils to which he referred. He was the more disposed not to press his Motion for an Address to Her Majesty because he believed that the Government were willing to take the subject into consideration, and were not altogether unprepared to inquire whether some remedial measure might not be devised. He would, therefore, respectfully entreat their Lordships to accede to the Motion of which notice had been given by a noble Earl (the Earl of Waldegrave) for the appointment of a Select Committee. The evidence taken before that Committee would show the absolute necessity of something being done, and would guide the Government in the choice of a mode of providing for the wants of the metropolitan districts. With reference to the continued existence of the evils which he had described to their Lordships, he did not think that he could state his own opinions as to the facts of the case more clearly and emphatically than it had been stated to him by a gentleman who had devoted a great part of his life to the consideration of sanitary questions, and who expressed his belief that the Metropolitan Burial Act had augmented, instead of diminished, the expenses of interment to the poor, and had produced many sanitary as well as moral evils—had diminished the solemnity of sepulture, and occasioned scenes of the most distressing character. He wished their Lordships to understand that the remarks with which he would trouble them regarding the present state of interments within the metropolis would relate chiefly to the eastern districts of London. Many of the western parishes, which were principally inhabited by the more wealthy classes, had done their duty in providing suitable and convenient places of sepulture in lieu of those which had been closed; while the various cemetery companies recently established, of the decency of whose proceedings he had no cause to complain, had no question, to some extent, lessened and mitigated the evil; but in the eastern districts no adequate provision had been made for the interment of the dead. Before the passing of the Metropolitan Burial Act, in the eastern districts of London, containing a population of 500,000 souls, and furnishing at least 13,000 burials annually, there were forty-three burial-grounds, a number confessedly too small to meet the wants of the population. Of these forty-three burial-grounds, thirty-six had been closed, while not a single new one had been provided. One evil, of which the poor inhabitants of London justly complained, was, that they were obliged to bury their dead in unconsecrated ground, without the due performance of religious service, and where the remains of their relatives were subjected to every kind of indignity. He was informed by a respectable undertaker that in Cambridge Heath burial-ground no fewer than sixty interments took place in one day. There was one burial-ground still open in Bethnal Green, and so great was the pressure in that district that no fewer than 3,663 interments had taken place in less than one acre. But, even to reach unconsecrated ground, the poor people had to travel great distances; and the consequence was, that a dead body was often kept in a single room, occupied by a poor family, for ten days or a fortnight, or even three weeks, until they had scraped together a sufficient sum to pay the increased expenses of the funeral. The corpses of children were frequently carried to the places of sepulture in cabs, and it was no uncommon sight to see a string of such vehicles, filled with dead bodies, waiting at the gate of an unconsecrated burial-ground until they could be admitted. He need not say that on such occasions the solemn services of the Church were performed in a slovenly, irregular, and indecent manner. He was informed that at some of these unconsecrated grounds there was no clergyman in attendance on the burials. Sometimes the undertaker's man threw a surplice over his shoulders, and read a portion of that service in which the poorer members of the Church took a special interest, and from which they derived special consolation; and the friends of the persons interred conceiving that the service had been performed by clergymen, had on some occasions complained to him that the service had been mutilated in such a manner. With regard to the sanitary state of the case, there could be no doubt that many evils arose from the retention of dead bodies in a state of decomposition. The clergyman of one of the largest eastern parishes stated that liquid corruption had been seen dropping from coffins as they were carried along the streets; and nothing could exceed the distressing statements with respect to the hardships inflicted upon the poor by the premature closing of burial-grounds which had been made to him by both clerical and lay correspondents in the eastern districts of the metropolis. Even the bodies of paupers were interred in unconsecrated ground, although by the poor law it was enacted that they should be placed in consecrated grounds. Some time ago an application was made to the Secretary of State to allow the reopening of a burial-ground, which might have been done without any inconvenience. The application was refused on the ground that, according to the opinion of the law officers of the Crown, no person could authorise the reopening of a burial-ground which had been closed by an Order in Council. Since then, however, the Secretary of State had authorised the reopening of a burial-ground in Shoreditch, and his conduct, therefore, might fairly be called somewhat inconsistent. At the same time he (the Bishop of London) thought the practice of interment in churches was so objectionable that the Secretary of State was justified in prohibiting it. But the Metropolitan Burials Bill, while it operated with great hardship on the poor, inflicted another grievous injury upon the parochial clergy. By this Bill the parochial clergy were deprived of that which was the chief source of their incomes—namely, burial fees. In the parish of Whitechapel, with 50,000 inhabitants, the income of the incumbent had been reduced from 600*l.* to 300*l.*, upon which he had to support himself, a wife, and eight children, and two curates. The same thing occurred in St. George's-in-the-East, and other parishes, and it was evident that where the fees were so reduced it was impossible adequately to supply the spiritual wants of the inhabitants, and that the number of curates in such cases must be limited. Not only, however, was the income of the clergy diminished, but the fund for the repair of the churches had been cut off, so that the clergyman and his church would go to decay together. But both he and the clergy felt most deeply the evils of the system in its operation upon the poor. As it now worked, it broke down their religious feelings, destroyed their respect for the holy ordinances of religion, and led them to regard with indifference those rites and ceremonies which, when duly performed according to the ordinances of the Church, were calculated to call forth the best feelings of the heart. He hoped their Lordships would think it incumbent upon a Christian Government to remedy the painful evils he had pointed out, and he called upon them, at least, to consent to the Motion of his noble Friend (Earl Waldegrave), who meant to move for the appointment of a Select Committee.

EARL WALDEGRAVE, having called the attention of the Government to the state of the law concerning the interment of the dead, to see how far these laws require amendment, so that they may be made effective,

Moved, That a Select Committee be appointed to take into consideration the 15 & 16 of *Vict.*, c. 83, the 16 & 17 of *Vict.*, c. 134, and the 17 & 18 of *Vict.*, c. 87.

EARL GRANVILLE said, that everything which fell from the right rev. Prelate on this subject must have great weight with their Lordships, not only in consequence of the interest which he must naturally take in a question of this kind, but from the great personal interest which at all times he had taken in matters of a sanitary description; and he trusted that, in the few remarks which he felt it his duty to make, he should show no want of consideration for a question so important, or say one word that would indicate insensibility to the painful and melancholy interest that attached to the subject. He thought that, in considering the evils existing under the present state of the law, their Lordships must not forget what were the evils which that law was intended to remedy. Their Lordships could not but recollect how the public indignation was roused by the accounts which were daily published of the manner in which burials were conducted in this great metropolis before this measure was adopted. It was not his wish to harrow their Lordships' feelings by any description of those pit burials in which bodies were thrown one after another into one common grave, or of the stench and noisome pestilence arising from churchyards reeking with the pestilent products of accumulated centuries of burial; but he simply referred to this because he thought they should not lose sight of the evils that had called forth legislation on this subject. The first measure that was brought forward to cure these evils was one in which power was conferred on the Board of Health to provide more spacious burial grounds at a distance from the metropolis. It would be useless to enter into a speculative inquiry as to whether that body would or would not have been able to carry out a plan for that object; it was enough to say that the Government of Lord J. Russell and that of his noble Friend opposite (the Earl of Aberdeen) found it inexpedient to give the Board of Health the assistance they required, and the result was that a Bill of a different character was introduced by the Government of his noble Friend opposite. The chief feature of that Bill was that it made it compulsory in parishes to close certain burying-grounds, and to provide others beyond the bounds of the metropolis. There had been great complaints, however, of the manner in which the Bill had been acted upon, and the premature manner in which it was supposed Orders in Council had been issued for closing parochial burying-grounds. Some time had now elapsed since the passing of the Act? but it would be recollected that there were then great fears of the cholera, and a belief that the progress of the disease was aggravated by the continued existence of interments in the burial-grounds of the metropolis. He believed that under all the circumstances of the case there was no reason to complain of the manner in which the Act had been put into operation. With regard to the number of graveyards that had been closed, the right rev. Prelate complained principally with respect to the defect of cemetery accommodation in the eastern part of London; and he must admit that it was deficient. Being struck with the enormous number of burial-grounds closed, he had ascertained, on further inquiry that many of them were ordered to be shut, and, in fact, were disused by order of the parochial authorities—the number disused in this way amounting to no fewer than thirty-eight. The right rev. Prelate had drawn a distressing picture of the evils that had followed. No doubt hardships had occurred, but the evils he described had been chiefly confined to the eastern part of the metropolis; for the north-western portion of the metropolis ample provision had now been made, and, indeed, it was highly creditable to some of the larger parishes that they had exerted themselves most effectually to meet the acknowleged evils which existed. Public cemeteries had been established—one on an enormous extent of ground at Woking—having a central terminus in town—and with capabilities, as they said, for supplying burial-places for the whole metropolis. With reference to the expense and inconvenience caused to the poorer inhabitants of the metropolis, he thought it was quite clear, when the Legislature resolved to close these burial-places, and have others established away from the vicinity of the poor, that they must necessarily be exposed to some inconvenience. He was not now speaking of paupers, but of those who depended on their own industry and were compelled to take the bodies of their deceased relatives to a great distance; but, at the same time, he thought the sanitary considerations involved in the question overbalanced the disadvantages arising from expense and inconvenience. The right rev. Prelate spoke of the indecent manner in which interments were conducted under the existing state of the law, but he could not help thinking that if inquiry were made into the cases referred to they would be found to be greatly exaggerated. He was able to state that his right hon. Friend the Secretary of State for the

Home Department, though he daily received complaints of individual hardship and of injury done to property, had not received more than two complaints of indecency as applicable to interments. The right rev. Prelate last year distressed their Lordships with an account of the dreadful state in which bodies had been tumbled pell-mell into water at Mile End. On that occasion a Government inspection was ordered, and the right rev. Prelate himself afterwards came down to the House and admitted that the facts were not as he had originally stated them to the House. The right rev. Prelate complained that the dead bodies of the poor were frequently left unburied for two or three weeks in consequence of the increased expense and inconvenience of interment; but, in reply, he must remind their Lordships that by the existing law a permissive power was given to parishes to erect dead-houses for the reception of bodies that could not be immediately interred—a provision that was of great importance in a sanitary point of view. The right rev. Prelate had stated that thirty-eight burial grounds had been closed by the interference of the Home Secretary, and he said that he believed the return was imperfect. It was imperfect certainly; but it was so inasmuch as it did not show that many of the graveyards to which the order of the Home Secretary applied had been previously closed by the parish authorities themselves. With regard to the re-opening of graveyards after being closed, there could be no doubt that the law was not such as to justify the Secretary of State in doing so; and in this respect he thought some amendment might wisely be introduced into the law. The question now was, how far it would be right to give the Secretary of State a compulsory power to provide for graveyards which had been closed. This was not so easy a matter to settle as some might suppose. It was a difficult thing to make a parish which was not a corporate body, provide itself with a burial-ground, but still the evil had risen to such a point that the Secretary of State for the Home Department was of opinion that some measure should be introduced on the subject. In that Bill he should take power to rectify the grievances complained of by his right rev. Friend. At the same time, if the House considered it more desirable that the subject should be investigated by a Select Committee, he had no objection to refer it. But, on the other hand, if it were not so referred, Her Majesty's Government would not fail to introduce a Bill upon the subject.

The Earl of MALMESBURY said, that the Act of 1852, which was passed by the Government of his noble Friend (the Earl of Derby), and which applied to the metropolis alone, had been followed by another in 1853, referring to the country districts, and which had created greater difficulty than the previous one. He thought the reason there was no complaint of indecency as to the manner of carrying out burials under the late Act was, that persons who were shocked by such scenes as had been adverted to by the right rev. Prelate, would not refer their complaints to the Secretary of State, who was powerless to remedy the evils complained of; but he feared there could be no doubt that scenes of the kind which had been described had taken place too often; and he must say that he thought nothing was more to be deprecated than that there should be any diminution in the feelings of horror with which the desecration of the dead was regarded in this country. His noble Friend had passed over with too little consideration the fact, that there were no compulsory powers in these Bills, with respect to the provision of new burial-grounds by parishes. The fact was, that it would be very difficult to do so in the first place; and in the next, even if the parishes were willing to buy, it was impossible to compel the owners of land to sell sites. That point, he thought, had been passed over with less consideration than it deserved; for the practical result was, that in some instances parishes which had been reduced to the absolute necessity of opening new burial-grounds had been compelled to pay from 100*l.* to 150*l.* per acre for a site for their cemeteries. Another obstacle interposed in the way of the provision of new cemeteries was this—By the Act of 1852 it was provided that a new chapel might be built in a new cemetery; but in the Act of 1853, which extended to the whole country, it was provided that if one chapel was built two chapels must be built; one for members of the Church and another for the Dissenters. The Act did not, however, compel any chapel whatever to be built. He knew the case of a parish some of the parts of which were actually twelve miles from the parish church; when that burial ground was closed it occurred to the burial board of the parish that it would be desirable to have three cemeteries instead of one for the accommodation of the parish. They were, however, met by the objection that they would in that case be obliged to build six chapels. That being the case, it was impossible from economical considerations to carry out this plan, so desirable in many respects. Another difficulty arose from the conscientious objections entertained by many of the right rev. Prelates to consecrate a burial-ground when there was not a chapel. Now, there were many parishes in which the Dissenters were so few in number that they were not inclined to insist upon their right to have a chapel built for themselves; and he thought it was, therefore, very desirable that some relaxation of the law should take place in this respect, so that only one chapel might be built when only one was required to meet the wants and wishes of the inhabitants of the parish. He hoped, if the matter went to a Committee, or if a new measure were introduced, that these points would not be lost sight of, but that some means might be adopted to meet the wishes of the people upon a subject which was now agitating every parish in England.

THE BISHOP OF LONDON said, after what had occurred in the discussion, he should not think it expedient to press his Resolutions, and was content to let the matter rest where it was.

THE EARL OF SHAFTESBURY said, he fully understood the delicacy of feeling by which the right rev. Prelate was actuated; but he could not suffer the opportunity to pass without observing that the right rev. Prelate had certainly understated the grievance as it pressed upon the parochial clergy. He (the Earl of Shaftesbury) complained not only on behalf of the clergy, but also in the interests of the poor. The fact was, that the present law limited the power of the clergy to do good; and every one acquainted with the parochial clergy knew that they, in proportion to their means and numbers, expended more to benefit the poor than all the wealthy magnates of the land put together. There could be no doubt that by the operation of the Act of 1852, which sanctioned the closing of burial-grounds, the poor were deprived of that which they very much cherished—their parochial right to inter their dead in the burial-ground of their own parish. It had, at the same time, imposed upon them additional expense for interments. It compelled them to resort to that which some years ago the Legislature used all its efforts to prevent, and which, of all things that afflicted the poor, was most material, namely, the long retention of the dead corpse within the walls of their dwellings; in short, the worst moral and sanitary evils proceeded from the operation of the law. We were endeavouring to teach the poor the knowledge and value of the sanitary principles which science had established; but this sanitary teaching was rendered utterly nugatory by the system that now existed, and which he knew had produced the most exasperated feelings in the minds of the people. It was said that an attempt had been made to provide a remedy for the evils which formerly existed, and a certain form of remedy had been introduced; but what he complained of was, that when this remedy turned out to be insufficient, no forward movement was made to improve it. His noble Friend said there was difficulty in executing a compulsory Act. Let him give his noble Friend an instance to the contrary. Before the Act of 1845 for the compulsory construction of lunatic asylums was introduced, the power was only permissive, and during fourteen years only nine county lunatic asylums had been erected in the whole of England and Wales. Within a very few years after the passing of the Act of 1845 there was scarcely a county without its lunatic asylum, and at this moment there were few counties or boroughs that either had not asylums of their own or were in connection with some adjacent county or borough; so that every pauper lunatic in the country might find refuge in a public asylum. So, by acting with the same vigour and upon the same principle now, their Lordships might rely upon it that churchyards and burial-grounds would be provided to any amount sufficient for the interment of the population. It was perfectly true, as the right rev. Prelate had observed, that the mode of interment in some of the yards was positively indecent and unnatural. The corpses were carried there in omnibuses and cabs, which were driven along the roads at a furious pace to save time; when they reached the yard they were huddled together as so much rubbish, with a white sheet thrown over them by the undertaker or an attendant, and the burial service, which from its impressive character was calculated to do so much good, was hurried over as if in mockery and jest, or curtailed in a manner that deprived it of all its religious influence. He did not hesitate to say that the system adopted with regard to the burial of the dead tended very much to reverse all the efforts of the clergy, the City missionaries, and the various agents of religion among the poor in the metropolis. He (the Earl of Shaftesbury) had seen the most savage and brutal people, at moments when the word of kindness, of advice, or of religion, might have produced the most blessed effects; but if they were left to believe that their dead were to be looked on only as so much offal, which they were to get out of their sight as soon as possible, or which, on account of the heavy expense imposed upon them, they must keep festering within the walls of their dwellings, in his judgment an amount of degradation would be thereby produced of which their Lordships could form no conception. They might depend upon it that it was in vain to send out missionaries for the purpose of educating the people, and inducing them to adopt habits of decency and respect for the moralities of life, so long as this state of things was permitted to continue; and he could assure their Lordships that the matter was well worthy of their serious consideration, and the consideration of every man who had the moral, social, and religious improvement of the people at heart.

LORD REDESDALE thought a great deal might be done towards remedying the evil complained of by removing certain provisions which were contained in the existing Burial Acts. It was a remarkable circumstance that a parish which desired to establish a new parochial burial-ground upon the same footing as the old, had no power to do so under those Acts; and if this were altered, he was sure there would not be wanting persons ready to assist with their private subscriptions, for the purpose of obtaining new burial-grounds.

Motion, by leave of the House, *withdrawn.*

EDUCATION OF POOR CHILDREN BILL.

Order of the Day for the Second Reading read.

THE EARL OF BURLINGTON, in moving the second reading of this Bill, said, that its object was to enable the boards of guardians to provide for the education of the children of the poor who were supported by the parish rates out of the workhouses. The reports of the Poor Law inspectors contained many remarks and suggestions on this subject, and proved that the outdoor pauper children were a very numerous class, and that no provision was made for their education. The boards of guardians were empowered to make provisions for the education of the indoor pauper children, and, as no strong distinction could be drawn between the cases of the indoor and the outdoor pauper children, he saw no reason why the powers of the boards of guardians should not be enlarged and extended to the latter class, as was proposed by the present Bill. The workhouse schools were capable of affording accommodation to double the number of children at present receiving instruction in them. It was true it appeared from the reports of the inspectors that many of those schools were in a very unsatisfactory condition; but he thought the effect of this Bill would probably be to improve their character. The Bill had received the full approval of the President of the Poor Law Board and of his predecessor in the same office; it was also approved by many Members of both Houses who took an interest in matters connected with the education of the poor, and he hoped it would receive their Lordships' assent.

Moved, That the Bill be now read 2^a.

LORD COLCHESTER did not rise to oppose the measure. It had always appeared to him that the best possible mode of relieving poor persons was by taking their children off their hands, and providing for them in the union schools. So far, therefore, he agreed in the object of the Bill. But he did not see how far it was to go; and whether the education to be provided was to be extended to the children of the poorer classes generally, or confined to the children of those who came within the scope of the Poor Law.

LORD REDESDALE said, he should have no objection to the Bill passing, but would like to allow any quality of children to receive education. He should advise the education to be given to the children of people who were struggling, but who were not receiving relief; and that was the only way to make the Act popular. He suggested to strike out the words confining the admission of children of paupers, and should propose the omission of those words as an Amendment in Committee; and, if agreed to, he thought the Bill would require no other alteration. To let the children go to the workhouse, while the parents remained out of it, would be highly objectionable.

LORD LYTTELTON said, he agreed with what had fallen from the two noble Lords who had just sat down. It was the duty of the poor to educate their children as much as it was to provide them with food; and it would be the duty of the board to ascertain that the parents really could not pay for their children's education before they admitted them.

The Bishop of ST. ASAPH said, it should be made incumbent upon the guardians not to allow children to be paid for by the public whose parents could pay for themselves. Provided that were done, he believed they could not do a better thing than establish the principle that a poor person who was really unable to pay for the education of his children should have a right to that education being supplied by the public. But they must be cautious with regard to the schools to which those children were admitted, and he confessed he had very great doubts whether the workhouse school would be a proper place. He had formerly the spiritual care of a workhouse himself, and he observed that when once a child had been introduced there, the greatest difficulty was experienced in keeping him out of it for the rest of his life. The preferable course would therefore be to have the proposed school out of the workhouse rather than in it. He had no doubt in his own mind that this Bill contained the nucleus of the solution of the difficulty of education. The great thing was, not to interfere with the choice of the parent.

Earl GRANVILLE said, as he read the Bill it meant that the guardians were to have the power of sending to school children of all persons receiving indoor relief. He certainly agreed with the right rev. Prelate in what he said as to the disadvantage of sending children into the workhouse when it was not necessary to do so, because it gave the children the habit of looking to the workhouse as their home, and produced those habits of continuous pauperism which were so much to be deprecated. In regard to the extension of the system of education to the children of persons receiving outdoor relief, although that was a great temptation to those who wished to see the principle of education extended, yet he thought there would be a great risk incurred by adopting such a principle in this Bill, as it would entirely alter its character. This measure had the credit of having passed unanimously through the other House of Parliament, and he would, therefore, recommend the noble Earl to consider the question carefully before he adopted the suggestion of the noble Lord opposite.

Lord Lyttelton

Motion *agreed to.*

Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Tuesday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 8, 1855.

Minutes.] Public Bills. — *Reported* — Gold Finger Rings.

3° Grants of Lands; Jurisdiction of the Stannary Court Amendment.

THE GOVERNOR OF GIBRALTAR—QUESTION.

Mr. OLIVEIRA asked the Secretary of State for the Colonies, whether his attention had been directed to the ordinance issued by the Governor of Gibraltar, entitled "An ordinance to prohibit unlicensed printing within the city, garrison, and territory of Gibraltar," dated the 18th day of May last; and whether the said ordinance meets with the sanction of Her Majesty's Government?

Lord JOHN RUSSELL said, it was only within these few days that the ordinance to which the hon. Gentleman referred had been brought under his notice by a letter from the Minister of War (Lord Panmure), who sent him a despatch from the Governor containing the ordinance in question. He might say, however, that it was not at all necessary that that ordinance should have the sanction of the Colonial Office;—it was issued by the authority of the Governor of Gibraltar alone, who had authority so to do. He (Lord John Russell) had reason to believe, however, that that ordinance was hardly in accordance with rule, inasmuch as the regulations required that a draft ordinance should be promulgated a month before any ordinance having authority should be published. However, the matter had only been lately under his notice, and as his sanction was by no means necessary, he could only say that his attention had been called to it.

Mr. BRIGHT wished to ask whether the Governor of Gibraltar had forwarded to the Colonial Office the memorial presented to him on this subject by the Exchange Committee of Gibraltar; and whether the noble Lord would inform the House as to the appointment of the successor to Sir Robert Gardiner? The Duke of Newcastle informed a deputation from Gibraltar some time since that as his term of office had expired, the Governor only held his office till his successor should be appointed, and the noble Lord at the head of the Government repeated the same statement the other night.

Lord JOHN RUSSELL said, he did not know whether the memorial had been so forwarded; but, with respect to the second and more important part of the question, the Duke of Newcastle had informed Sir Robert Gardiner at Christmas last, when the period of his government expired, that he would not object to allowing him to retain his office till the spring. Within the last few days Lord Panmure had fixed upon the officer whom he intended to nominate as the successor of Sir Robert Gardiner, and when the name had been submitted to Her Majesty the new appointment would be made.

SIR W. MOLESWORTH AND MR. COBDEN —EXPLANATION.

On Motion that the House at its rising adjourn until Monday next,

Sir W. MOLESWORTH said: I ask permission of the House to take this, the first, opportunity which I have been able to find, to make a statement in contradiction of certain unfounded personal charges which have been brought against me by the hon. Gentleman the Member for the West Riding; charges which he defied me to contradict, and which were repeated last night by the hon. Gentleman the Member for Manchester. The hon. Gentleman has accused me of expressing "opinions utterly at variance with all my previous declarations of opinion," and he attributed my alleged inconsistency to discreditable motives. In support of his accusation, he referred to two speeches of mine; one delivered in this House in the year 1850 respecting the Pacifico question—the other delivered at a public meeting at Leeds, in the year 1840, respecting the Syrian question. I have read over both of those speeches. The first, delivered in the Pacifico debate, is reported in *Hansard.* As any hon. Gentleman can look at it there, I content myself with denying that it contains any sentiments which are inconsistent with those which I expressed the other night in debate. With regard to the speech respecting the Syrian question, it was delivered at Leeds fifteen years ago. On referring to it, I found that, so far from its being, as the hon. Gentleman said, utterly at variance with my present opinions, it was in some respects remarkably in accordance with my present views. For in that speech I alluded to and foreshadowed the possible necessity of a war similar to that in which we are now engaged—namely, a war in which France and England should be allied to protect Turkey against Russia. The hon. Gentleman wished the other night that I could be forced to read that speech at the table of the House. With the permission of the House, I will read a short extract from it. I said, speaking of the alliance with Russia and the alienation of France, produced by our conduct in the Syrian question, which I was afraid would produce a war with France, the evils of which I denounced—

> "We have formed an alliance with Russia, whose interests are hostile to our own in the East. We have lost the alliance of France, the only European power which has an interest equally strong, and a desire equally urgent with ourselves, to prevent the occupation of Constantinople by Russia. Who does not perceive that every wound inflicted on France by England, or on England by France, must be a source of rejoicing to the northern barbarian — an obstacle removed from his path to Constantinople."

Speaking of the craft and duplicity of Russia, in endeavouring to embroil us with France, I said—

> "As the fox, in the fable, when the lions had disabled one another, seized the prey for which they were contending, so Russia, more wily than the fox, urges us (France and England) on to mutual destruction, in the hope that when our forces are exhausted she may carry off the prey we would save from her grasp."

In another passage I said—

> "The question may be asked of me, are the affairs of Turkey of no importance to England? Is Russia to be permitted quietly to occupy Constantinople? I answer, by no means. I answer that the policy of England is to abstain from interfering in the internal affairs of other nations, and to insist that a similar policy of non-interference shall be adopted by the other Powers of Europe."

In another passage I said—

> "Let us say to Russia, we will not permit you to make an attempt to assume to yourself the sovereignty of the Turkish Empire. If you presume to interfere in affairs which are not your own, and menace Constantinople, France, united with England, will compel you to desist."

Mr. COLLIER said, he also wished to make an explanation. He wished to disclaim the interpretation which had been put on a portion of his speech of Tuesday evening by the right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert), by which he was made to express an opinion that the right hon. Gentleman and his two colleagues, who had quitted the Government along with him, had been guilty of conduct almost treasonable to their country. He certainly had never intended to make any such accusation; on the contrary, he had expressly stated that he gave credit to those right hon. Gentlemen for having acted throughout from the purest and most conscientious motives. What he had said was, that, judging from events, it seemed to him that those Gentlemen had endeavoured to enter into a calculation as to the precise amount of money and forces necessary to carry out the objects which they had in view, and that they had avoided any excess for fear it should unduly excite the warlike passions of the people of this country or humiliate Russia; and that in consequence of their policy the war had been feebly conducted, and with ill success, by Lord Aberdeen's Government.

Motion *agreed to*.

PROSECUTION OF THE WAR—ADJOURNED DEBATE (SIXTH NIGHT).

The Deputy Speaker in the Chair.

Order read for resuming Adjourned Debate on Amendment [25th May] to Amendment [24th May], which was, to leave out from the first word "House," in the Original Question, to the word "feels," in line 5, in order to insert the words, "having seen with regret that the Conferences of Vienna have not led to a termination of hostilities,"—(*Sir Francis Baring*,)—instead thereof:—And to which Amendment, an Amendment had been proposed on the 25th May, to insert, after the words "regret that," the words "owing to the refusal of Russia to restrict the strength of her Navy in the Black Sea:"—(*Mr. Lowe*).

Question again proposed, "That these words—namely, 'owing to the refusal of Russia to restrict the strength of her Navy in the Black Sea,' be inserted in the proposed Amendment."

Debate *resumed*.

Mr. F. SCOTT said, he did not rise last night to move the adjournment of the debate until he found that no Cabinet Minister evinced any desire to address the House; nor should he have attempted to prolong the discussion had he not regarded the question before the House as one of the most important that had arisen within the last forty years, and therefore demanding the fullest and most deliberate consideration. Although the question before the House had been involved in considerable confusion by the cluster of Amendments which had been proposed upon the simple issue raised by the original Motion of the right hon. Gentleman (Mr. Disraeli), and although the doctoring to which that Motion had been subjected had, indeed, served to secure a majority for the Government, yet disguise the question as they might, hon. Members could not fail to perceive that the real question for their consideration was the management of the war and the manner in which the Conferences at Vienna had been conducted. Before he addressed himself to the discussion of these questions, however, he could not refrain from expressing his astonishment and regret at what had occurred in that House upon the evening previous—he alluded to the attempt which had been made by the supporters of the Government to bring the debate upon the all-important subject of the war to a close, by counting out the House. He had been credibly informed, that although some Members of the Cabinet were in the vicinity of the House when that attempt had been made, yet that they had not used the slightest exertion to prevent its being carried into execution. That such had been the case was in itself sufficient to prove that Ministers attached more importance to what was going on in the lobby than to the important discussion which was taking place in the House of Commons. It was, he thought, symptomatic of weakness, if not of division, in the Cabinet, that while the country was looking with the utmost anxiety for the opinions of its public men upon the question before them, as yet only two or three Members of that Cabinet had risen to give expression to the views which they entertained. It was not the duty of an Opposition to dictate to Ministers the course which they should pursue, but it was their duty to assure themselves that the Government were not engaged in the prosecution of a policy which might have the result of bringing embarrassment and disaster upon the nation. Both the people and the press had, in his opinion, been most unjustly charged with having forced the Government into the war; but the fact was that the greater part of the evils of the last two years had been produced from the country having placed too much confidence in the Government, who had been allowed to follow their own unbridled course, without being compelled to give sufficient explanations in that House. The House had been kept in the dark as to the Eastern question, until the disclosures made a year or two ago through the publication of the secret correspondence on the subject between our Government and the Emperor Nicholas. The Motion of the right hon. Gentleman the Member for Buckinghamshire gave the key to the whole mismanagement of affairs, and it now became the duty of the House to ascertain the opinions of the Cabinet upon the question of the war. The noble Viscount at the head of the Government had invited the confidence of the House, promising to lead the country to a satisfactory and glorious issue, but it must be remembered that two years ago the noble Viscount was just as confident in the maintenance of peace. The papers laid on the table did not convince him (Mr. Scott) that the conferences had been conducted in a manner likely to lead to the desired result. In the first place, it was necessary to adopt definite objects, and next to have an agent who was capable of obtaining those objects. The noble Viscount said he hoped to close the war by a peace not only honourable to the country, but which would accomplish the purposes for which the war was begun. He (Mr. Scott) would ask what those purposes were? The right hon. Baronet (Sir J. Graham) and his friends were of opinion that the objects of the war had been obtained; but the Ministry were silent, and it was to be hoped that some other Member of the Cabinet would give the House a candid statement of what, in the opinion of the united Cabinet, were the real objects of the war. The Government had, indeed, proclaimed that they sought by the war to destroy that which was a standing menace to Europe, and had for that purpose risked the *prestige* of England; but how had it come about that under those circumstances they had put forward the terms which at Vienna they had proposed for the acceptance of Russia? In fact, one of the greatest mistakes which in the conduct of the war the Government had committed was, in his opinion, having selected the time which they had chosen for the prosecution of negotiations at Vienna. With respect to those negotiations he must also observe, that he thought the noble Viscount at the head of the Government, being himself the most unpopular of British statesmen among continental Powers, had made an unfortunate selection of a Plenipotentiary to seek for peace from our enemy. To render the attainment of peace as feasible as possible, the noble Viscount should have chosen as the Plenipotentiary of this country some gentleman who was not, in consequence of the expressions to which with reference to Russia he had given utterance, offensive to the Imperial ruler of that empire. He certainly should not have selected the noble Lord the Member for London to negotiate for peace with the representatives of a State whose Emperor he had denounced as false, fraudulent, and corrupt. But there was another objection to the appointment of the noble Lord the Member for London to be our Plenipotentiary at Vienna. Lord Clarendon, in the other House of Parliament, had stated that the misinterpretation of the Treaty of Kainardji was one of the principal causes which had led to the contest in which we were involved. But who, he would ask, had misinterpreted that treaty. The noble Lord the Member for London. Whose opinions had the noble Lord been sent to Vienna to represent? Had he been deputed to represent his own opinions or those of the noble Viscount at the head of the Government? These were subjects upon which they had obtained no sufficient information; and for his own part he believed that nothing had contributed so much to the necessity of the present war as the vacillating policy which, by the Members of the Cabinet, had been pursued. A firm tone upon the part of the Government of this country might have prevented a resort to hostilities; but the noble Lord the Member for London had encouraged Russia in her aggression by writing to Russia, "that her pretensions were prescribed by duty and sanctioned by treaty." The noble Lord (Viscount Palmerston) said, on the 25th of May, that the standing policy of the Emperor Nicholas was to weaken the authority of Turkey, and that the cause of the war was, not the events of the moment, but that standing policy. The noble Lord (Lord John Russell) was Foreign Secretary at the commencement of the negotiations, and must have been aware of the policy of Russia. However, on the 9th of February, 1853, the noble Lord praised the Emperor Nicholas for his "frankness, moderation, and candour," and added that "no policy could be adopted more wise, beneficial, or disinterested than that which His Imperial Majesty had for so long pursued." At that time the Russian army was on the banks of the Pruth, ready to enter Turkey. If these were the noble Lord's opinions, whose opinions was he sent to represent at Vienna—his own or those of the noble Viscount? He blamed the Government for the war; no blame attaching to them could exonerate Russia from the charge of unprincipled ambition and wicked treachery in its accomplishment; but Russia, he believed, might have been effectually hindered without resort to arms, by honesty and firmness. In order to prove the justice of the war its necessity must be proved, and he thought that necessity had arisen from the weak, vacillating policy pursued not only by the right hon. Gentlemen who had left the Cabinet, but also by the noble Viscount at the head of the Government, and the noble Lord the Member for London. The noble Lord had encouraged the pretensions of Russia as much as any Member of the late Government, he had repeatedly denied openly in the House that Russia had any designs on Turkey, and had done that, notwithstanding the evidence in his possession, at the time he spoke, of her designs upon Turkey; and he complained, therefore, of the noble Viscount's selection of the noble Lord to represent England at the Vienna Conference. He desired to prosecute the war with the utmost vigour and determination, but, at the same time, it was the duty of the House, after the sacrifice of blood and treasure which had taken place, to ascertain the opinions of the Government upon the subject of the war, and they ought not to be diverted from that purpose by the tidings of the successes at Kertch. He rejoiced at those successes, but he thought they ought to have been achieved six months ago, and no sufficient reason had yet been given why Odessa had not been bombarded anterior to the expedition to the Crimea. While upon that subject he might observe, that the right hon. Gentleman the Member for Wiltshire had, the evening previous, gone out of his way to quote a dispatch in order to vindicate the conduct of the right hon. Baronet, who sat near him (Sir J. Graham). Early in the Session, when the question of the attack on Odessa was before the House, neither of the right hon. Gentlemen had shown the same tenderness for the character of a gallant officer who was not in the House to vindicate himself, and the right hon. Gentleman should bear in mind that the reputation of the commander of their fleet in the Black Sea was quite as dear to the country as that of any Member of that House, and should therefore have refrained from quoting from a document which had not been laid upon the table of the House, and for the purpose of elucidating which hon. Members had no papers at their disposal. He had only in conclusion to state, that he could not give his support to the Amendment of the hon. Member for Kidderminster.

Sir FRANCIS BARING said, that as his Amendment had now become the main question, and the debate was now approaching a conclusion, and there appeared to be considerable confusion with regard to the Motion and the Amendments before the House, perhaps he might be permitted to make a few observations upon his own Motion and the Amendments which had been proposed to it. When he first moved his Amendment to the Motion of the right hon. Gentleman opposite (Mr. Disraeli), he stated his regret that the debate should have been brought forward at that time, and, notwithstanding the talent which had been displayed in their discussions, his impression still was that it would have been much better and more convenient if the debate had not taken place before the termination of the negotiations then pending. The House would recollect that he had not proposed his Amendment as a volunteer, for the subject had been forced on the attention of the House by the right hon. Gentleman opposite (Mr. Disraeli), and he considered that the right hon. Gentleman's Motion compelled either himself or some other hon. Member to propose some Amendment to it. The object of the right hon. Gentleman was to obtain a declaration which would, in the first place, shut the door to all further negotiation, which would, in the next place, express the intention of the House to support Her Majesty in the prosecution of the war, and, last but not least, which would have the effect—the door to further negotiation having been closed—of placing the right hon. Gentleman inside and Her Majesty's Government outside that door. He did not complain of the course pursued by the right hon. Gentleman in bringing forward that Motion; but he (Sir F. Baring) could not assent to the right hon. Gentleman's decision to shut the door to all negotiations; he wished to convey to Her Majesty the same assurance as the right hon. Gentleman, of support in the prosecution of the war; but he did not, by any declaration of censure of the Government, propose to convey the administration of affairs to Lord Derby, Lord Ellenborough, and the right hon. Gentleman. To those views the House had so far assented that they had rejected the right hon. Gentleman's proposition. He had been asked why he did not meet the Motion with a direct negative. His answer was, that although in that House a declaration to support Her Majesty in the prosecution of the war might be regarded as a platitude—to use the expression of the hon. Member for Hertfordshire (Sir B. Lytton)—if the first part of the right hon. Gentleman's Resolution were thrown out; but, out of doors, people did not look upon this as a question purely of turning out one Government and bringing in another. It was stated that he ought to have inserted in his Resolution some words conveying a decisive opinion on the Government. His answer to that was that, at the time he proposed his Resolution, the Vienna Conferences were not supposed to have closed, and all the papers were not before the House. If any one had proposed a condemnation of the Government at such a time, he should have said it was unfair and unjust to move such a Resolution before the conferences were closed and the papers were on the table. The same reasons which led him to object to a vote of condemnation led him to conclude that it would not be fair to propose a vote of approval; for the same arguments would have been used to him that he should have used to others. He must admit that circumstances had materially changed since his Amendment was proposed, and if, by withdrawing it, or taking any other course, he could facilitate a decision upon the real issue, he would do so, as he saw no use in fighting battles over circumstances that had changed a fortnight ago. He was therefore ready that his Motion should be met by the previous question, and he should not complain if he lost it. But as it had been determined that this debate should go forward, he must stop to pick up one dead man in this contest. The Resolution of the hon. Member for the University of Oxford (Sir W. Heathcote) was a perfectly fair issue to bring before the House at the time when it was proposed; but, unfortunately, the world would not stop while they were debating. What had been called the "massive good sense" of the right hon. Member for Carlisle (Sir James Graham) had quashed the Amendment of the hon. Gentleman; for, when the hon. Gentleman contended that the matter ought to be fairly discussed after the holidays, the Amendment was found to be entirely inapplicable to the existing state of things. He now came to the Amendment of the hon. Member for Kidderminster (Mr. Lowe); and he would fairly own that, were it not for the movements of parties, the difference between his Motion and that of the hon. Member would amount to a question of taste rather than of politics. He thought his own rather the better, but the hon. Gentleman the Member for Kidderminster had much more experience in writing than himself, and he was not surprised that others should entertain a different opinion. He certainly did not think the first of these Amendments to be in itself of any importance, and he should not have thrown any difficulty in the way of its adoption if the noble Lord at the head of the Government had preferred it to his; but if it was considered as a necessary introduction to the second part of the Amendment, he certainly felt grave and serious objection to it. He could perfectly understand that it might be thought wise in some quarters that the House should make some public declaration of the objects of the war, and should state that by those objects the House would stand or fall. He did not think that course would be a wise one to pursue; at all events, let no one suppose that the hon. Member for Kidderminster had at all undertaken that important task. The hon. Member was much too able a man to put his hand into such a mess. He had only taken a very small portion of the negotiations, and although he had selected the most important point in the negotiations, still it was but one. What it committed the House to was, the statement that all negotiations were exhausted unless Russia agreed to one particular point. [Mr. LOWE: The third point.] Yes; the hon. Member committed the House to that particular point and basis, and left the others untouched. So that Ministers might give up the Danubian Principalities, the freedom of navigation of the Danube, all the privileges of the Christians, and even the introduction of Turkey into the European system without at all interfering with the Resolution proposed by the hon. Member for Kidderminster. Now, he apprehended it would not be wise to commit the House to any point with regard to future negotiations. He apprehended that there was no one who had seriously considered the question of limiting the naval power of Russia in the Black Sea but must be aware that it was beset with the gravest difficulties; and he was surprised to hear the right hon. Gentleman opposite mention the difficulties which occurred to the mind of every one, as though they were impressed with their importance for the first time. He admitted many of the difficulties stated by those right hon. Gentlemen; but it was a choice of difficulties which they had to make, and if it were determined to limit, by some means, the naval power of Russia he had seen no proposal so efficient as that made by the Government at the Conference of Vienna. With regard to the second proposal of Russia, it appeared to him to be identical with one of the demands which the allied Powers made on the 19th of April in the Conference at Vienna, and, therefore, he was rather astonished that the right hon. Gentleman should have treated it as new to them. That proposal was not made by Russia in the first instance, but formed part of the demands made by the allied Powers. He understood the proposal of Russia to be this—that the Sultan should preserve the power of opening the Straits of the Dardanelles and the Bosphorus to the fleets of those Powers whom he should think right to summon whenever he considered the security of his dominions to be menaced. Now, in the protocol of the 19th April, he found the following proposal of the Allied Powers to limit the preponderance of Russia—

> "In case (which God forbid!) the Sultan should be menaced by aggression, he reserves to himself the right to open the passages to all the maritime forces of his allies."

He entertained another very strong objection to the Amendment of the hon. Member for Kidderminster. A great deal was said on all sides of our anxiety to do justice to the good faith and honour of the French Government, and of the Emperor at the head of that Government whose good faith to us had received testimony which he believed to be well-deserved. But was the good faith to be all on one side? Whilst Gentlemen talked of the good faith of the French Government, he asked them to consider the good faith on the part of the English House of Commons. What were the terms of the convention agreed upon between this country and France in April, 1854? The third article was this—

> "Whatever events may arise from the execution of the present Convention, the high contracting parties engage not to entertain any overture or any proposition, having for its object the cessation of hostilities, nor to enter into any arrangement with the Imperial Court of Russia, without having first deliberated thereupon in common."

Sir F. Baring

It was clear that no step for peace could be taken, except in common with France. If he understood the Amendment of the hon. Member for Kidderminster correctly, it declared that one particular point should be a *sine quâ non* in any terms of peace. Was that fair to France? He would put the matter in the opposite sense, because Gentlemen were apt to think differently when told, "Your bull has gored my cow," than when told "my bull has gored your cow." Supposing France, without communication with England, were to lay down in some State paper, that unless a particular article were granted all negotiations were exhausted upon that point, would the House of Commons think that fair on the part of France? He was sure they would say it was contrary to the course in which the treaty pointed out all proceedings in reference to the affairs of Russia should be conducted. And was it not a little stronger if the House of Commons interfered with the observance of the treaty with France? He would not enter upon the constitutional question; but it was not the usual practice for that House to interfere with negotiations, and the Emperor of the French might fairly say, "I was in communication with your Government, with those who represented the Crown, and I had a right to expect no step would be taken without previous consultation with me, according to the words of the treaty—and that the House of Commons would not have declared that one particular point, which I have not made a *sine quâ non* shall hereafter be considered by England as a *sine quâ non* in any negotiation." He thought the House should be very careful before placing itself in that position. He had heard of the great importance of coming to some decision after all these long and discursive debates. He was afraid to tell them, because he was afraid it would create some wrath on the opposite side, but it seemed to him impossible that they could come to any decision which would show really and honestly to the country the opinion of the Members of that House. In the Amendment of the hon. Member for Kidderminster there was something to fight about, something to discuss; but, when it came to a division, the noble Lord at the head of the Government would vote against it, the right hon. Gentleman the Member for Buckinghamshire would vote against it, and those Gentlemen who were supposed to be the more eager advocates of peace could not possibly vote for it. Therefore they would have the Government, the Opposition, the Peace party, and a great many Members who were ready to support the war, voting on one side, and the hon. Member for Kidderminster voting on the other. He by no means intended any sneer at the hon. Member for Kidderminster, and perhaps should have added "those who supported the hon. Gentleman," to prevent it being supposed he anticipated the hon. Member being in a very small minority. But would that show the opinion of parties as to the conduct of the Government or as to the question of peace or war? Not in the least. He might also say it would be making divisions of that House ridiculous. It appeared to him that, in a case where the country expected to see how each Member of that House spoke and voted on the question of the war, it was absurd to come to a division upon the mere question as to whether the words "owing to the refusal of Russia to limit her naval forces in the Black Sea" should be inserted in the Resolution or not. A great discussion had been going on for more than a fortnight, a great deal of talent had been displayed, and a great many words spoken, he hoped not in vain; and now, when the House of Commons was called on no longer to leave the country in a state of uncertainty, they were asked to vote upon a question as to the insertion of certain words in a Resolution, and it appeared to him that to adopt such a course was nothing more or less than playing with a difficulty. He should have wished that after the intelligence which they had received on Monday that the Conferences at Vienna were finally closed, the House would have consented to close the present discussion. He trusted, however, that the House would not consent to a hard fight taking place between parties as to whether these ridiculous words should be inserted in the Resolution, or whether they should not.

THE ATTORNEY GENERAL: Sir, it appears to me that the course which has been taken has placed Her Majesty's Government in a very peculiar position, inasmuch as we are attacked in front, in flank, and in the rear by enemies who come from different quarters, and who seem to have nothing in common excepting their desire to attack us. By the Members of the peace party we are told that we have engaged in an unjust and unnecessary war, and that it ought never to have been undertaken, and we are charged with having augmented the popular passion and shown a warlike tendency. By the Gentlemen below the gangway we are told that, although it was a just and necessary war in its commencement, we ought now to hasten to bring it to a termination; for they say that our demands have been exorbitant, and that we ought to have concluded a peace upon the terms proposed by the enemy. On the other hand, hon. Gentlemen opposite accuse us of not having shown alacrity in carrying on the war, of not having been exacting enough in our demands, and of being willing to accept peace on terms discreditable to the country. Now, Sir, it is, I confess, somewhat difficult to meet at one and the same time attacks so conflicting, and our only consolation must be that a great deal of the shot intended for us passes over our heads and falls into the ranks of some of our adversaries. To my mind the Government need not give themselves much trouble in vindicating the propriety of the war, the best vindication of its justice and policy is to be found in the unanimous opinion of the people of England. From one end to the other of this vast empire there has gone forth a voice, universal and powerful, and it has been re-echoed from our remotest colonies, that the war is a just and righteous war, and one which it was incumbent upon the Government to undertake. It is true that we are told by the hon. Member for the West Riding (Mr. Cobden) that this expression of opinion is what he is pleased to term "the passions of the people." That, Sir, however, I utterly and emphatically deny. There never has been in the history of this country any great question upon which public opinion—extending from the palace to the cottage—has been so unanimous. It has not been expressed only by those whose sentiments of chivalry might perhaps bias their judgment, nor alone by those masses of the people who are usually carried away by popular passion; but the strong-minded, and therefore safer, middle class, which constitutes so large an element in the intelligence, the wealth, and the greatness of the country, has expressed similar opinions. Is that the class to which the hon. Member for the West Riding applies the terms of "the passions of the people?" I confess those words appeared to me to sound strange, coming from the hon. Gentleman. Time was when the hon. Gentleman condescended to court the opinion of those classes:—when the hon. Gentleman was engaged in accomplishing that great work with which his name is so honourably and imperishably connected, was he then in the habit of characterizing the active and influential class to which I refer as neither more nor less than the populace, and as a class likely to be led away by popular clamour? But now, when the tide of public opinion no longer runs with his own, the hon. Gentleman has discovered that the active and intelligent masses of the people are neither more nor less than the populace, and that their display of feeling is nothing more than "popular passion." The hon. Gentleman has charged my right hon. Friend the First Commissioner of works (Sir W. Molesworth) with inconsistency; my right hon. Friend has completely answered that charge; but to my mind the hon. Gentleman himself affords the most glaring instance of inconsistency in now going about like a modern Gracchus complaining of sedition—complaining of popular clamour and protesting against the influence of the press. His inconsistency is equally manifest in another portion of his conduct, for he now lauds and upholds that system of Russian Government which a few years ago he made the frequent and constant object of his vehement vituperation. But with regard to what is called the Peace party it is impossible not to respect the humanity and Christian benevolence which animated their views on this subject—it is impossible not to admire the courage with which the hon. Gentleman and those who act with him have imperilled their popularity and risked the loss of their personal influence in attempting to stem the tide of popular feeling, which would have been strong enough to sweep before it men less firmly fixed in the respect of the people. But the respect I feel for these Gentlemen occasioned to me the strongest regret and pain when I last night heard the speech of the hon. Member for Manchester (Mr. Bright)—a speech so totally unworthy of the occasion. The hon. Gentleman in that speech took "Peace" for his text, but his speech itself was an attempt to vilify the two noble Lords who occupy the highest positions in the Government. The hon. Member, to effect that purpose, raked up events which are now matter of history, and which had nothing whatever to do with the transactions now under discussion. He referred to the Foreign policy in the year 1850 of the noble Lord now at the head of the Government, and made allusions to personal differences which had subsequently taken place between him and the noble Lord the Member for London. The hon. Member dished up these stale subjects, garnishing them with miserable stories, wretched jokes, and ribald jests, and drew his illustrations from a quarter of which I should have imagined the hon. Member had had no experience; for when I heard the hon. Member talking about horses and racing, it occurred irresistibly to my mind that the hon. Member, instead of spending his time in his study meditating on the horrors of war, had been spending the week at Ascot, and fraternizing with jockeys in the stables. Most undoubtedly, whilst the hon. Member's speech smelt most strongly of the camp, did his wit smell most rankly of the stable. I have often listened with pleasure to the hon. Gentleman when I have heard him dwelling upon the calamities of war, and holding up to admiration the advantages of peace; but I tell him that the cause of peace is profaned and desecrated when peace is made the text for indulging the hostility and personal malignity which he has more than once displayed towards the noble Lord at the head of the Government. The mirror which should reflect the benign features of peace becomes dimmed and tarnished when it is breathed upon by the bitter and envenomed spirit which animated the hon. Gentleman's speech last night. I turn now from the hon. Gentleman and the Members of the Peace party to politicians of a different class, to those right hon. Gentlemen who took office in the present Government, and afterwards retired from it; and to them I say that their position is a very peculiar one. They helped to plunge the country into this war; and they have left us, abandoned us, and deserted us in the midst of the war; and they now embarrass our measures and increase our difficulties by denouncing its continuance and swelling the cry for peace. It needed not that the right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert), should on the previous day have appealed to the character of himself and his colleagues to remind the House, that upon their motives there can be no suspicion. On the other hand, however, I think it most deeply to be deplored that these right hon. Gentlemen should have thought it consistent with their duty to take the line which they have adopted on the present occasion. When statesmen of their position announce to the world that in their opinion this war ought no longer to be continued, and that the terms of peace offered by Russia are such as the people of this country should accept, what effect do they suppose that such declarations, coming from men of their high standing, will have on doubtful friends or avowed foes? Equally unfortunate, to my mind, was the speech of the right hon. Member for Carlisle the other night, who told the House, among the various arguments he used as reasons why we should hasten to conclude the war, that no war remained popular in England, beyond a very brief period. He told us that Sir R. Walpole, a popular and prosperous Minister, having yielded to the national clamour for war, within two years found himself and his colleagues hurled from office; he reminded us that the American war, which, in its commencement, was favoured by the opinion of the people, soon became unpopular; he also reminded us that the French war soon lost popular favour; and he ventured to predict that if reverses came, or if the duration of the present war should be protracted, the tide of popular favour would turn with a strength sufficient to sweep away the parties identified with the prosecution of hostilities. I must say that the instances selected by the right hon. Gentleman were anything but happy, aud are inapplicable to the circumstances of the present time. The war carried on by Sir Robert Walpole was conducted feebly, unsatisfactorily, and ingloriously; and no wonder, then, that it became unpopular. The war with America was popular at first, because it presented the appearance of a war to maintain the integrity of the dominions of the Crown; but it soon became felt that that war involved in its objects the maintenance of principles of intolerable tyranny; and that the American people were only struggling for those rights and privileges which every man in this country believed to be their birthright and inheritance. The French war in like way was popular at first, because the odious features of the French revolution, the reign of terror, and its scenes of blood, excited and kindled the horror and indignation of all classes in this country; but when those first emotions passed away it became manifest that it was a war of sentiments, of passions, and of opinions, in which this country had no substantial interest. The war then became unpopular, until the determined hostility and unbridled ambition of Napoleon led the people of England to believe that the struggle was one of life or death between England and France. But, even assuming that the right hon. Gentleman is right, and that the present war cannot remain long popular in this country, is that any reason why this Government should precipitately conclude a peace which they believe to be inconsistent with the honour and interest of the nation? Are these the principles which the right hon. Gentleman intends to uphold in his place in Parliament? I am sure they are not; and he has had recourse to this argument only because it was convenient for the purpose of this debate. I will state the principle on which the right hon. Gentleman and every honourable British statesman would guide their conduct, and it is this—that so long as they possessed the confidence of the country they would submit their measures to Parliament without reference to their popularity or unpopularity, and solely because they were called for by the public interest; and if their measures or policy ceased to command the confidence of the country, and to secure its approbation they would resign a power which they could no longer wield with honour to themselves, or with advantage to the country. I am sure that these are the principles on which the right hon. Gentleman himself would act if he were in office; and I think it singularly unfortunate that the right hon. Gentleman should have used the language he did, because it goes forth to our enemies that a man of his great knowledge and sagacity, of his experience of the people of England, has declared that the present war canont fail before long to become unpopular in this country. Conceive the effect of that declaration on an enemy who otherwise might be inclined to yield to our terms. The enemy is told—"Keep your resolution, maintain your confidence, only bide your time, and the tide of popular feeling will turn in England." Such is the opinion of one of the most experienced and sagacious of our statesmen, who states that a war cannot remain popular in England—that in two years war was fatal to Sir Robert Walpole—that in two years the tide will turn and sweep away the present Government and replace it by some other which will only be too happy to conclude peace. I must say that that is singular language, and I think it unfortunate, too, for reasons peculiar and personal to the right hon. Gentleman and his colleagues near him. There are those to whom the secession of those right hon. Gentlemen from the Government,—at a time of most critical emergency, when our prospects looked gloomy, when the fear of reverses had taken possession of the public mind, and when, above all, on all sides there existed a desire that a strong Government should exist, to whom, I say, the secession of the right hon. Gentlemen seemed to have been dictated by motives the justice of which it required a very minute and metaphysical eye to distinguish. May it not now be said that it was the sad apprehension of the coming unpopularity of the war that led to that secession? May it not now still further be said, looking to the strange, and I had almost said amphibious, position which those right hon. Gentlemen occupy in the sort of political limbo that separates them from both of the great political parties—into which this House is divided, may it not be said, seeing that both of those parties are agreed as to the war, that those right hon. Gentlemen, in their anomalous position, thought it convenient to assume the attitude and character of peacemakers, so that when the wind, which now blows from the north and from the east, should at last change to a more balmy and genial air, it might, filling their sails, spread to catch the coming gale, waft them from the uncomfortable berth where they are now moored to a more pleasant anchorage?

I will now pass to the arguments which have mainly been relied on for the purpose of supporting the position that we ought to have adopted the propositions of Russia. The terms offered were substantially two, —first, the recognition of Turkey as an integral member of the great European community; and, secondly, the opening of the Dardanelles to the ships of war of all nations. Let us see what value there is in either or both of those propositions. It is perfectly obvious that the first is neither more nor less than an engagement on paper, affording no substantial or real security to Turkey against the aggression of Russia. That I take to be perfectly clear, for supposing Russia to enter into such a treaty, have you any security for the performance of the engagement? Hon. Gentlemen, who are in the habit of speaking of Russia as they would of England, France, Austria, Prussia, or any other European nation, which acknowledge the binding obligations of treaties, and have acted uniformly on the principles of good faith and international honour, have not sufficiently considered the history and antecedents of the Power we have to deal with. The principles of Russian policy have been fixed for the last century and a half; and were bequeathed by the great Peter as an inheritance to his successors. They may be stated in a few words—conquest, aggression, and aggrandizement. The fixed idea is to make the Russian government a continuation of the government of the Cæsars, to erect a second empire on the ruins of Turkey, and to obtain exclusive possession of the Black and Caspian Seas; to subdue Persia either to her dominion or influence, and through Persia to pave the way to the possession of the commerce and, if possible, the territory of India. These are the avowed principles of Russia, and notorious to every one who has made himself familiar with the history of that country. This work, left by the great Czar to be consummated by his successors, has never been lost sight of; and when we consider how to deal with this Power it is worth while to take a survey of what Russia has accomplished in the way of territorial aggrandizement within the last hundred years. She has taken from Sweden one-half of the country, and from Poland a territory as large as the whole of the Austrian empire: from Turkey she has taken the whole of the territory which lies between the southern provinces of Poland and the Black Sea; and she has obtained a preponderance in those waters which we now seek to destroy. She has taken from Persia the whole of the Caspian Sea, where she does not allow a single ship of war belonging to Persia to appear. There, it might be supposed, a line would have been drawn to her dominions; the great range of the Caucasus, with its inaccessible mountains and everlasting snows, would seem to have been placed by Heaven as a barrier to her further progress. But, no —she has proceeded even beyond the Caucasus, and has taken from Persia some of her fairest and most fertile provinces—Georgia, Mingrelia, Daghestan; a country equal to the whole British island—she has even erected fortresses beyond the limits of the Araxes, thus opening a passage to her armies, whenever she chooses to avail herself of it, into the heart of the Persian empire. And by what means has all this been done? Not by conquest alone—the swords of her soldiers have not been the only instruments she has employed—it has been by a mixture of fraud, perfidy, and force. She has added to the valour of the barbarian just that degree of civilisation which involves its arts, its contrivances, and its intrigues, without that restraint which arises from the sense of honour and principle which a perfect civilisation brings with it. Her policy has been everywhere uniform. She has created or fomented the differences which so readily occur in semi-civilised communities. She has taken the side of one or other of the factions, she has insisted on introducing her troops into the country under the pretence of maintaining peace, and has availed herself of those means to seize upon its fastnesses, and has ended by incorporating it into her own dominions. This very Crimea which now engages all our attention is a striking illustration of her policy. She took the part of one of the Khans who had been driven out by his opponents; she introduced her army into the country, she took possession of the strong places; having done so, she compelled the people to take the oath of allegiance to the Empress, and, when the Tartar population showed a disposition to resist, thousands of them, without distinction of age or sex, were massacred in cold blood. Here you have a perfect specimen of the policy by which Russia increases her dominions: in this manner, within the last sixty years, she has absolutely doubled the extent of her European dominions. There is now no interruption of her territory from the Arctic Ocean to the Black Sea; since the time of Peter she has advanced her frontier towards the east at least 1,000 miles. I will venture to say that during that time there is not a single treaty, not a single engagement which she has not either fraudulently evaded or openly and unblushingly broken. And this is the nation which the right hon. Member for Manchester (Mr. M. Gibson) tells us is not the perfidious Power that it is represented to be. Certainly I must say the right hon. Member has either not studied the history of Russia, or has studied it to very little purpose. Such being the policy of Russia, what is the feeling of the population? From the Czar on his Throne to the humblest serf there is not a Russian who does not believe that it is the destiny of his country to triumph over the Moslem, that she will erect the Cross victorious over the Crescent, drive out the infidel, and extend the tide of conquest and dominion to all the countries of the East. Do not let it be supposed that this is a mere assertion on my part, derived from sources hostile to Russia. I have here a passage on the subject from an historian who, though he advocates opinions from which some of us dissent, is yet generally accurate as to facts and temperate in his statements, and who wrote under no bias arising from present circumstances. This is the language of Sir A. Alison on this point—

> "The prevailing passion of the nation is the love of conquest, and this ardent desire, which burns as fiercely in them as democratic ambition does in the free States of Western Europe, is the unseen spring which both retains them submissive under the standards of their chief, and impels their accumulated force in ceaseless advance over all adjoining States. The energies of the people —great as the territory they inhabit—are rarely wasted in internal disputes. Domestic grievances, how great soever, are overlooked in the thirst for foreign aggrandisement. In the conquest of the world the people hope to find a compensation for all the evils of their interior administration."

Again, he says—

> "Every Russian is inspired with the conviction that his country is one day to conquer the world, and the universal belief of this result is one of the chief causes of the rapid strides which Russia has of late years made towards its realisation. The meanest peasant in Russia is impressed with the belief that his country is destined to subdue the world; the rudest nomad of the steppes longs for the period when a second Timour is to open the gates of Derbend, and let loose upon Southern Asia the pent-up forces of its northern wilds."

Is any man, then, really weak enough to believe that that people, with such principles and such a policy stamped on its mind, will ever forego that which it supposes to be its destiny—that it will ever consent to give up what it considers to be its destined prey, simply because the pressure of superior force has for the moment forced its Sovereign to put his hand to a treaty binding himself to respect the integrity of Turkey? Why, Russia has already within the last century and a half bound herself over and over again by treaty to respect the integrity of Turkey, but has she the less persevered in her designs upon that empire? Twice within the last century the design of dismembering Turkey and incorporating her European provinces has, not only been entertained, but has been broached in a tangible and practical shape. In 1783 the Empress Catherine, having first secured the assent of Austria, made the same proposal to France which has been made lately — that France should take Egypt and allow Russia to occupy Turkey. France, however, then as now faithful to her obligations to the rest of

Europe, refused to be a party to the unholy compact; the secret oozed out; Sweden declared war; Prussia, bolder then than now, marched an army into Poland, England assumed a menacing attitude, and the Northern Semiramis was compelled solemnly but reluctantly to recede from her prey, and to give up the design she meditated. Then came the European wars, which for a time engaged the attention of Russia, and withdrew it from this object. But when Napoleon was anxious to obtain the concurrence of Russia in his schemes of European dominion, the bribe he held out was that which he knew Russia could not resist—it was the sacrifice of Turkey; he offered it—it was accepted, and nothing but the subsequent dissensions of the two Imperial spoilers prevented the realisation of the project. But had Russia ceased to cherish her designs on Turkey? The communication which took place between the late Emperor and Sir H. Seymour showed that she had not. Do you suppose that if you compel Russia now to yield she will do more than yield for a time—that if you compel her to recede at the present moment, she will do more than recede with the full intention of advancing again upon her prey with increased energy the first moment she can obtain a fitting opportunity? What, then, is the course for us to pursue under such circumstances? Our duty is to obtain, if we can, a real and substantial security against the carrying out of this darling scheme of Russian policy. The right hon. Gentleman the Member for Wiltshire (Mr. S. Herbert) told us last night that the offers of Russia involved a security of this kind; but is that the case? The proposition of Russia is that the Dardanelles shall be opened to ships of war of all nations whenever Turkey thinks her safety menaced; but that is an advantage which Turkey possesses at the present moment. [An hon. MEMBER: Only in a state of war.] True, only in a state of war, if you suppose the treaties to be still in force; but does any one suppose that if Turkey saw Russia about to swallow her she would wait for the commencement of the war before opening the Dardanelles? The right hon. Gentleman argued this question as if these treaties were still in force, forgetting that they are, in fact, dissolved by the existence of a state of war, and what we have to consider is, what new securities shall be taken before we make peace. If you re-establish the treaties upon the same terms, and tell Turkey that she may open the Straits whenever her safety is menaced, the effect of the adoption of that Russian proposal would be merely to tell her that she may do that which she may do already in defiance of treaties—a security, moreover, which will avail nothing except England and France keep large fleets near the Straits for her protection. But are England and France to be perpetually subject to this unnecessary expense? Let us see next if the proposition of the Allied Powers affords that security which that of Russia does not afford. Now, it has been said that if Russia had acceded to the limitation proposed by us, she would still have been able to gather together a powerful fleet in the Black Sea in one way or another without infringing the treaty. That I believe to be a fallacy. She might indeed do so, but she could not do it without being observed by our diplomatic and consular agents; and as soon as she was found to be increasing her forces, her infringement of the treaty would, as she could have nothing to fear from Turkey, be a proof that she meditated designs which required the interference of this country and her allies. Therefore he said that in the proposition of Her Majesty's Government we have a real and substantial security, which is wanting to the proposal for opening the Dardanelles; and the very fact of the latter proposal coming from Russia—a country whose policy is stamped indelibly with the determination, as soon as she can, to seize on the Turkish dominions—ought to make us a little cautious before we yield to the suggestion proceeding from such a quarter. The hon. Member for the West Riding (Mr. Cobden) says, "Well, if Russia does swallow up Turkey, what have we to do with it?—we are not the champions of European independence, and ought not to go to war, wasting our blood and treasure in Quixotic enterprises." I do not say that we should; but I conceive that there are very serious material interests of Great Britain which are involved in this question. If Russia should, some time or other, in fulfilment of her assumed political and religious destiny, seize Turkey, what would be the consequence? Do you apprehend no inconvenience as regards your commerce and your supremacy in the Mediterranean? Will you be allowed to carry on your commerce with Persia, which is already growing into importance. But is that all? Do not forget the aspirations of Russia towards the East. If Turkey becomes her prey, and she can make available the resources of that empire for her purposes, will it be long before she also subjugates Persia, either to her dominion or her predominant influence? And if that is done, you will have her the powerful neighbour of States conterminous to your Indian empire. Can any one doubt that the presence and proximity of Russia to Persia would exercise a disturbing and dangerous influence on your power in the East? You have already difficulty enough in preserving order and peace among the population of your vast Indian empire. Your rule is a beneficial one, I admit, to the people who are subject to it—you have substituted a mild and paternal government for the crushing and rapacious despotism which preceded your sway; but do not forget that the Native princes in whose way your dominion stands are your bitter enemies; and if Russia held Persia in her grasp, do not fancy that you would be able to keep your population in India in order with the amount of force which you now possess. And, mark, the expenditure of your Indian army is already straining the finances of that country, and any increase in it must prove a serious difficulty. Then, do you imagine that the fiery warriors of Affghanistan might not be tempted to rise in arms against you again if they had a power at hand like Russia by secret intrigue or open force to stimulate and encourage them? Well, these are things which you would do well at least to consider. I quite agree with those who think that war is a fearful calamity, and that you ought not to rush into it recklessly and thoughtlessly. I quite concur with the hon. Member for Manchester that you ought to husband your blood and your treasure with the most careful solicitude. But, on the other hand, when you have to contend with a foe with whom to deal with excessive moderation and forbearance would be alike foolish and pusillanimous, if you allow him to march step by step from one territorial aggrandisement to another, and from conquest to conquest, you must do so with the knowledge that sooner or later the struggle must come, and you will have to grapple, amid enormously increased difficulties, with a Power with which you may now contend with success, but which your own weak policy will then have only helped to make more and more gigantic and colossal. Such conduct, in my opinion, would be madness. Is it not wiser to adopt the maxim of *Obstare Principiis*—to take your stand against such a power at the outset, and boldly repress the tendency to conquest and aggression before it attains a more formidable development, and becomes too powerful to be checked? I think, therefore, that the Government have done rightly in refusing to accede to the terms that were offered on the part of Russia.

But, let me ask, Sir, to what purpose are we now prolonging this discussion? The right hon. Gentleman opposite (Mr. Disraeli) introduced it by a Motion which was intended to test the confidence of the House in Her Majesty's Government. That was a most legitimate Motion. If the right hon. Gentleman thought that the Government had lost the confidence of the country and of the House of Commons, and that this House would place more confidence in a Ministry composed of Members sitting on the opposite benches, as the leader of the Opposition he had a perfect right—aye, and it was his duty—to bring that issue fairly before the House. This having been done, and the decision of the House pronounced on that question, for what purpose, I repeat, should a discussion be prolonged? Is it prolonged because it was thought possible at the time that the Conferences of Vienna would be renewed, and that it was desirable the House of Commons should express its opinion as to the terms on which those Conferences should be conducted? Well, but the Conferences are now closed, and what conceivable good can result from continuing this debate? The Members of the Government are obliged to answer the attack brought against them from various quarters; but what practical result can follow our dividing on the question before the House? We all agree that peace can no longer be hoped for from Conferences at Vienna; we all feel peace can now only be achieved by the thunder of your cannon and the bayonets of your soldiers—you can only win it by making victory your pathway; and I want to know how you are furthering that war in which we are engaged, and to which we are to pledge ourselves to devote all our energy and all our courage, by carrying on a protracted logomachy—an interminable war of words in this assembly? Some of us say that the first part of the hon. Member for Kidderminster's Resolution is true—others that the second part of it cannot be maintained; and then comes the nice question whether those who vote for the first part will not be compelled in consistency to vote for the second; and thus, while, perhaps, at this very instant our cannon before Sebastopol are sending their fiery storm within the walls of that great fortress, and our devoted soldiers are pouring forth their blood for their country, we are, instead of seconding and strengthening their heroism, calmly discussing whether the head and the tail of a verbal proposition should go together or separately, and raising these subtle questions with reference to the terms and conditions of peace which were involved in conferences that are now at an end! I ask, is this wise or seemly? are we not engaged in a task which is not worthy of this House and of the occasion? I say that we have only one course to pursue—we can hope for peace only by one means. It is our bounden duty to prosecute this war with all the vigour and all the indomitable energy of which our people are capable. There ought to be but one voice among us. At such a crisis party attacks, personal hostility, and the bandying to and fro of eternal reproaches should cease; and with one voice, with one heart, and one accord, we should give strength and encouragement to the brave men who are fighting our battles. If we thus, Sir, fulfil our duty, that old standard of England which has been borne aloft through so many a scene of danger, fanned by the voices and hallowed by the prayers of a united people, shall yet be borne triumphant over the fields where victory and hope are now dawning upon us, and through which alone can that peace which we all desire be secured.

Sir FREDERIC THESIGER: Sir, my hon. and learned Friend in his able and eloquent speech has endeavoured to defend the Government from the vigorous attacks and rude assaults which have been made against them in this debate. He has descended into the area armed at all points, and done battle with all assailants. I am, however, not in the slightest degree interested in breaking a lance on behalf of his powerful antagonists on the other side of the House; I may fairly leave them to their own defence, and I am perfectly satisfied that, when the proper period arrives, they will show themselves quite equal in the encounter to my hon. and learned Friend. But when my hon. and learned Friend rose to deliver his very able speech I certainly expected him to turn the tide of this debate into some practical and useful channel; because I agree with the right hon. Baronet the Member for Portsmouth (Sir F. Baring) that the course of events has entirely outstripped our discussions; that, with respect to one of the Amendments proposed,—namely, that of the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote)—it is quite out of date; and, with regard to the other matters which have been so ably debated for so many nights, I think I may venture to put a question which was asked in another assembly, different I hope from this. "Why sit we here projecting peace and war? War hath begun." Therefore I can well understand my hon. and learned Friend should be extremely desirous, as was also the noble Lord at the head of the Government, to satisfy the House that this debate had no longer a tangible or definite object and that it might as well be brought, like the conferences, to an end. It is a most extraordinary thing that during the whole course of this debate, until last night, when my noble friend and colleague (Lord Robert Cecil) called the attention of the House to what was the practical question we really ought to discuss, it had not been adverted to by a single member who had addressed the House. Now, the noble Lord at the head of the Government on Tuesday night, after adverting to the different Amendments on the paper, said there was one question which the House had an undoubted right to consider, and that was how the negotiations had been conducted. The conferences being at an end, and there being no prospect of their being renewed, I think the time has arrived for considering that question which I am of opinion is involved in our present discussion. I have a very strong impression upon the subject. I have all along felt that those negotiations were conducted in a most unsatisfactory manner, and I am compelled to add that I think that that arose mainly from the unfortunate choice of the negotiator. It must not be supposed that I intend to disparage the abilities or the sagacity of the noble Lord the Secretary for the Colonies, who has modestly disclaimed any experience in the arts of diplomacy, and who has told us he was never very sanguine of the success of his mission. My objection to the noble Lord is, that he had made concessions and committed himself to opinions which rendered him the most unfit person in the world to be selected for the difficult and delicate office of conducting these conferences. That is rather a serious position for me to assume, and I am bound to satisfy the House that I have good grounds for putting it forth. To do so, I must just glance at the origin and objects of the war. I think we cannot have a better exposition of the course of Russian policy than that which my hon. and learned Friend the Attorney-General has very eloquently expressed. The immutable principles of Russian policy are conquest, aggression, and aggrandisement; and the object kept in view is the possession of the seat of the Cæsars. There can be no doubt in the mind of any one who has directed his attention to the course of Russian policy with regard to Turkey during the last sixty or eighty years, that it has been an uniform course of aggression and encroachment, and that, as my hon. and learned friend has said, sometimes by violence, sometimes by fraud and perfidy, she has made advances, until at last the relations between the two countries have become so extremely complicated that there is scarcely any act of encroachment on the part of Russia which might not be coloured or justified by the pretence of some treaty. The question of the Holy Places offered an opportunity, gladly seized upon by Russia, under the pretext of a right to protect the Christian subjects of Turkey throughout the whole extent of the Ottoman empire. It will be in the recollection of the House that, at the latter end of the year 1852, a large Russian force had been advanced to the frontier of Moldavia with a view to coerce Turkey into an admission of that right. It is impossible to imagine a state of things more critical, and in which those intrusted with the administration of public affairs should be more cautious in conceding any of those assumed rights, except upon the most just foundations. And yet the noble Lord, who, at the beginning of the year 1853 was the Secretary of State for Foreign Affairs, most unfortunately and most unguardedly, conceded, not in a hasty verbal communication, but in a deliberate despatch, the very right claimed by Russia, as "prescribed by duty and sanctioned by treaty." That claim was put forth in the Note of Prince Menchikoff at Constantinople, the rejection of which led to the occupation of the Principalities; and, when the House remembers that the Vienna Note, which was the occasion of war, contained stipulations with regard to those treaties, giving the same effect to the assumptions of Russia, it will see how formidable and fatal was the admission on the part of the noble Lord. The justification of the noble Lord made in the course of the debate, is, that there was a right of interference on the part of Russia in Moldavia and Wallachia, guaranteed by the treaties of Kainardji. Adrianople, and Bucharest; and the noble Lord gave us to understand that the admission he so unhappily made applied to those Principalities and the relations which existed between Turkey and Russia in respect to them. But the noble Lord is under a complete mistake. His admission applied to the claim of the Emperor of Russia, which was a claim to the protection of 14,000,000 of Greek Christian subjects of the Ottoman Porte. That there may be no doubt, I beg to call the attention of the House to a passage in a remarkable conversation of Sir H. Seymour with the late Emperor of Russia in the beginning of 1853. The Emperor said,—

> "In the empire of Turkey are several millions of Christians whose interests I am called upon to watch over, while my right of doing so is secured to me by treaty. I may truly say that I make a moderate and sparing use of my right, and I freely confess that it is one which is attended with obligations occasionally very inconvenient; but I cannot recede from the discharge of a distinct duty. Our religion, as established in this country, came to us from the East, and there are feelings as well as obligations which never must be lost sight of."

What was the answer of the noble Lord to that distinct claim, founded on treaties and asserted as a duty? He said,—

> "The more the Turkish Government adopts the rule of impartial law and its equal administration, the less will the Emperor of Russia find it necessary to apply that exceptional protection which His Imperial Majesty has found so burdensome and inconvenient, although, no doubt, prescribed by duty, and sanctioned by treaty."

Can there be the slightest doubt that the noble Lord was in error when he said his observation applied only to the Principalities of Moldavia and Wallachia? The noble Lord has referred to the treaties of Kainardji, Adrianople, and Bucharest; but I have examined those treaties carefully, and can find nothing in them whatever to justify the assertion of the noble Lord. I do, indeed, find in the treaty of Kainardji, as the hon. Member for Aylesbury (Mr. Layard) pointed out to the House a short time ago, a provision which in itself, so far from giving colour, to the claim of the Emperor of Russia, is as strong as by implication anything can be, against any right of interference at all. There are two Articles referring to this subject in the treaty of Kainardji—the 7th and the 14th. By the 7th Article the Sublime Porte promised to protect the Christian Religion and its churches, and also to allow the Ministers of the Imperial Court of Russia to make, on all occasions, representations in favour of the new church at Constantinople, as well as in favour of those who officiated therein. Thus the right conferred in that Article, and repeated in the 14th Article, is the right to make representations in respect of one particular church, and the ministers of that church; and if treaties are to be construed in the same manner as agreements between individuals, as every one knows that the expression of one particular implies the exclusion of all the rest, the argument is as strong as implication can make it against the right of Russia to interfere with the Christian subjects of the Porte. But the noble Lord may feel some comfort in finding himself in some degree countenanced by the mistakes of abler and more experienced diplomatists than himself. There has been a series of blunders throughout the whole of these transactions; and the Vienna Note, which was intended to put an end to the quarrel between Russia and Turkey, unfortunately contained a stipulation which would have imposed on Turkey the necessity of extending to all its Christian subjects the privileges which it had conceded to Christians not its subjects. In looking over all these mistakes one is forcibly reminded of the well-known observation of Chancellor Oxenstiern to his son, who was about to attend a congress of ambassadors, but felt some diffidence as to his ability, "Go, my son, and see with your own eyes, *quâ parvâ sapientiâ regitur mundus!*" Turkey was too farsighted not to see the effect of the stipulation in the Vienna Note, and made an objection to it. The four great Powers were extremely dissatisfied at this objection, for the Note had been carefully drawn up at Vienna, and had also received some modification in London by the Cabinet of which the noble Lord at the head of the Government and the noble Lord the Secretary for the Colonies were members. It was not until the only interpretation of which it was susceptible had been put upon the Note by Count Nesselrode that the eyes of our Government were opened, and then they discovered the fatal position in which they had placed themselves by the preparation of a Note intended to put an end to the disputes between Russia and Turkey, but calculated to give to Russia all the advantages over Turkey of which she was desirous. At last Lord Clarendon's eyes were opened by the view taken of the Note by Count Nesselrode, and the noble Lord wrote a despatch, in which he said that Count Nesselrode claimed for Russia the right to defend the millions of Greeks subject to the Porte, and to demand for them the same privileges as those which the Porte had conceded to foreigners. Then these great diplomatists found themselves in the predicament of having given Russia a plausible pretext for saying she was aggrieved, and for representing the war in which she was about to engage as a sacred war. When you remember that the noble Lord was the originator of the fatal mistake with regard to the obligations of the treaties by which Turkey was bound, and that the object of the war was to prevent Russia from asserting a right which did not exist, you will agree that it is important for me to refer to the antecedents of the noble Lord in order to justify my views as to the impropriety of his being chosen as a negotiator.

I will pass over the various events of the war, the heroic achievements and the dreadful sufferings of our troops, in order to arrive at the more immediate subject of our consideration—the establishment of the "Four Points" as the bases of negotiations. These points were reluctantly conceded by Russia. The right hon. Member for Oxford University (Mr. Gladstone) has told you that in August she contemptuously rejected them, but accepted them in the following December. What had happened in the intervening time? The glorious fields of Alma and Inkerman. It is evident, then, that we had won those Four Points at the point of the sword; and there could be no doubt that when they came to be developed, the wily and sagacious diplomatists of Russia would give as little and obtain as much as possible. It therefore became exceedingly necessary to make a most careful and guarded choice of a negotiator. But, unfortunately, the noble Viscount at the head of the Government was not in a position (to use the current phrase of the day) "to choose the right man for the right place." The noble Viscount had just been wafted into power by the breath of popular favour; his Government was but half formed; and the noble Lord the Member for London had recently flown from the Aberdeen Cabinet and perched himself upon the airy heights above the Treasury bench, from which he looked down upon the world beneath, ready at any moment to pounce upon his quarry. The noble Viscount could not expect that he would be able to sustain himself without the co-operation of his former colleague; but how was it to be expected, after all that had passed between them, that the noble Lord would ever condescend to fill a subordinate position in a Cabinet at the head of which was the present Prime Minister? I can fancy I hear the Prime Minister say—

"O for a falconer's voice,
To lure this tassel-gentle back again!"

But the noble Lord stooped at the well-known sound of office, and attracted by the whistling of the name of "Plenipotentiary," found himself again at the side of the noble Viscount. The noble Lord, unfortunately, happened to be the very worst choice for the country that could have been made; because, the object of the war being to prevent the encroachments of Russia on Turkey, the noble Lord was hampered by the unfortunate concession that such a right existed as was claimed by Russia. Could it be supposed that the *argumentum ad hominem* was a weapon not likely to be wielded with dexterity and strength by the wily Russian diplomatists who attended the conference? But the noble Lord was an unfortunate choice, not only from having committed himself in the manner I have mentioned, but also from the views he evidently entertained with regard to Russia at that particular period. In February, 1853, the noble Lord entertained very different views as to the policy of the Emperor of Russia from those which he has since expressed. The noble Lord said on the 9th of February, 1853—

> "Her Majesty's Government are persuaded that no course of policy can be adopted more wise, more disinterested, more beneficial, to Europe than that which His Imperial Majesty has so long followed, and which will render his name more illustrious than that of the most famous Sovereigns who have sought immortality by unprovoked conquest and ephemeral glory."

But what was this policy that had been so long followed? Was it the policy that had been so vigorously and so graphically described to-night by the Attorney General—a policy of violence, of fraud, and of aggrandisement? But is the noble Lord of the same opinion in 1855? We have heard the noble Lord describe the powerful armaments of Russia by sea and by land, the influence she has acquired in Germany—partly by bribing the Ministers of the inferior Powers—the powerful forts she has constructed in the Baltic for the purpose of bridling the inferior Northern Powers, until I was at a loss to understand whether the noble Lord ought not to have gone further in the terms of the treaty—whether he ought not to have proposed to cripple Russia, to take some of her dominions from her, and to reduce her power to safe dimensions. But I cannot help thinking, from the course adopted by the noble Lord in these negotiations, the noble Lord had some *arrière-pensée*, and that, while he was embarrassed by his antecedents, he was stimulated by a secret desire to cripple the power of Russia; and these two circumstances combined may, in some degree, explain his extraordinary conduct, and account, to a considerable degree, for his failure. But the noble Lord at the head of the Government is answerable for the selection of the noble Lord for this delicate and important office. That noble Lord had just then been brought into power by the voice of popular opinion. [An hon. Member made an observation.] Another word is suggested to me, but I am content to say that he was borne into office by the voice of popular opinion, because it was thought he would vigorously prosecute the war, and conduct it until we arrived at a safe and honourable peace. I regret to think how ready the people now are to break to pieces their idol, and I confess that no public man has so completely realised, in the course of a very short time, the observation made by Tacitus in speaking of Galba, "*Omnium consensu capax imperii, nisi imperâsset.*" The noble Lord having been selected for this most important office, the telegraph announced that he had accepted the office of Secretary for State for the Colonies; so that, incumbered as the noble Lord must have been by the opinions and feelings he had expressed with regard to the Emperor of Russia, he was further agitated by the thought that he could not tell how many of the colonies might not be waiting for him to come home.

I am now brought to the point of the Conferences, and I want to see whether the negotiations were not unskilfully and unsatisfactorily conducted, and whether they were not necessarily unsuccessful from the choice of the noble Lord as the negotiator. I wish to call the attention of my right hon. Friend (Sir J. Graham), who has expressed a strong opinion that the negotiations had arrived at such a point that there was no necessity for continuing the war further, to the fact that the fourth point remains as unsettled now as at the first. My right hon. Friend has regretted the pause which took place in the negotiations on the third point; he thought the discussion on the fourth point might very well have taken place when the Plenipotentiaries had telegraphed for instructions on the third point, and that there was no insuperable difficulty in coming to a conclusion on that subject. The Plenipotentiaries of Russia and Austria were willing immediately to proceed to that point. But what said the noble Lord on this subject the other night?

> "I must allude to a statement of my right hon. Friend the Member for Carlisle to the effect that he regrets that the Governments of England and France did not permit and sanction the conference going into the question of the fourth point, and did not endeavour to settle that before discussing the third. Now, on that subject I must remark that that point was far from being so easy of settlement as my right hon. Friend supposes. I had several conversations on that subject with the very intelligent ambassador of the Porte, who arrived at a later period, after the first point had been discussed, and who, when there was a question of considering the fourth point, talked to me very earnestly on the subject, and protested against any article being inserted in a treaty by which the Porte should renounce in any way its independence, and be made to depend on Christian Powers with respect to its own internal affairs. I thought that objection—though I will not call it objection, but suggestion—with respect to the fourth point a very reasonable one; and at the same time I saw that the Plenipotentiary of Russia, and probably the Plenipotentiary of Austria, would be very anxious to obtain such a settlement of the fourth point as would have enabled them in some way to control the legislation of the Porte as regards the Principalities. We therefore should have been in very considerable difficulty in discussing that fourth point, and I certainly could not have consented to any arrangement of the fourth point which, on the one hand, did not provide that such a legislation should be introduced into Turkey as would give fair and equal privileges to Christians along with Mahomedans, and, on the other hand, enable those other two Powers constantly to interfere in the internal affairs."—[3 *Hansard*, cxxxviii. 1472.]

So that this fourth point, which was the very origin of the war, is unsettled at this moment, and remains a question of insuperable difficulty. But why was it that the noble Lord did not enter upon that discussion? It is possible that the noble Lord may have remembered some of his unfortunate antecedents, and put off the evil day indefinitely; because it was not very likely he could come to an agreement with Russia on the fourth point, after the opinion he had expressed, that it was not only the right, but the duty of the Emperor of Russia to protect the Christians in Turkey. The Russian diplomatists, no doubt, were of opinion that the concessions which the noble Lord had previously made might be the foundation of negotiations on the fourth point; but the noble Lord was glad to join the Plenipotentiary of France and to defer the evil day of negotiations upon the fourth point. The noble Lord, not as a matter for consideration or discussion, but as an ultimatum, a *sine quâ non*, proposed to Russia the humiliating condition that she should consent to restrict the amount of her naval force in the Black Sea. Now, just consider what a strange position, according to my hon. and learned Friend the Attorney General, the noble Lord was in when insisting on this particular article. My hon. and learned Friend says, "Russia is full of fraud and perfidy; there is no binding her by treaties, you can't secure her adherence to them." And yet the noble Lord was content, as the Government was content, to have accepted this Article, limiting the naval power of Russia in the Black Sea to four ships, it being perfectly clear that this would be entirely illusory, and that such a provision would have no effect in keeping her in check there. The noble Lord probably felt that there was a dread of the overgrown power of Russia, but he might also have been actuated by a feeling that Russia would be sure to reject these humiliating conditions, and that then the fourth point would never come under discussion at all, and that he might cover himself under a cloud of debate in this House as to any supposed concession which he might previously have made. I confess that anything more unsatisfactory than the course and conduct of these negotiations cannot possibly be imagined, and I submit to the House with some confidence that I have established not only their unsatisfactory character, but also that there is no other cause to which to ascribe this result but the unfortunate choice of the noble Lord, unskilled as he says he is in the arts of diplomacy, and selected, not because the country required his services, but because the noble Lord at the head of the Government found it necessary to his purpose to employ him. Again, the House will see that the noble Lord was distracted and divided by the different duties which devolved upon him. The country was clamorous for his return to attend to the business of the colonies. The noble Lord, as a Secretary of State, felt the necessity for his return, and thus, when the last and most important conference was held he was absent, being obliged to hurry back to preside over the destinies of our colonies. Under these circumstances, can anybody wonder that the Government did not adopt the course which my right hon. Friend (Mr. Disraeli) suggested—namely, that the Government should have come forward and laid the papers on the table of the House, and, in so doing, move an Address to Her Majesty? They did not do so because they were distressed by the position in which the unfortunate negotiations, and still more unfortunate negotiator had placed them, and they did not choose to expose themselves to the ordeal of such a debate as would have ensued. My right hon. Friend, however, forbore to press the point, and it was not until the Motion of the right hon. Member for Manchester (Mr. M. Gibson) was withdrawn that he felt himself bound to come forward and submit a Resolution which I firmly believe expressed the feelings of a majority of the people of this country and a majority of this House. I say a majority of this House, because I cannot refrain from expressing my astonishment at the course pursued on the subject of his Motion by many hon. Members, who, expressing themselves in the strongest terms against the Government and against their conduct in these negotiations, were yet found in the lobby with Ministers, supporting them against a Motion which went to condemn that conduct. The Motion of my right hon. Friend (Mr. Disraeli) was rather too strong to suit the taste of the noble Lord and his Government; so the right hon. Gentleman the Member for Portsmouth (Sir F. Baring), like a kind and gentle nurse dealing with a fractious child came forward, and removing everything which might be hurtful, and putting in a few smooth and honeyed expressions, presented a gentle draught to the noble Lord and his Government, who were of course ready enough to take it. But then came the hon. Gentleman the Member for Kidderminster (Mr. Lowe), who, thinking something a little more spicy and warm would be better for the constitution, imparted this to the Motion; and here again, provided it had the negative quality of doing no hurt, the noble Lord was willing to accept it, because, if I understand the Prime Minister aright, he has pledged himself to support the first part of the Amendment of the hon. Member. Now let us see what that Amendment involves. The right hon. Gentleman (Sir F. Baring) says, "You are playing with the question when you are considering whether you will take my words or those of the hon. Member for Kidderminster; I am content with any words if they are only something like my own, mine having done their office;" and then the right hon. Gentleman assumes that the words of the hon. Member's Amendment are like his own. Now, the first words in this Amendment which the noble Lord is willing to accept are:—"That this House having seen with regret that owing to the refusal of Russia to restrict the strength of her navy in the Black Sea"—and so on. What is involved in these words? Why, that the restriction of the power of Russia in the Black Sea was the *ultimatum* and *sine quâ non* of negotiation; and if you adopt the expressions of the hon. Member for Kidderminster, then you record by a formal vote that peace can be concluded on no other terms than those which have been refused by Russia. Are you prepared to give any such vote? Are the words proposed by the hon. Gentleman at all like what have been called the milk-and-water words of the right hon. Member for Portsmouth? He regrets that the negotiations should have come to an end. Do you regret that, under such circumstances, and in the hands of such a negotiator, they should have come to an end? For my part I rejoice that they have terminated, if they only led to such conclusions as I think would be discreditable to the country, and which the country would hereafter have cause to regret. Let the House remember that the Government was willing, only a week ago, to accept those terms for the restriction of the naval force of Russia in the Black Sea which have been shown by powerful speakers in the course of this debate to be perfectly illusory; they were ready upon those terms to have concluded a peace which would have given no security whatever for the very objects for which we went to war. Well, this being the state of things, it has been asked by my hon. and learned Friend the Attorney General, what we are now discussing. He says we are bandying charges and recriminations against each other, and that, the conferences having come to an end, there is nothing left to discuss. Is that the case? I say we are here to discuss the conduct of the Government in these negotiations, and I trust I have satisfied the House that the negotiations have been conducted most unskilfully and improperly. The conferences are now at an end, and the door of negotiation is closed. What then? Why, as some one has said, let Russia come and knock at the door before it is opened to her. We must trust now to our own swords to gain for us that success which ultimately may conduct us to peace, and I trust our swords will be found a little sharper than the wit of our negotiators. There is only one course for us to pursue. I agree with the right hon. Gentleman (Mr. Gladstone) that war is a means, and not an end. But war is no means at all unless it be successful, and therefore we have nothing for it now but to prosecute the war with vigour; and with the well-known heroic valour and distinguished bravery of our soldiers and seamen, and with the blessing of Providence upon our arms, I trust that we may at length win for ourselves that safe and honourable peace which is the united desire of all parties in England to arrive at.

Mr. LLOYD DAVIES said, that after all the discussion, he was utterly unable to comprehend what the Resolutions before the House meant. He understood the question submitted to the House the other evening by the right hon. Member for Buckinghamshire, which had extracted from the noble Lord a reluctant explanation of his policy. The vacillation of the Government rendered it imperative on some one to ascertain in what manner the war was to be conducted, and on that occasion he gave his vote in favour of the Motion of the right hon. Gentleman; but he had since heard hon. Members severely criticising and vituperating the Government for their conduct of the war, who, on the division on the right hon. Member for Buckinghamshire's Motion, had voted in favour of the Government, and one hon. Gentleman (Mr. Bright) walked out of the House on that occasion and would not register his vote against the Ministers, in whom he told the House last night he had not the slightest confidence. The general impression in the public mind appeared to be, that the war was attributable to the ambition of the Emperor of Russia, confirmed and increased by the vacillation and want of nerve of the Government of Lord Aberdeen and the representations of the three Gentlemen of the peace deputation, who went to St. Petersburg, and represented to the Emperor of Russia that they spoke the sentiments of the people of England, and led him to believe the people of England would not exert themselves to curb his views of aggrandisement and aggression; and this, he thought, was the secondary cause of the unhappy hostilities in which we were engaged. The war was considered to be originally a just war, and he did not comprehend how right hon. Gentlemen could say that it had changed its character. If it was just in its origin what had made it unjust now? Surely it was not our success which made it unjust? He thought that the House should give the Government as much aid and moral energy as it could, and he considered that it would only lessen the successes of our arms to be entering on such desultory discussions as that which they had so long carried on. He believed that the objects of this war could not be obtained without a material guarantee. He could not participate in these Amendments by stating his regret that the conferences had failed, for he thought that the terms proposed would be illusory, and would only lead to future wars; and that we ought to obtain some material guarantee for the preservation of peace. He was rather astonished to hear the hon. Member for the West Riding and the hon. Member for Manchester sneering at the populace and the press, considering the great use those hon. Gentlemen had made of the sweet voices of the people, and that there was a time, not long since, when the press seemed to be to them as the very air they breathed. It was transparent that the attack on the press was aimed at a particular newspaper; but, although *The Times* did not at first support the war, as soon as it discovered the tide of public feeling was in favour of war, it sought to represent, and had represented with fidelity, as was the province of a newspaper, the general public opinion. It was a just war, and the only safe conclusion to it that he now saw lay in the demolition of the great stronghold of Russia in the Black Sea; for as long as Sebastopol remained, Turkey would always be in danger of a repetition of the Sinope catastrophe. A great deal had been said about the honour of Russia, and it was intimated that we should be very tenacious of offending it. But he thought Gentlemen of the House of Commons should restrict themselves to taking care of the honour of England. An argument had been sought to be raised that the French people were averse to the war; but there was no reason for that assertion. The best representative of the French people was the French Emperor, and he had acted throughout in the most perfect good faith. Under these circumstances, he was of opinion that the House could not do better than to avoid giving any factious vote against the Government—to negative every Amendment that had been proposed, and to vote for the Ministers. He, for one, should do so, for he considered that the Amendments were never intended to be carried in their integrity, and that it was the duty of the House to express such a plain straightforward opinion as would show to our allies and to Europe, that we were determined to prosecute the war with vigour.

Mr. BENTINCK said, that the most remarkable feature of this lengthened debate was to be found in the great variety and remarkably contradictory nature of the opinions which had been offered on nearly every side on the subject of the war. Hardly a Gentleman had risen who had not, in some shape or other, started some new point bearing on the question. Even the Members of the Cabinet themselves—probably from the want of concert, or, possibly, because they had no preconceived opinions, had been contradictory, and the House itself appeared to be turned into a complete tower of Babel. The only exception to this remark was to be found on the bench below the gangway, which contained those advocates of peace at any price, who exhibited a unanimity of opinion on the subject of the war. He could not congratulate those advocates of cheap cotton and no war upon their recent association with the Gentlemen sitting beside them—the seceding Ministers. Gentlemen of so much sagacity as the peace-at-any-price party ought to know that they would inevitably share the fate of every other party to which those hon. Gentlemen had allied themselves, and would, in their turn, be betrayed and abandoned by their new associates. The fault he found with the speeches of the hon. Member for the West Riding (Mr. Cobden), and the hon. Member for Manchester (Mr. Bright), was, that they betrayed their ruling passion for the one nostrum which, in their opinion, was to cure all evils—the one remedy which these Gentlemen recommended for every disaster was a measure tending to procure the importation of cheap cotton in a raw state, and at the same time enable the manufacturers of that raw cotton to export it. He did not underrate the advantages of this doctrine, but he denied its applicability under all circumstances and at all times. The attack on the Government by the hon. Member for Manchester was perhaps the most severe ever made on an Administration, and in every part of it he (Mr. Bentinck) concurred; but the hon. Member had forgotten in his speech of the previous night to explain why, entertaining such opinions of the Government, he had absented himself from the division on the Resolution of the right hon. Member for Buckinghamshire. The clue to the hon. Member's motives for such a course might be difficult of ascertainment; but it too frequently happened that these hon. Members, after making most bitter and violent attacks on the Government were found in the same lobby with them. There were two hypotheses on which to account for this contradictory conduct on the part of the hon. Member. Either the miscalled Liberals—a term that had been very much misused of late years—had such antipathy to a Conservative Government that they would rather see the Prince of Darkness installed in Downing Street, or they thought it convenient to have a Government in office on which in time of need they could effect a pressure that was conducive to their own purposes. The hon. Member for Manchester had shadowed out the future fortunes of this country and America; and he said that the mercantile power of America, her commerce and population, would in a short time be in advance of this country. He need not ask the hon. Member what share free trade and the freedom of navigation, advocated by him, had had in hastening this comparative position of the two countries. It was no use now referring to the origin and causes of the war; there was an old proverb that it was no use crying over spilt milk; and he believed that the country was now placed in such a position that nothing remained for it but to fight the battle out to the best of its ability. But, at the same time, he entirely agreed with the hon. Gentleman the Member for Manchester that the country ought to know how it came to be placed in that position, and he (Mr. Bentinck) thought it would be just as well if the House of Commons made the same inquiry. For himself he could not avoid expressing the strong conviction, that, on looking over the history of the past two years, the House of Commons was the sole and whole cause of the war, inasmuch as that it had sanctioned the formation of the Government, which led the country into the war, and by which it had been so grievously mismanaged. In his opinion, so long as the House of Commons was ready to support a Ministry banded together by no sort of principle beyond that of a determination to hold office at a sacrifice of their individual opinions, so long the country had no right to complain of any position in which it might find itself. With respect to the Resolution and Amendments now before the House, he must say he did not think them worthy of two minutes' consideration. He regarded them as the emanations of so many small minds—of men professedly the opponents, but in reality the emissaries of the Government, and as merely brought forward for the purpose of destroying the effects of the Motion of his right hon. Friend the Member for Bucks; and as such he thought the time of the House would be best disposed of by dealing with them in a lump, and getting rid of them in the most summary manner.

Mr. CARDWELL: Sir, the concluding paragraph of the speech of the hon. and learned Attorney General is one which, by the good feeling and judgment which it expressed, cannot fail to commend itself alike to the feelings and judgment of the House, for it deprecated making this great question of national policy a subject of party strife. I think, however, the House will perceive that the homily of the hon. and learned Gentleman and his conduct exhibited a marked discrepancy. I no not think that I should have been exceeding the limit of Parliamentary practice if I had risen in my place to ask if the hon. and learned Gentleman was in order, when, in a remarkable paragraph in his speech, he attributed to my right hon. Friend and to those who have seceded from the Government with him, motives of action so base that I should consider myself trifling with the dignity of this House if I noticed them; for, when the hon. and learned Gentleman said that the conduct of some Members of this House, upon a great question of national glory and independence, had been prostituted for motives so mean and contemptible as those which he ascribed to them, I believed that he transgressed the strict rules of Parliament, and, at least, I am sure that he departed from the principle which usually regulates our debates. When I listened to the speech of the hon. and learned Gentleman which conveyed that imputation, I could not help remembering a former occasion, when the foreign policy of the country was under discussion, and the conduct of our affairs hung upon the issue of that night's decision of the House, the hon. and learned Gentleman having imputed the same motives to the same men, received a rebuke which I should have thought would have made an impression on his mind. On that occasion the hon. and learned Gentleman stated that there were three courses by which a Government might be overthrown, and to any one who pursued either of those courses he imputed motives similar to those which he has to-night imputed to certain Members of this House. I think the House will not have forgotten what was the reply of Sir Robert Peel on that occasion, the last speech he ever made in this House. Sir Robert Peel said—

> "Now, is it not possible for the hon. and learned Gentleman to suppose that there may be a fourth? Is it not possible for him to speculate upon the possibility that men in this House may intend to give their votes without reference to political combinations? Does he exclude the possibility of that fourth course of action which arises from a conscientious conviction as to the truth? Is that excluded from his contemplation? May it not be possible that men cannot subscribe to a Resolution which asserts that a certain course has been best calculated to preserve peace and to support the honour and dignity of this country? Is it not possible that, without reference to party or personal interests, men may decline to affirm a Resolution which deals with principles of greater importance to the welfare of this country for good or for evil, than have ever been under the consideration of the House."—[3 *Hansard*, cxii. 675.]

The last vote I myself gave in this House was one the effect of which was to keep the hon. and learned Gentleman in office, and although I have, in consequence of a loss I have sustained, been prevented from hearing those speeches which during this week have entranced and instructed the House, I came here to-night intending to record a silent vote in the same lobby as the hon. and learned Gentleman, but at the same time I have thought it impossible for me not to notice some of the observations which he has made. The hon. and learned Gentleman has stated that in the course of this debate declarations have fallen from experienced Members of this House which are calculated to induce, in the minds of our enemies and our allies, feelings hostile to the interests of this country. I could have wished that the hon. and learned Gentleman, professing that opinion, would have been guided by it in the observations which he himself addressed to the House. I ask the House to bear in mind some of the remarks which fell from the hon. and learned Gentleman, and to consider if such arguments are likely to carry with them the cordial support of our allies, or to strengthen in your favour the general opinion of Europe? The hon. and learned Gentleman began by ridiculing the proposal to bind Russia by any stipulation or treaty; but does it not seem strange that such an expression of opinion should emanate from one who has imputed to those who sit on what he is pleased to call those uncomfortable seats motives of action so despicable? Does the hon. and learned Gentleman speak of Russia as a Power with whom it is no use negotiating, when he has served in two consecutive Governments, one of which he serves in now, which have been continually negotiating with Russia, and which at the very time this debate began, was still negotiating with her? The hon. and learned Gentleman proceeded in the same spirit of unfortunate rashness, considering the position from which he spoke, to tell us more than we have yet heard with regard to the aim and objects of the war. The hon. and learned Gentleman appealed to the feelings of the House on the subject of India, and pointed out, as far as regarded that country, the danger which there would be in agreeing to stipulations which even his own Government have approved of. I take it that the argument thus advanced by the hon. and learned Gentleman is far more calculated to prejudice us in the eyes of Europe than anything that has fallen from the "experienced Members" of this House to whom he alluded. Do you think our allies will cordially co-operate with us in the prosecution of the war for such an object as that shadowed forth by the hon. and learned Gentleman? Why, hitherto we have been told that the immediate object of the war is the maintenance of the balance of power; but now we are told that its object is not the maintenance of European liberty —not to prevent Constantinople from falling into the hands of Russia, but that the ulterior and remote object of continuing the contest is, according to the learned Attorney General, to protect and preserve the British power in India? My hon. and learned Friend has delivered one of those animated Philippics which no man has more ready at command, and which we all listen to with pleasure whenever he does deliver them, in which he has told us of all the conquests, of all the cruelties, and of all the selfish objects and motives of Russia. [Mr. Roebuck, Hear, hear!] My hon. and learned Friend below me says, "Hear, hear!" He is consistent in that. He has been no party to any negotiations. He has laid down no bases. He rejoices, no doubt, that all negotiations have been broken off. But does the Attorney General think that it will tend to cement our alliance with the Powers of Europe when he tells Parliament that the British Government intends to persevere in this war, not for those objects which formed the basis of that alliance, whether with Austria or with France, but for purposes altogether different and foreign from any objects in which those Powers can have an interest? The most rash declarations, when made by "experienced men" in Parliament, are wafted on the wings of the telegraph to the whole world by to-morrow; when, therefore, it shall go forth that Her Majesty's Government, speaking, indeed, not by themselves, but by their counsel, have declared to the British Parliament that our enemy is so faithless a Power that with her we cannot safely negotiate, and when to this is added that the object we have mainly at heart in this war is not the preservation of the balance of power in Europe or the protection of Constantinople, but the maintenance of our interests in India, what, I ask, can possibly be the result save that of inspiring our allies with feelings of estrangement and distrust? And how intense must those feelings become when we are further told by the same authority that we do not intend to sheathe the sword until Russia has been crushed and disarmed? My hon. Friend the President of the Board of Works talked of the war lasting six years; but I should like to know how many more years it would last if we acted on the principles laid down by Her Majesty's Attorney General? By the argument which that hon. and learned Gentleman has adopted all conferences and all negotiations are condemned. All the terms demanded by the Government of Lord Aberdeen and by the present Government are equally condemned by the speech of the hon. and learned Gentleman.

But what is the question we are at present really called upon to consider? We are, I agree with the right hon. Gentleman the Member for Portsmouth, discussing a question after all the interest that once attached to it has passed away, and it is extremely difficult to know what is the precise object for which we are called upon to vote. I came to this House intending to support the Motion of my right hon. Friend the

Member for Portsmouth, not because that Motion appeared to me calculated to effect any practical or beneficial object; but I should have supported it in opposition to the Amendment of my hon. and learned friend the Member for Kidderminster, the adoption of which I believe would be fraught with danger. I sincerely hope that neither the first nor the second part of my hon. and learned Friend's Amendment will meet with any favour from this House. I trust I may anticipate that neither side of the House will vote for so clear and express a declaration as that contained in the Amendment of my hon. and learned Friend; and I will state the reason why I entertain that hope. Some time ago a Motion, in the sense of peace, was given notice of by a right hon. Gentleman (Mr. M. Gibson) in every way calculated to command the attention of this House. The arguments used against bringing forward a Motion, in the sense of peace, were those identical arguments which during the discussions in the course of the French war were urged by Mr. Pitt and his colleagues all through that period and even just before the peace of Amiens. When peace was approaching a peace Motion was made in this House, and what was the strong argument used in opposition to it on that occasion? It was this—The House of Commons wields the greatest power that any body of men wields in the world; but with that power is connected the greatest amount of responsibility, and any excess of its functions may be followed by consequences the most disastrous. The function of peace and war is not a function of the House of Commons, but of the Crown. Your limited function and duty is to be the first adviser of the Crown; but you must not yourselves interfere with the conducting of negotiations or with the management of diplomacy. These are your functions—to support the Crown against its foreign enemies, and when the advisers of the Crown so act as to lose your confidence, then to censure and remove them. Well, during this session a Motion of censure has been made and rejected; some think on insufficient grounds; but nobody complained, because it was a legitimate and constitutional duty of this assembly so to act. Since then another Motion has been made and we have equally determined not to adopt it. That also was equally within the legitimate functions of this House. But what is it my hon. and learned friend the Member for Kidderminster recommends? He calls upon us to lay down an ultimatum. Now observe the argument of the Government on this matter. They say, how can you define terms of peace? Are not your terms to change in proportion as the successes attending your arms change? If that be a sound principle, which I believe it is, how does it square with the Amendment of the hon. and learned gentleman the Member for Kidderminster? Let us imagine the noble Lord the Member for the City of London to go again to Vienna after the adoption of the Resolution of my hon. and learned Friend. How could the noble Lord enter into negotiations with the Plenipotentiaries of Austria and of France, fettered as he would be by a solemn Resolution of the House of Commons? My hon. and learned friend says, that his Resolution applies only to the third basis. That is true; but that basis involves the most important matter in the whole controversy. But, even if we were to adopt the Amendment of my hon. and learned Friend, I doubt very much whether it would be satisfactory to himself, because, according to the terms of his Amendment, he would express his regret that the conferences were at an end. Now, I rather think my hon. and learned friend is rejoiced that the conferences are at an end. I hope my noble Friend at the head of the Government is not bound to accept even the first part of the hon. Member's Amendment. I admit that the first is the least important part, and it has been stated that, as it is only a statement of fact, it can therefore be accepted. If it be only a statement of fact, and if it involve no principle, then, as the Attorney General has said, it might be quibbling to talk much about it; but the term of quibbling cannot be applied to those who have had nothing to do with framing either of the Resolutions. I doubt, however, whether it is true to say that the first part of the Resolution is only a matter of fact, for after Russia had refused the propositions which were made the conferences were not closed, and the reason that they were not was, because other proposals suggested by Austria remained to be considered, and it was not until these were disposed of that the conferences were closed. It is not true, then, to say that it is a matter of fact that it was only owing to Russia's refusal of terms when there were other propositions which had to be considered separately before the conferences were closed. The Attorney-General, among other topics which he introduced in his eloquent peroration, spoke of the feeling which had been excited in the East, particularly in Affghanistan, that an advantage might be obtained therefrom by Russia. I think my right hon. Friend would have exercised a sounder discretion if he had made no reference to that subject. The reason why I express that opinion is this—I have heard in this House fears expressed of the growing power of Russia; it is right to be on our guard against this, but at the same time I think that an exaggerated fear of danger often does more to injure a powerful country like ours than the danger itself. It is my sincere belief that the power of Russia, great as it is in comparison with that of Turkey, is not so in comparison with that of England, and I cannot help protesting against our giving rise to fear and apprehension by taking such long-sighted precautions against the possible dangers suggested by the Attorney-General. The greatest calamity which has in my lifetime happened to this country was that affair of Affghanistan, the cause of which was an exaggerated fear of the encroachments of Russia. The course of policy which it becomes us to pursue is this—setting aside all other objects—to look, as this House has shown itself disposed and anxious to do, to the true, real, and permanent interests of the country. Hitherto this House has been guiltless of any opposition to the progress of the war. The supplies which have been demanded have been cheerfully given, and the representatives have responded to the unanimous feeling of the people, that so long as the Crown is engaged in the war so long will they prosecute it with all the vigour and energy in their power. But we ought, in prudence, to limit our proceedings to the actual danger against which we have to guard. War is the natural element of despotic Governments, which lean upon a standing army, but peace is the atmosphere in which free institutions have most expanded, and every triumph which has been gained for freedom in this country during the last forty years has been due to the peace which, under the blessing of Providence, we have enjoyed. To the Motion of my right hon. Friend I shall give my ready assent, but I do regret that when conferences were instituted with a view of promoting peace they should have terminated without bringing about a cessation of hostilities. I advise every Englishman to give his cordial support to his Sovereign and to Her Ministers, be they who they may, for the effectual prosecution of the war; but I deprecate a Resolution like the one proposed by the hon. Member for Kidderminster, the only effect of which must be to add a new chapter to a war the limits of which no one can tell—to create a new war with new allies, and, perhaps, with new enemies, for objects not specifically defined, but only conveyed to the House in inflammatory periods, suited to the feeling of the moment. I say, let us continue in the course which this House has always adopted of giving to the Crown our cordial and effectual support; but, at the same time, conveying by the tenour and language of our debates the feeling that we impose these taxes, we sacrifice these lives, and we make these efforts to guard against real and practical dangers which have already become manifest through the conduct of our enemies, and not for the purpose of obtaining those remote, unavowed, and unknown objects connected with those vague topics which I, with regret, have heard introduced into this debate.

MR. WALPOLE: Sir, I agree with the right hon. Gentleman who has just sat down that this debate, owing to the variety and diversity of Amendments which have been proposed, has assumed a somewhat complicated character; at the same time I think the noble Lord the Member for the City of London reduced the discussion to its proper proportions when he stated to the House, in the clearest manner, the distinct propositions which were included in those Amendments. The noble Lord said, and truly said, that two great issues were raised by these Amendments; the first of which is, if you are to have a continued war, what are the objects for which it is to be carried on? and the second is, if you are to have peace, what are the terms and conditions on which a peace might properly be concluded? Any one who bears in mind these two propositions of the noble Lord will immediately see that this debate, instead of being complicated, is reduced, in fact, to very tangible issues, and those issues, give me leave to say, contrary to the opinion expressed by a right hon. Gentleman, are such that this House neither can nor ought to avoid them when protocols and negotiations have been laid upon our table, and when we have been distinctly asked by implication to give an opinion on the conduct of the Government in those negotiations. Several policies from various quarters have been brought to bear on this subject, but the particular quarter to which we all looked for a clear statement of the policy to be pursued is the only quarter from which we have received no such explanation. We have the policy of war manifested in the Amendment of the hon. and learned Member for Kidderminster; we have the policy of peace embodied in the Amendment of the hon. Baronet the Member for Oxford University; and we have a mixture of those two policies in the Resolution of the right hon. Baronet the Member for Portsmouth. But, notwithstanding we have heard two Ministers of the Crown contradicted, indeed, this night, in material respects, by their own Attorney General, yet down to this moment I believe the House is not aware what the policy of the Ministry is. The Government, it is true, have made statements in most general terms, which, if they are to be interpreted by the language of the Attorney General, would show that their policy is a policy calculated to lead this country into a war without limit, and which would pledge us to a declaration in the face of Europe that we are contending with a Power so perfidious that no peace can be had with it, even though the Government themselves were negotiating with it down to the last moment and notwithstanding that Power is the only Power in Europe that, with the exception of two years, we have been at peace with for the last three centuries. Be it observed, too, it was during the period of this long peace that Russia has made all those acquisitions which the Attorney General declares, in a declamatory speech, proved her to be a Power we could never trust to or be at peace with. Under these circumstances, I have risen more for the purpose of trying to extract from the Government, than for any other reason, before the close of the debate, something like an explanation of their policy, in order that the Parliament and the country may know for what we are fighting. The worst of all possible policies is the policy of leaving such matters as these as it were to chance. We cannot forget, we ought not to forget, Lord Clarendon's memorable observation a year ago, "that we have drifted into war." That was an observation implying that the pilot at the elm had allowed the vessel of the State to drift into the breakers without chart or compass. Now, it is very easy to drift into war, but it is not so easy to drift out of it; still less is it easy to drift into a safe and honourable peace, and, unless your intentions are more clear and specific than they hitherto have been—unless you can point out distinctly a plain and settled purpose for which this war is to be carried on, all your fine phrases will go for nothing; the prosecution of the war,—the negotiations for peace, should they again be renewed will be again unsuccessful—all your utmost efforts will be fruitless and unavailing, because your councils are wavering and uncertain; and the consequence will be that the public mind of this country, for want of guidance, will mount up, as it has done before, into extravagant expectations, to sink down, as it has done, into a gloomy state of dissatisfaction and discontent. The noble Lord the Member for London told us that it was impossible for Ministers to be more specific, because, he said, the terms of peace will vary according to the contingencies of war. That would have been a just observation if it had not been met, as it were by anticipation, by the more pregnant and still more just remark which fell from the right hon. Baronet the Member for Carlisle, when he pointed out that there is a difference which may and should be always attended to between the terms of peace and the objects of war. With regard to the terms of peace, we cannot know what they are to be, because they must necessarily vary with the varying contingencies which war brings with it; but, with regard to the objects of war, you the (Ministers) ought to know what they are now; they ought to be the same at the beginning of the war as they will be at the end, and the same at the end of the war as they were at the beginning. Now, we want to know what those objects are? If that observation of the right hon. Member for Carlisle is just with respect to wars in general, it is peculiarly just with respect to a war of this description. This is not a war of an ordinary character. We are all of us agreed that is is not a war of conquest or ambition. We are most of us agreed—all, I believe, except the Chief Commissioner of Works—that it is not a war of vengeance; neither is it a war, as the right hon. Member for Oxford University so forcibly pointed out, of mere military renown, nor is it a war directly, at least whatever it may be indirectly, of self-interest or self-defence. I will tell you what war it is. As the hon. Baronet the Member for Hertfordshire (Sir E. B. Lytton) most clearly pointed out, it is a war of justice. Being a war of justice, you are bound to see that right is done to the party wronged, and to take sufficient and proper securities against the repetition of that wrong in future. More than this, you have no right to require; less than this, in my opinion, you ought not to ask. But if it be this war of justice, you must attend to the cause of the war—that is, to the wrongs done. You are seeking the redress of wrongs, which I own I think you could not have witnessed without attempting to redress them thoroughly. A gross outrage had been committed, the law of nations had been violated, the faith of treaties had been broken, the independent territory of another Power had been invaded; and if you had tamely and quietly acquiesced in the claim made on the part of Russia for interference between the subjects of the Porte and the Porte itself, or if you had sat silently by while Russia entered the Principalities to seek for what she called material gurantees for the unjust demand which herself had made, I am not sure whether England and Europe would not have incurred the same guilt in this century as England and Europe incurred in the last, when they quietly permitted the partition of Poland. Therefore, with respect to the policy of the war, meaning by policy the duty of understanding it, I entirely agree with the Government. I think the war is so just that they ought not to have avoided it even if they could, and so necessary that they could not have avoided it even if they would. Well, if the war be such as I have just described, and not any imaginary war, such as that we have seen advocated in the public prints and even in this House, let me ask how far the objects desirable to be obtained might have been accomplished by the negotiations at Vienna? Much had been effected by these conferences. Of the two points —redress for past wrong and security against its repetition—the former had been absolutely attained and the latter was so far attained in point of principle that I think no bystander could have said that the whole matter was not progressing towards a proper course of settlement. The claim of a protectorate over the Greek subjects of the Porte was given up, the Principalities were evacuated and their independence was secured, and these concessions, be it remembered, were not only a complete redress for past wrongs, but in some respects also were securities against their repetition. What I mean is this—they removed the plea or pretext for invading, and the means by which Russia could invade, Constantinople or Turkey through the Principalities. Bearing that in mind, and bearing also in mind that you had obtained this additional advantage, that the Porte was no longer left in an isolated position, but was attached, as it were, to the balance of power in Europe, and brought by treaty within the protection of the public law of the civilised world; and, remembering, also, that by the last proposition made by Russia you put the key of the Straits of the Dardanelles entirely into the Sultan's hands; and that by means of this key, so placed in his hands, he could at any time bring up a counterbalancing power to weigh against the preponderating power of Russia in the Black Sea;—bearing, I say, in mind all these advantages, which you might have obtained, and which you had obtained, I contend that if you were justified in entering into these negotiations at all, then, on the principles on which you proceeded, you were not justified in breaking them off in the manner and for the reasons and under the circumstances you did. The noble Lord the Member for London told us that this last proposal of Russia would have left the parties in precisely the same condition as they stood before the commencement of the war. But is that so? I ask the noble Viscount who sits opposite to carry his mind back to the month of April, when he knew that the Russian troops were moving down towards the Danubian Principalities, when he knew from the secret correspondence what the real intentions of Russia were, and when Colonel Rose sent for the fleet to check her advance, and having done so, to say why it was that the fleet so sent for was not moved up to the mouth of the Dardanelles? Was it not that such a step would have been a *casus belli*, and were not your means of protection therefore taken from you? But if you had then already obtained this concession from Russia—which I hope you will never give up—the Sultan would have been the judge of the necessity of calling up the fleet, and consequently it would have been brought into the Golden Horn without a murmur. Russia could have made no complaint, and I do not believe there is a man in this country who thinks that, under those circumstances, we should have had any war at all. These are my reasons for regretting that these negotiations have been broken off. I do not enter into any argument with those who say that they should never have been begun, because that question is not before us; but, having been begun, I say that they ought not to have been terminated so hastily and abruptly. However, we must take matters as we find them, and finding them thus, and what I have to consider is, how we should deal with the great question with a view of accomplishing the objects of the war, and obtaining the terms of peace which we are entitled to demand. That leads me to the different Amendments on the paper; and first, to those of the hon. Member for Kidderminster. That Amendment, I think, if carried, would not help us at all, towards the accomplishment of the object we all so much desire. I object to that Amendment—I mean the first part of it—on two grounds, first, because it is not strictly true; and, secondly, because—taking the two parts together, for they cannot be separated—it would be a most impolitic Amendment for this House to agree to. It asks this House to declare that, owing to the refusal of Russia to limit the strength of her fleet in the Black Sea, the Conferences of Vienna have not led to a successful termination. Now, Sir, it is not strictly true to say that it is owing to the refusal of Russia to consent to the limitation of her fleet in the Black Sea that the conferences came to an unsuccessful termination. That was only a part of the proposition. The conferences sat after this refusal of Russia, your own Plenipotentiary attended them; he received a subsequent proposal from Russia, and the conferences were not at an end even when the right hon. Member for Manchester (Mr. M. Gibson) gave notice of his Motion on the assumption that they were; Count Buol expressly declared that, though the instructions of the Plenipotentiaries of the Western Powers were exhausted, the conferences were not ended. Under these circumstances, I humbly submit that, even if it were a matter only affecting the affairs of our own country, it would be highly unadvisable for this House to make a declaration which is not strictly true; but in the case of a declaration which is to go forth to all Europe the importance of strict accuracy becomes ten-times more serious, In addition to this, if you couple together the first with the second parts of the Amendment, this declaration would amount to this—that the limitation of the naval power of Russia in the Black Sea is a *sine quâ non*, without which this House is not prepared to consent to any conditions of peace. That point has been discussed so ably in the course of the debate that it is unnecessary for me to go into it at length; but I believe the arguments may be summed up thus—that such a proposition is illusory in its nature, that it is pregnant with future difficulties and disagreements, and that it is unnecessarily humiliating to the Power with whom we would negotiate. It is clearly illusory, because, as was shown by the hon. Member for the West Riding, the number of ships to be possessed by Russia in the Black Sea might be so improved by modern skill and invention that, with the number of ships to which you would restrict her, her fleet there would be actually more powerful than it has ever been before. It is illusory, because in the first place, when Russia said, or should choose to say, that her ships were wearing out, and that it was necessary for her to build new ones, you would never know the time when you had a right to complain; because, in the second place, she might still build in her large rivers gunboats which could be brought down at the shortest notice to the Black Sea, and which, for the purposes for which Russia needs a navy in that quarter, would be as effective as any ships of war; and lastly, because the danger which menaces Constantinople is not so much from an attack by a hostile fleet as from a land invasion, supported by a fleet which would convey troops—and an army which can be conveyed in merchant vessels quite as well as in ships of war. The proposition, moreover, would be pregnant with future disagreements, because, whenever Russia saw differences arising between the Western Powers, she would not hesitate to begin building ships so as to increase her power in the Black Sea. What would then happen? The first step would be to remonstrate with her; she would reply; then there would be observations on her reply; Turkey would protest; a long correspondence would follow; we should be asked to abide by our treaties; we should doubt whether the occasion were worth it, and we should thus be involved in an endless complication of difficulties and disputes. But if the proposition was objectionable because it was illusory and pregnant with future differences, it was ten times more so as being unnecessarily humiliating to the Power with which we were seeking to negotiate. Nations, like individuals, are often more sensitive of their honour than of their material interests. And as it has been well said by the noble Lord the Member for King's Lynn (Lord Stanley), if we are seeking to humiliate Russia, it would be better to crush her at once, for to humiliate her, without weakening her, would be to make her our perpetual foe. For these reasons I cannot consent to the Amendment of the hon. Member for Kidderminster.

I may pass by the Amendment of my hon. Friend the Member for the University of Oxford, because the time for that has gone by. Whatever might have been the value of that Amendment before the negotiations were broken off, it is clear that it would not be becoming in this country to make overtures to Russia for a renewal of them. The renewal of them ought to come from Russia herself, and not from us, because such a step on our part would imply that we were distrustful of our cause, and would induce Russia to insist upon higher terms. I pass on to the Amendment of the hon. Member for Leominster (Mr. J. G. Phillimore). The hon. Member for Surrey has shown clearly that of all the foolish things this House could do the most foolish of all would be to embark in a great and extensive war for securing the "liberties and civilisation" of a country whose despotism is so unmitigated and whose morality is in so low a state as to make it simply ridiculous to characterise it in any way as allied to the interests of civilisation and liberty. Coming to the Amendment of the right hon. Member for Portsmouth, I think, notwithstanding the observations he has addressed to us to-night, that he himself feels that there was great force in the observation made by the hon. Member for Hertfordshire, that his Amendment had become an "unmeaning platitude." I concur in the regret of the right hon. Gentleman that the conferences were broken off; and I agree with him that, as the conferences are broken off, it is necessary to prosecute the war with vigour: but then the question comes, are we called on to pass his Resolution? Unless you intend either to censure or to vote want of confidence in a Government, I know but two cases in which it ever becomes this House to make a solemn declaration at all. One of these cases is where it is wanted to inform the public mind of the country—possibly, even the public mind of Europe—of the course of policy this House is prepared to adopt with reference to some question of great national importance; the other case is where you see some reason to doubt the course of policy which a Ministry are likely to pursue, and in that case it may be desirable to tie them down by a declaration that will keep them to the course which you think it is for the welfare of the country to pursue. In no other cases do I think it desirable for this House to fetter itself with Resolutions, unless it is wished to censure, or vote a want of confidence in a Government. Well, then I have arrived at this point; the Amendment of the hon. Member for Kidderminster I think is mischievous; that of the hon. Member for the University of Oxford bears upon an object that has passed away; the Amendment of the hon. and learned Member for Leominster is an extravagant one, and the Resolution of the right hon. Gentleman the Member for Portsmouth has become, in the words of my hon. Friend the Member for Hertfordshire, an "unmeaning platitude." And is this the point to which we have brought ourselves? Some observations fell from the noble Lord the Member for London that were very important in my opinion as bearing upon this part of the subject. He intimated, at the end of his speech, that new papers were probably coming down by a message from the Crown to the House—the noble Viscount (Viscount Palmerston) confirming the statement—and that the Ministers, when these papers did come down, would feel it their duty to move an Address to the Crown with reference to the whole of these negotiations. [Lord John Russell: Yes, if the Motion and Amendments were withdrawn.] The noble Lord says, if the Motion and Amendments were withdrawn then he would be prepared to bring down these papers and to move an Address. Will the noble Lord give me leave to ask, if these Amendments are defeated, what is to be done? Are we to have no Message? and shall we have no Address? Let us understand where we are. You have rejected my right hon. Friend's (Mr. Disraeli's) Motion because it said you were guilty of some ambiguity in your language and uncertainty in your conduct. I think the House are likely to be of opinion that here we have about as "ambiguous language" and "uncertain conduct" as the Government can well be guilty of. Now, I am very anxious on this part of the question—more anxious, indeed, than upon any other; and the reason why I am so is that I think the thing we have most to lament in all these proceedings for the last two years is the great want of clearness, which has placed the House in considerable embarrassment, and which has misled the country to a great extent. Now, whatever we do with these Amendments, let me impress on you the duty of considering whether you cannot by some mode of address indicate to Parliament and the country not the terms of peace to which you will ultimately consent, but the objects for which this war is prosecuted. Let us not proceed a single day further without giving some clear expression of opinion on this subject. If the House will permit me, I think I shall be able to show the utter confusion into which we have fallen during the last two years upon this question. We talk glibly and think lightly of the Four Points, but I am not quite certain that we are at all clear as to what those Four Points are. Of this I am certain, that the Four Points have not been, from the beginning, the objects of your war, whatever they may be at this moment. Before the war commenced you fell far short of them in all your negotiations. At the time war was declared you seemed to insist upon them; after the war began you actually went beyond them; and now it appears you have gone back to them again. This is exactly what I want to know from the Government—have they gone back to those Four Points, and what is the meaning they attach to the terms? With reference to these Four Points before the war began, the House should bear one or two things carefully in mind that will show the want of clearness of which I complain. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) has pointed out the real causes of the war, and showed most admirably that they were all contained in the Russian Note of the 5th of May, 1853, and that the object of the war was to remove that "network of treaties" which Russia had thrown around the Porte and in the meshes of which she held her. And what were the claims set up as the ground of these treaties? The protection of the Greek subjects of the Porte, firstly, a protection, not only extending to spiritual, but temporal things; secondly, that privileges should be conferred on all Greek subjects of the Porte similar to those usually conferred on foreigners by favour alone; and, thirdly, that the security of these privileges should be the continuance of that "network of treaties" which would give to Russia the absolute right of interfering in the internal affairs of Turkey. These things were contained in the Menchikoff Note of the 5th of May—a document characterised by Lord Lyndhurst as the most insulting public document he had ever known. Now, I have compared side by side this Menchikoff Note with your own Note which you prepared at Vienna, and which the Turk would not accept; and I declare that I cannot see in point of spirit, and scarcely even in the language of these Notes, any substantial difference. But that is not all. After Turkey had declared war against Russia you, on the 13th of January, 1854, prepared another Note, called the Collective Note—that Collective Note so much referred to by the right hon. Gentleman the Member for the University of Oxford. I wonder that, having been a party to such a note, he was not almost afraid to bring it forward. This Collective Note absolutely proposed that you should renew those very treaties, which the right hon. Gentleman described so graphically as a "network," within the meshes of which Turkey had been drawn by Russia. Now, I ask again, have we been clear about the objects of the war even before we commenced it? I deny that we have; and I am bound to infer ambiguity which to my mind is still more astonishing. Your declaration of war, coupled with the treaties that accompanied or followed it, in fact, though not in words, stipulated for the Four Points as the objects of the war. But look at that declaration. It refers to the Vienna Note, and to the Collective Note; and—would you believe it!—with all the strong language we are using against Russia, and all the indignation with which we entered on the war—this, our own declaration of war, called these two Notes, (one of which is the same with that of Menchikoff, while the other renews the treaties with Russia), a just and equitable mode of settling the differences in an amicable manner. I agree that your declaration of war is, in other respects clear—that it distinctly and directly points out the main objects you had in view; but I never could understand, and cannot understand at this moment, how you ever could make so great an admission against yourselves as that which I have just named. The treaties which followed shortly after your declaration of war do describe your objects more clearly than anything else. The treaty of the 10th of April especially contemplated that annexation of Turkey to the European equilibrium, which the noble Lord at the Conferences of Vienna has obtained for us; and your treaties also contemplated that you should take up arms, and not lay them down again until you had secured the independence of that Power, and preserved her from the complications which led to the differences that have occurred. But the treaties of the 10th of April and the 23rd of May contained two provisions which I think will hamper you until you get rid of them. The one was—and I entirely approve of the motive which dictated it—that France and England should engage to each other that they would renounce beforehand everything they might acquire by the events of the war; and the other was that by the treaty of the 23rd of May, and the note sent in pursuance of it to St. Petersburg by the Courts of Berlin and Vienna, that the four Powers should acknowledge in common that the war shall in no respects alter the territorial possessions of the different Powers of Europe. Now, one month after the treaty of the 23rd of May was signed, the Government of this country prepared and sent out instructions to the army that the expedition to the Crimea should be undertaken. Sir, I have always held that this was about the most fatal mistake our Government could have committed. There are those on the Treasury bench who know that before that expedition sailed I expressed this opinion, and they can bear witness that what I now state is not an afterthought. I said in private before the expedition sailed that I regretted the course the Government were taking, because they were altering the character of the war; and the very words, I believe, which I used on that occasion were, "I think the risk you are about to run will never be compensated by any advantages that you are likely to gain." I might have added —for I am sure I felt it—that "that expedition is not only a mistake by changing the character of the war, but it was also a fatal mistake considering the time at which it was sent out." There was a total want of preparations for the purposes of a siege before it went; the only means you had when the expedition actually sailed might have been sufficient for a *coup de main*, but they were in no degree sufficient for the army wintering in the Crimea. However, Sir, I repeat, we must take facts as we find them. You have gone to the Crimea, and I am not the man to advise you to retrace your steps until you obtain the legitimate objects of your enterprise, either by the success of your arms or by a voluntary offer on the part of Russia to concede them. I will not compromise the honour of my country or the honour of its soldiers. There may be, and I know there is, danger still in the undertaking; but there may be even greater peril in giving up the expedition than in persevering in it. There are cases, and this is one of them, in which the boldest course is the safest and the best.

Will the House now do me the favour to follow me for a few moments, while I point out the great uncertainty with which all your proceedings are yet encompassed. The Conferences of Vienna are founded on the treaty of the 2nd of December, 1854. And here the noble Lord (Lord John Russell) must allow me to correct a very important error into which he fell the other night. He told us that he had no expectation that the conferences would succeed, because we had not gained enough by the success of our arms to force the required conditions upon Russia; and, perceiving the way in which this observation might be met, the noble Lord anticipated the answer to it by saying, "You will ask me, why then did you enter into these negotiations at all? We did so because Austria was bound, under the treaty of the 2nd of December, to join us with her arms in case we should fail in obtaining the objects of that treaty by negotiation." Now, Sir, as far as I understand that treaty, there is not one word in it which binds Austria to take up arms on your side against Russia—not one word pledging her to do so under any circumstances. It is important that this should be known, because not only is it now stated on the authority of the noble Lord, but it has been circulated through the country for months and months that Austria would, in virtue of that treaty, be bound to draw the sword in the event of your failing by negotiation to attain your objects. But the object of the treaty was not that. The object of the treaty was, that the Four Powers should deliberate in common to effect the purposes of the first article. And when you take up that first article what do you find? Why, it refers to the Notes that were exchanged on the 8th of August, 1854, to the treaty of the 23rd of May, and to that of the 10th of April. And again you have made a common act of the treaty of the 10th of April and the Convention entered into between Turkey and Austria on the 12th of April; so that to understand this treaty of the 2nd of December, you must carry in your head all these other complicated treaties with which you have entangled yourselves. But I can disentangle them for you, for the purpose of my argument, and will show you not only that Austria is in no way bound to take up arms, but it will also show you how far this third point was made clear by you when you came to negotiate upon it. The first time, when the third point was specifically mentioned as a condition to be insisted upon, was in the summer of 1854. It was then described as the revision of the treaty of 1841, which requested the Sultan not to call up any vessels of war into the Black Sea. This was all that was stated in the summer of 1854. Explanations were given of that point on the 8th of August, 1854. The explanation given of it by M. Drouyn de Lhuys was this:—" The revision of the treaty of 1841 in the sense of the limitation of the preponderance of the power of Russia," and not, observe, the preponderance of her "naval power." The explanation given of this point by Lord Clarendon made that which was uncertain before still more so. That noble Lord's explanation was this:—" The revision of the treaty of 1841 in the interest of the balance of power of Europe." And this is what you call making matters clear! The interest of the balance in Europe! What does this mean? It means anything or nothing. Well, nothing further took place till the following month of November, when Russia for the first time agreed to the Four Points. She accepted, among the rest, this one—the revision of the treaty of 1841—in these terms:—Russia will not oppose its abolition if the Sultan, the principal party interested, consents to that measure." Observe, therefore, before you entered into your treaty of the 2nd of December 1854, that the revision of the treaty of 1841 was explained by Russia's saying that she would assent to its abolition if the Sultan would agree to that course—it was explained by M. Drouyn de Lhuys saying that he required not the limitation of the preponderance of the "naval power," but of "the power" simply of Russia—and it was explained by Lord Clarendon in the extraordinary words I have quoted, "The revision of the treaty of 1841 in the interests of the balance of Power in Europe." How, then, anybody can say that there is clearness in such a confusion as regards one of the points which it was most essential to make intelligible is one of the greatest anomalies that could possibly be imagined, or how can any one say that Austria is required to take up arms for you. One would have thought, as you were entering into negotiations, that something like a lucid explanation would have been given of the matter in dispute, in order that the noble Lord might have had the means of acting upon the subject of the treaty with something like common sense and clearness. Well, did you put any other interpretation upon it? I watched this most vigilantly; because I knew well that your chances of peace depended on your interpretation of the third point. You did put an interpretation upon it; and what was it? What was it to depend upon? Upon negotiation? No. Upon explanation? No. What, then, I ask, was it to depend upon? Will the House believe it? It was to depend upon the success of your arms. Here are the words:—

> "The revision of the treaty of the 13th of July, 1841, must have for its object to connect the existence of the Ottoman empire more completely with the European equilibrium, and to put an end to the preponderance of Russia in the Black Sea. As to the arrangements to be taken in this respect, they depend too directly on the events of the war for it to be possible at present to determine the bases; it is sufficient to point out the principle."

[Lord PALMERSTON: Hear, hear!] The noble Lord says, "Hear, hear." Now nobody is better acquainted than the noble Lord with everything that relates to diplomacy, and I would not presume to enter into competition with him on such questions; but I have studied these papers with the view of arriving at just and honest conclusions, and I say, independently of all diplomacy, that when you were entering into negotiations for peace—knowing that there was one point, and one only, which constituted the difficulty—you were bound to put an interpretation upon it which would enable you to see whether there was any chance of arriving at a satisfactory conclusion, instead of leaving it to the chances of war. But did you do so? No. The noble Lord the Member for the City of London, when he was appointed to the Colonial Office, was unable to discharge the duties of that office because he was sent to Vienna to settle principles, and the details were to be left to be decided by Ministers after his return. What were the principles the noble Lord had to settle? The third point was that of the greatest importance; but now you are told by the noble Lord himself that his instructions were limited merely to the diminution of the number of Russian ships in the Black sea. What, then, were the principles the noble Lord was to settle? I say that the noble Lord ought to have been sent to Vienna with the fullest possible powers of considering all proposals that might be made to him by Russia, or by any other Power, before he left Vienna. It is on this ground that I bring a charge against the Government. I would not speak so earnestly if this was not a subject of vital interest; but when the peace of the world is concerned, when thousands and hundreds of thousands of lives depend upon accuracy and clearness of statement with reference to these matters, I can hardly contain myself when I see the ambiguity and obscurity which have existed and which betoken a vacillating policy which might be fraught with the most serious consequences to the general interests of the world. But is this all? No; I conceive that this ambiguity and obscurity have exercised a most prejudicial effect upon the public mind of the people of this country, and extravagant expectations have been raised which you know can never be realized. I say, moreover, that, unless the noble Lord tempers down to-night the speech of his Attorney General, I see no prospect of peace for ten years to come. For Heaven's sake, consider how the people of this country have been misled and into what extravagances they have run! Why, there are some men of information who have contended, and naturally, that, since you have gone to Sebastopol, you cannot consent to retire until, at any sacrifice of life, it falls into your hands, and that you must hold it. Is England to hold the Crimea? Is France to have the Crimea? Will you restore Mahomedanism in that part of Europe, or will you give the territory back to the Tartar population? These are some of the difficulties you have to solve, and which you must solve. But these are not the only speculations to which your ambiguity has given rise. There are some persons who say, and I rather agree with them, that the real danger to Constantinople is not through the Principalities, not from crossing the Danube, not from the passage of the Balkan, but through Asia, and that Russia must be driven back from the Black Sea to the Caucasus. Now, you must be prepared for the consequences if, when you come to negotiate a treaty and to arrange a peace, you find these people blame you for falling short of their expectations. There are others— but I think their arguments have been disposed of by the hon. Member for Hertfordshire (Sir E. B. Lytton) in his brilliant speech, and by the powerful argument of the hon. Member for the West Riding (Mr. Cobden)—who says you can do no good until you wake up the nationalities of Europe. I say deliberately that if this be the intention of the Government they are bound to inform us of it now, in order that the people of this country may know whether such is to be the object of the war or not. Again, there are others—and at their head was a veteran diplomatist, now no more—who contends that no safe treaty can be concluded until you have stripped Russia of all the conquests she has made during the last sixty years—in other words, until you have undertaken a war of indefinite duration. Now, I blame the Government very much for having excited these expectations; but one answer may be given to them all, and that is—that you never entered into the war for any such objects; that you entered upon the war as the arbiter of nations—and that is your strength—not as the disturber of them, which would be your weakness; that you did not engage in war for objects which are impossible of attainment, and which would be worthless if obtained, but simply and solely in support of weakness against strength, of justice against oppression, of right against wrong, and not for any fantastic object, for visionary conquests, for uncalled-for vengeance, or for unwarrantable ambition; the objects are an intelligible security, to be intelligibly announced, of the kind of guarantee you are going to require against the repetition of similar outrages which might be committed in future.

I may be allowed, before quitting this subject, to advert to a remark of the noble Lord the Member for the City of London, followed up, as it has been, by the very spirited and dashing speech of the Attorney General. The noble Lord said the other night, that he gave credit to the Conservative Opposition for not having made this war question a party question for two years; but he implied that now they were about to do so. On behalf of the Conservative Opposition I deny altogether that we are making, or that we wish to make, this question a party question. I have always thought, and still think, that, agreeing with the Government that this war is both just and necessary, it was our first duty to support them to the utmost extent in our power in the prosecution of the war, for the purpose of obtaining a satisfactory peace. At the same time, nobody knows better than the noble Lord, that it is equally our duty to keep a vigilant eye upon the Government with reference to their conduct. During the whole of the year 1853 we carefully abstained from moving for any papers or documents with reference to negotiations which were in progress, lest we should interrupt them in the smallest degree in their exertions to secure peace. During 1854 we as carefully abstained from criticising their military operations, because we wished—as we still wish—that Europe should see a united front and united action. Consistently with these principles, but reserving to ourselves that right which essentially belongs to this House, we supported a Committee of inquiry at the beginning of the year, when we heard of disheartening disasters; and, consistently with the same principles, I say now that we are bound to give our opinions honestly and conscientiously upon the protocols which have been laid before us and upon the negotiations you have carried on. I think, indeed, the Government would have better reason to blame us if we had maintained silence with reference to these negotiations — if we had been ready to find fault with them when things went wrong, but prepared to share the common credit when things went right. To such a proceeding I never could be a party; and, even now, though I have found fault with the Government more than I have ever done before, I still say that we are bound to support them to the utmost of our power in the continued prosecution of this war, provided only—and I do make that provision—that the Government will frame to themselves, and submit to Parliament, a plain, intelligible, and definite object. I do not mean that you (the Minister) are to announce to us an *ultimatum* from which you are not under any circumstances to depart; I do not mean that the varying contingencies of war can make no change in the terms you may demand; but what I mean is, that if you ever enter into any conferences again you must be prepared to consider all the alternatives which are submitted to you, instead of putting an end to them hastily and abruptly; and that, if terms of peace are proposed to you, you are not to reject them at once and altogether, but to consider how, by counter proposals, you can make them acceptable to this country, to your allies, and to Europe, by seeing what modifications may properly be adopted or what additions it may be requisite to make. Had you acted thus, I most fully believe that your negotiations at Vienna would have succeeded now, instead of having failed. But as the matter stands, to use the expression of my right hon. Friend the Member for Buckinghamshire, the door has been locked. I entreat you, if a knock is heard at that door, let it not be opened by any doubtful or uncertain hand; let the applicant be answered by no doubtful or uncertain voice. Announce your intention, specify your meaning; let that intention and that meaning be plain and clear; and I am as well convinced as I am that I now address you, that, unless you turn this war into a war of conquest and ambition, you will be enabled, with God's blessing, to end it in a manner—and I pray to God you may do so—which will be just to Turkey, whose rights have been assailed; reasonable to Russia, whom you ought not to drive to the verge of despair; faithful to your allies, who have supported you so nobly and so faithfully; honourable to yourselves and to this country, as showing that you have been instigated by no mean or selfish motives; and satisfactory to Europe, which is now looking upon you, not as mere belligerents, not as mere partisans, but as fulfilling a higher and a much more sacred character—as the arbiters and administrators of the international law; and as the judicial executioners of international justice.

MR. HORSMAN said, he was satisfied that no one would impute to the right hon. Gentleman who had just addressed the House that he was actuated by unworthy motives in the criticisms he passed upon the acts of the Government. He agreed that there was no duty which devolved upon the Opposition more imperative than that of criticising the conduct of the Administration, if they thought it deserving of criticism; and that there was no occasion on which that duty was so plainly called for as when the country was engaged in a war and its highest interests were at stake. He was also disposed to acknowledge that since the commencement of the negotiations hon. Gentlemen opposite had shown a most honourable and patriotic forbearance in the course they had pursued towards the administrators of public affairs. Undoubtedly it was their duty to see that there was on the part of the Government no ambiguous language or uncertain conduct; and the more resolutely they acted upon that principle the more they would benefit the country and do honour to themselves. If he were to criticise the speech of the right hon. Gentleman, he would say that he appeared to have narrowed the question into smaller dimensions than its importance warranted; and that, when referring to the conferences, notes, and protocols of 1853 and 1854, he should have gone back still further in order to ascertain the origin and causes of the war. After listening to the speech of the right hon. Gentleman one would imagine that the quarrel between Russia and Turkey had its origin solely in Prince Menchikoff's mission to Constantinople; that none of the negotiations antecedent to the proposition of the Four Points were worthy of reference;

and that the war now being carried on with renewed vigour and increased hope of success had no definite object, and was continued needlessly, without our having exhausted all probable means of a pacific settlement. The right hon. Gentleman had strongly censured the Attorney General for speaking of the aggressive policy and the treacherous conduct of Russia; but could he deny that that character had been gained and deserved by Russia in the opinion of all who looked at her antecedents? Was the present war not the result of a long planned and deep-seated traditional policy, artfully carried out, by which Russia had endeavoured to obtain possession of Constantinople as the key to universal empire? If they looked back at the traditional policy of Russia, at the language of successive Czars, at the progress of her arms and her territories, would they tell him that her antecedents did not justify the apprehension of dangers against which Europe was bound to take precautions? The hon. and learned Attorney General had referred to the increase of Russian power and enlargement of the Russian dominions during the last sixty years, which statement was justified by Sir J. M'Neille, who showed that within that period she had more than doubled her dominions, and acquired by arms and treaties greatly increased power. It was impossible to gather from the speech of the right hon. Gentleman whether he objected to the language in which the Attorney General expressed his sentiments or to the sentiments themselves. Did he mean to deny that the progress of Russia had been for centuries great and aggressive, and that what she had not exacted by her arms she had consummated by treaties unscrupulously made and not faithfully carried out? What was the origin of the present war? Did they not know that the Emperor of Russia came to England in 1844, at the time when Lord Aberdeen was Minister for Foreign Affairs, and stated those views regarding the future of Russia and Turkey, upon which a secret memorandum was drawn up and subsequently laid upon the table of that House? Did they not know that for ten years the design was allowed to sleep, but that in 1853 the Emperor thought there was a good opportunity for reviving it, and that on the very evening he heard of the appointment of a new Ministry in England, he sent for Sir Hamilton Seymour, and drew that picture of the "sick man" which had now become historic? Then came the aggression upon Turkey; but England did not immediately appeal to arms against Russia. We negotiated; but while we were negotiating Russia was arming upon a scale which showed she contemplated, not a single campaign, but a serious and protracted war. We thought that while there was any hope of success from negotiation we were quite right to negotiate; and he denied that any hon. or right hon. Gentleman had a right to claim to themselves the monopoly of the title of friends of peace, or to assert that all who differed from them as to the best and likeliest means by which peace could be preserved were not to be trusted. Was there any Gentleman in that House who in a less degree than the hon. Member for Manchester felt that peace was the greatest of all blessings, and war the direst of all calamities by which a nation could be inflicted? who was not prepared to assert, and both by his vote and his voice to compel Government to acknowledge and act upon the principle, that the first duty of a Minister, before God and his country, was to preserve peace as long as possible, and when it was broken to restore it? But it was also his duty not to evade present inconvenience at the risk of future difficulty; on the contrary, it should be his aim to foresee and provide against probable dangers, and, at the expense of present trouble and inconvenience, to protect his country from greater evils in the future. Undoubtedly, the Minister who entered into a war incurred a fearful responsibility, but he incurred a greater responsibility who, conscious of impending dangers, shrank from the performance of his duty, leaving to his successors and the nation the accumulated difficulties of an unsettled question. It was that principle, embraced by the Cabinet of Lord Aberdeen, which induced them to undertake the responsibility of declaring that Turkey should be protected against Russia, whatever might be the cost, and that the latter Power should be checked in the pursuit of her aggressive policy. With respect to the negotiations, he had not exactly understood whether the right hon. Gentleman (Mr. Walpole) was of opinion that they should have been continued at Vienna with a view of taking lower terms than those which the allies had offered and which Russia had refused. With respect to the Four Points, it was not fair to take them as if they had been the best solution of the difficulty, and the best conditions that could have been asked from Russia—they had been preceded by long and complicated negotiations. Some hon. Gentlemen would have had war declared immediately the Russian troops crossed the Pruth, but public opinion in this country was not then ripe for that step. The consequence was, negotiations were begun, and the further they were carried the more we got entangled. The right hon. Baronet the Member for Carlisle (Sir J. Graham) had alluded to the concessions made by Russia; but in his opinion those concessions were but diplomatic artifices intended to detach Austria from the cause of the allies. The Four Points were a compromise by which to secure the co-operation of Austria, and by agreeing to them England was placed in this position—that she secured the co-operation and alliance of Austria, together with a prospect of peace; while, if she had rejected them, Austria, instead of being an ally, would have remained neutral, or would, perhaps, have become an enemy. The Four Points were therefore accepted as the basis of negotiations, though not as the best and wisest terms that might have been suggested if the Government had acted an independent part in the matter. They were taken because no proposals likely to lead to a more satisfactory solution of the question were made by any other party. It had been stated that Russia had virtually given her assent to three out of the Four Points. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) separated the Four Points, and set them up to represent four equal parts, saying, "Here are Four Points. Each point is equal to another point, and the moiety of one point is equal to that of another." He should be sorry to misrepresent the right hon. Gentleman, but he believed him to have stated that, because Russia had agreed to three points and a half, we ought to have been satisfied. Now, the great object of the Four Points was peace combined with security, and he confessed he had been unable to gather from anything that had been stated in the course of the debate what were the political advantages which Turkey would have derived from those portions of the Four Points which had been accepted by Russia. With regard to the first point—the protectorate of the Principalities—it must be remembered that Russia, though she had accepted it, had refused a proposition made by the French Plenipotentiary that would have given value to her concession; and, consequently, he (Mr. Horsman) had been unable to discover that any great importance was to be attached to her acceptance of the first point. Upon the second point—the navigation of the Danube—he had listened with great attention to the speech of the right hon. Gentleman the Member for Carlisle, but he was still at a loss to say what political advantage Turkey would derive from the possession of the second point. No political advantage of any kind whatever could be derived by Turkey from the free navigation of the Danube. As to the third point, he had certainly listened with a great deal of curiosity to his hon. Friends the Member for Manchester and the Member for the West Riding, in order to learn how they were satisfied with the proposals of Russia on that point, which were that the preponderance of Russia in the Black Sea was to be put an end to, not by a reduction of the Russian forces, but by the admission at the pleasure of the Sultan of the fleets of the allies into the Euxine; and the House were now told that the reason why the third point was rejected was that the acceptance of it would have been injurious to the dignity of Russia. Now, when was the discovery made that the acceptance of the third point would be injurious to the dignity of Russia? The point was proposed by the Governments of England, France, and Austria, and accepted by Russia in the first instance. Subsequently, however, she declined to accede to it, and then the discovery was made that it would not comport with her dignity to accept it. The Russian proposal upon the third point, then, was that the predominance of Russia in the Black Sea might be corrected by England and France having fleets in those waters. Now, he had always understood that it was the object of the gentlemen who were the advocates of what was called the peace question in that House to curtail and reduce the expenses of the nation; but here, in a time of peace, the country was to keep up an immense war establishment, and was to have large armaments constantly confronting those of Russia in the Black Sea, liable at any moment to come into collision. All this too was to be done in the interest of peace. But the whole question of the negotiations with Russia was one for the exercise of their common sense. England went to war in order to gain a certain security from Russia, and he had not heard from any hon. Member in what respect that security had yet been given. It was a most serious matter to enter into a war at all; but it was a far more serious matter to retreat from a war without having carried out the objects for which it was undertaken. The House had been reminded more than once in the course of the debate that the empire of England was an empire of opinion, and it must be remembered that when the country entered upon the war the opinion was universal that the interests at stake were immense, that the objects to be obtained were most important, that the preparations for carrying on the war ought to be very great, and that it would be degrading to conclude a peace without having first obtained the objects for which this war was entered into. He hardly thought that hon. gentlemen understood the responsibility they incurred when they asked the Government to bring the contest to a close without accomplishing the objects for which it was commenced. England took an attitude last year which riveted the eyes of the whole world upon her. She laid down a principle and gave a pledge. Was that principle now to be abandoned and that pledge broken. Much had been said of the power and resources of Russia, but when were the power and resources of England as great as they were when this war was entered into? Our trade was most prosperous, our exports were enormous, the wealth of the country was almost fabulous, its taxpaying capacity was beyond what had ever been known; our cause was good, and our alliance was strong; the people were loyal, enthusiastic, and united; in Parliament both sides of the House extended to the Government unbounded confidence, and voted unlimited supplies; we fitted out the finest army that ever left our shores, and the noblest fleet that ever sailed upon the waters:—for what were all these magnificent preparations? were they for insignificant objects? was the loftiness of our language only to be contrasted with the weakness of our acts? A few days ago the people of this country witnessed a most interesting scene; they saw a number of those brave men who had been fighting the battles of the country receive from the hands of their Sovereign the reward of their matchless valour; they saw those who a year ago left these shores full of youth and vigour return bearing the marks of unparaleled suffering; many of their nearest and dearest friends and relatives they would never see again:—and were they to believe that all this was but a delusion and a sham, and were to shrink from the dangers which they had themselves provoked, and to abandon the cause of the country which confided its honour and its interest to their protection? They had been asked what was the policy of the Government, and what were the objects of the war? If by that question was meant what would probably be the terms of peace, he thought it was an unreasonable inquiry to make at the present moment. He believed the objects of the war had been pretty generally understood and assented to by the House. When war was declared its object was stated to be the integrity of Turkey and the permanent establishment of the peace of Europe; he did not agree with the definition given by the right hon. Gentleman (Mr. Walpole) of that object, because it would apply to Poland as much as to Turkey. But, in speaking of the objects of the war, they must bear in mind that the aggressive policy of Russia was a perpetual menace to Europe, and that Russia would only keep the peace as long as she was obliged to do, and as soon, but not sooner, than she was compelled. He had heard with great regret the statement of his right hon. Friend (Mr. Cardwell) with regard to the impression made upon him by the speech of the Attorney General. He should imagine that his right hon. Friend did not hear that speech, but received an account of it from a friend, because the Attorney General undoubtedly drew a clear distinction between the personal motives and the political conduct of the right hon. Gentlemen, and stated that it was impossible for any one to impugn their personal motives or their honour. [Sir J. GRAHAM: He did not say so.] He thought the right hon. Baronet was a little unjust, or he would remember that the Attorney General began his reference to the right hon. Gentlemen who had seceded from the Cabinet by stating that it was impossible for any one to impugn the purity of their motives and their high honour, and he then went on to make some commentaries upon their political conduct. [*Cries of* "No, no."] He thought his hon. and learned Friend had not made those commentaries in a spirit of much severity, but had only expressed his regret that the right hon. Gentlemen should have found it necessary at so critical a moment to take a course which, from the high position they occupied, was calculated to produce an impression abroad unfavourable to the interests of the country. In conclusion, he would call upon the House to remember that the whole nation had deliberately determined to repel the aggressions and to curb the progress of Russia, and that Parliament, having sanctioned that determination, could not now recede from its resolution without sacrificing the character and the best interests of the country.

Mr. DISRAELI: I have heard, Sir, in the course of this debate, which has now been unusually prolonged, many different characters of our discussion. I have heard that it is a discussion without an object; that it is a wearisome discussion; I have listened to Gentlemen who have apologised for prolonging a debate that was tedious—there was a moment even when this House, now so crowded, seemed to tremble for its existence—four days having now elapsed since the debate commenced, it becomes my duty to offer an impartial opinion upon the subject under our consideration. Somewhat unwillingly — almost unnecessarily—I had thought it would be, having expressed some opinion on the question that engages our attention very recently. But unnecessarily, as I had hoped, it would be for me to interfere in the matter, I am bound to express my conviction that since I have had the honour of sitting in this House I have never listened to a debate of more importance, the subject of which was of more transcendent interest, in the conduct of which greater abilities have been shown, and in which a vaster issue has been at stake, which has thrown greater light upon public transactions, and has placed public men in a more intelligible position than this debate, which it has been convenient for some Gentlemen to characterise as one of insignificance. My opinion is, that it will be recognised by the country, not only in its immediate character, but also in its ultimate consequences, as one of the most important discussions ever originated and sustained in the House of Commons. But we are told that even the object of the debate is a mystery. There are Gentlemen—I hope they have not listened to so much of the debate as I have—who really do not know what is the point upon which we are going to decide.

What then is the issue before us? What are we to decide by the impending vote? What may be the consequences of our decision? The House will recollect—the Motion which I made a fortnight or more ago—by which I asked the House to express its opinion that, in consequence of the ambiguity of language and the uncertainty of conduct of Her Majesty's Government with respect to the great question of peace or war, it was our duty to rally round the Throne, and to assure Her Majesty that we would support her in the prosecution of that war. The reason why I so suddenly gave that notice, not on behalf of myself only, but also of the hon. Gentlemen with whom I have the honour to act, was this: We had reason to believe that Her Majesty's Government were on the point of concluding a peace, which I will not characterise as inglorious or ignominious, because those are epithets to which different minds will ascribe different meanings; but as a peace that would have caused great and just discontent in the country, and—what is of far greater importance than the discontent of the countrry, which is not to be respected unless it be well-founded — as a peace which would not have accomplished the great object of the war, which I take to be to maintain the Ottoman Porte at Constantinople. The House will remember the issue of that debate. A majority of the House decided that my Motion should not be sanctioned; but it decided nothing more. I may be permitted to say that every hon. Member who took a part in that debate, upon whatever side of the House, and in this renewed debate which has now lasted for a week, has found the amplest material for his speech in demonstrating the ambiguity of language and uncertainty of conduct of Her Majesty's Ministers. And it was a very strange thing, which the House will not forget, that on the night when the division was called, while the numbers were still in the ears of every Member, and when the rash cheers of hon. Gentlemen opposite were sounding the fact that a majority of the House of Commons would not sanction the imputation of ambiguity of language and uncertainty of conduct on the part of Ministers, a right hon. Member — one of the most distinguished Gentlemen who voted on their side—rose and brought a startling, and a well-founded accusation of ambiguity of language against the noble Lord the Member for the City of London. Well, now, Sir, it is from that Motion of mine that the question before us has arisen, and the House must trace well the pedigree of the Motions on which they are about to vote. There were Amendments to the Motion that I offered to the House. I will not make any remarks on that of the right hon. Gentleman the hon. Member for Portsmouth (Sir F. Baring), not from any want of respect for the right hon. Gentleman, I will only say on the part of my friends on this side of the House that we are not going to support the Amendment of that right hon. Gentleman. The noble Lord at the head of the Government has more than once announced that he will have nothing to do with the Amendment of the right hon. Gentleman the Member for Portsmouth. I assure the right hon. Gentleman that I do not mention that to hurt his feelings; but what is still more remarkable is the statement of the right hon. Gentleman to-night that he will have nothing to do with his own Amendment. Yet this slippery and broken bridge that no one will tread upon was the only escape of the Government from the vote that the House arrived at upon my Motion. There were some hon. Members who had a great objection to that vote. Many Gentlemen agreed with my views and with the language of my Motion, but they were informed that it was a Motion of want of confidence in the Government, and they were not prepared at the present time to cause a change of Government; and I was surprised to hear the right hon. Baronet the Member for Carlisle rise in his place and vindicate a vote of which he could not approve, and the moment after he had given it the right hon. Gentleman, from a feeling of irresistible penitence, proved that it was a vote that ought never to have been given. I was astonished that a Gentleman so acquainted with Parliamentary life, and who is looked upon as a great leader and authority in this House, should not have discriminated between a vote of censure and a vote of want of confidence. Over and over again it has been decided that a vote of censure upon some specific conduct is no reason why a Government should relinquish office. I will take a case in which the right hon. Gentleman was himself personally concerned. There was a distinguished nobleman, now no more—a man to whose abilities scant justice was done in his day, but a man of eminent public service—who was appointed Ambassador by His Majesty. There was a party feeling against that individual; an Address to the Crown was moved against that appointment, and the right hon. Gentleman supported that Address. But did the Minister of that day resign because the appointment of the Marquess of Londonderry to be Ambassador at St. Petersburg was disapproved of? No, it was regarded as a vote of censure of a specific act, and it was felt that it would not authorise anything of the kind. It is too late to refer to further precedents; but it will be found that there is nothing in a vote of censure upon a specific action which is identical with a vote of want of confidence, and that, if the House thought a just charge had been made out, they would be justified in voting it to be so, while the Government would not necessarily be justified in resigning office. That is a position which every one will agree to. I will say nothing further on the Amendment of the right hon. Gentleman the Member for Portsmouth. It is a case of *felo de se.* He has himself finished it to-night.

I come now to the more important Motion of the hon. Gentleman the Member for Kidderminster. It has been said, and even by Ministers, because it is very convenient in this debate to affect a want of understanding of the issue before us, that it is hardly possible to know what we are going to vote for, and that it is very inconvenient to have before us an Amendment to a Motion that is already disposed of. But that is quite a fallacy. Technically, the Motion of the hon. Member for Kidderminster is an Amendment, because unless it had been moved as an Amendment, it could not have been introduced to the House; but it is only technically an Amendment, for it is in itself a complete and perfect proposition. And what is that proposition which we are asked to sanction by the vote of this House? If I do not verbally express the words of the hon. Member I shall not misrepresent his meaning. It is that, in consequence of Russia having refused to reduce her fleet in the Black Sea, the means of negotiation are exhausted, and, therefore, we are called upon to rally round the Sovereign and support Her Majesty in the war. That is one of the most important propositions that has as yet been made in this House; it calls upon the House to sanction the principle that Her Majesty's Ministers have developed and supported in these late negotiations; it in fact calls upon the House to declare that unless Russia will reduce her fleet in the Black Sea negotiations are not to be sanctioned, so far as the opinion of the House of Commons is concerned. Well, a more important proposition was never brought forward. What happened on the division on my Motion? The noble Lord the leader of this House and First Minister of the Crown—a man eminently versed in foreign policy, and perfectly well aware of the importance of the issue—selected the Motion of the hon. Gentleman the Member for Kidderminster, and said, "I shall vote against the Motion of the right hon. Gentleman the Member for Buckinghamshire. I discard the clumsy assistance of my right hon. Friend; and of the many Amendments before me, I select the Amendment of the hon. Member for Kidderminster, as that which recites the most important fact to which I have given my adhesion, and that is the Amendment on which I will take the sense of the House of Commons." And in order that there should be no mistake, the noble Lord rose again on the Motion for the adjournment of the debate, and said, "The real question we have to decide is the conduct of the negotiations at the Conference of Vienna by Her Majesty's Ministers." Now, I admit—but do not congratulate yourselves on the admission, for I will prove to you in a moment that it will do you no good—I admit that the noble Lord did say he would agree to that part of the Amendment of the hon. Member for Kidderminster which regretted that, "owing to the refusal of Russia to restrict the strength of her navy in the Black Sea," &c.; and there he stopped, for he stated that he would not agree to that portion which declared that the means of coming to an agreement upon the third basis of negotiation were by that refusal exhausted. Ah, but then, unfortunately, the noble Lord gave his reasons why he did not agree to that second part of this Amendment. And what were those reasons? Of course they could not be because the means of negotiation were not exhausted, for, although not ourselves formally apprised of that fact, the noble Lord himself was, no doubt, aware that the Conferences at Vienna were closed, and that the means of negotiation were exhausted. But the noble Lord, taking up a somewhat random expression of mine, made in reply—that this portion of the hon. Member's Amendment was unconstitutional, he said it was decidedly unconstitutional, that the objection of the Member for Buckinghamshire on this head was well-founded, and that therefore he could not agree to that part of the Amendment. This was the only reason given by the noble Lord. Now, I believe the best rule of life is never to give an opinion on any subject upon which you yourself have not expended study and research. I, unfortunately, on that occasion re-echoed an opinion which I had heard from the highest authorities in this House—some of whom are still with us, while others have left us—that it is an interference with the prerogative of the Crown for the House in any way to express an opinion as to the terms upon which peace should be obtained or the objects for which war should be waged. There have been going about the House for some time other opinions which are equally authoritative, and equally unfounded. The hon. and learned Member for Leominster (Mr. J. G. Phillimore) touched upon that point, and indicated very accurately what is the constitutional principle. It is hardly necessary to enforce his argument on the present occasion; but I could easily show that nothing is more certain than that it is the privilege and the duty of the House of Commons upon all fitting occasions to advise Her Majesty as to the terms upon which She should negotiate peace, or the objects for which She should carry on war. It is one of those points which do not admit of doubt, and I only allude to it now to show that the solitary reason given by the noble Lord for not supporting the second part of the Amendment of the hon. Member for Kidderminster has really no foundation. But, even if it had a foundation, I say that it would not have the slightest importance as bearing upon the question before the House, because the hon. Member's Amendment has only one meaning and is susceptible of but one definition. If we pass a Resolution declaring that, as Russia has refused to restrict her naval force in the Black Sea we therefore feel it necessary to rally round the Throne and support Her Majesty in prosecuting the war, the only deduction is that we have made that condition a *sine quâ non* in our negotiations. Then I say that the question before us is not an obscure and is not an insignificant one; on the contrary, the decision of the House of Commons to-night upon it will be of great moment.

Let me venture to impress upon the House the nature of the question which they are now called upon to investigate. There are very few of us who have been members of this House when England has been at war. We, with very rare exceptions, have only sat here when questions of a very different character have absorbed the public interest and exercised public intelligence. But, remember, there is one vast difference between questions of domestic and questions of foreign policy. The power of a majority in the House of Commons is a great thing; it is an inestimable treasure to a Minister; its influence (subject, no doubt, to certain conditions) is omnipotent, so far as domestic questions are concerned. A Minister may, by the aid of a Parliamentary majority, support unjust laws, and may uphold a political system, which a quarter of a century afterwards may, by the aid of another Parliamentary majority, be condemned; the passions, the prejudices, and the party spirit that flourish in a free country may support and uphold him in the course which he is taking. But when you come to foreign politics things are very different. Every step that you take is an irretrievable one, and the consequences of your conduct are immediate and palpable. A false step in such a case cannot be retraced; you cannot, as you do on domestic questions, rescind your policy, calculate the loss you have sustained by the unwise system you have pursued, and console yourselves by thinking that for the future you will shun a policy proved to be injurious. If you make a mistake in your foreign affairs; if you enter into unwise treaties; if you conduct campaigns upon vicious principles; if the scope and tendency of your foreign system are founded upon want of information, or false information, or are framed with no clear idea of what are your objects and your means of obtaining them, there is no majority in the House of Commons which can long uphold a Government under such circumstances. A majority, under such circumstances, will not make a Government strong, but it will make this House weak. Therefore, I do entreat the House carefully to consider the course they are taking on this question, and to be sure, before giving their votes, that they are sanctioning sound principles, and that when they think they are only supporting their political Friends they may not be injuring their country—that when they cheer over a majority as they cheered the other evening, the day may not be coming, and that rapidly, when they will remember that cheer with confusion and shame. I beg the House to consider how the House has been treated by the Government during this debate. The question before the House to-night is one upon which the future position of this country with regard to peace or war depends. Yesterday we had a distinguished Member of this House, lately a colleague of the Prime Minister, who addressed us on subjects of high interest at considerable length; we had the hon. Member for Manchester, who, on the subject of peace or war, always speaks with power, and to whom, though we may differ from him as to his opinions, we always listen with great attention. No Cabinet Minister rose to reply. To-night we have also had a right hon. Gentleman, another colleague of the noble Lord in the late Administration, who addressed the House in a vein which certainly required some response. A right hon. Friend of mine also spoke, and gave the House the results of as deep and fine a study of these diplomatic documents, which have confused Europe and so complicated this subject, as any man is capable of giving. I do not think any person listened to my right hon. Friend, who always states his results with candour and accuracy, without feeling that that was the speech of a statesman which demanded the utmost exertion on the part of those who differed from him to reply to. But the Attorney General and the Secretary for Ireland have alone maintained the debate this evening on the part of the Government. So another evening has passed, and no Cabinet Minister has risen. Now, however brilliant may be the talents of those Gentlemen, they are not Cabinet Ministers. They are not officially acquainted with the subjects on which we seek for information, and cannot speak with authority on the points on which we require to obtain some knowledge. Take, for example, the natural inquiry of my right hon. Friend, who asked the Government when we might expect that Royal Message delivered to the House, which, to influence the debate, the two most distinguished Members of the Cabinet only twenty-four hours ago announced was to be brought forward. My right hon. Friend naturally inquires when we may expect that communication. No Cabinet Minister rises to give us the requisite information; and two nights have passed, when the most important question that can well be imagined is under discussion—the terms, in fact, upon which peace is ultimately to be obtained—and not a Cabinet Minister has condescended to rise to carry on a debate in which I may be permitted to say (because most of the speakers have risen from the opposite benches) some of the most distinguished Members have taken part. I do not know what answer will be given to that observation, but it does appear to me, at the first blush, not to be a proper mode of treating the House, nor consistent, to say the least, with that custom which has hitherto prevailed. It seems to me a deficiency of feeling and respect towards the House which I certainly should not have expected from the noble Lord and his colleagues. Every one knows we were turned out of office for not possessing either administrative ability or oratorical power. The Coalition no longer exists, but I suppose some of these great qualities remain. I do not suppose that administrative ability and debating power have both seceded below the gangway. I think the House had a right to expect that in a debate on so important a subject as this, some Cabinet Minister—the First Lord of the Admiralty, if no other—would have condescended to take part. If you think it wise for the House of Commons to declare that the condition introduced into the negotiations at Vienna by the noble Lord the Secretary of State for the limitation of the Russian fleet should be a *sine quâ non* of peace, then you ought to vote for the Resolution of the hon. Member for Kidderminster. Now, I am opposed to that, not merely because I think it highly impolitic for the House of Commons in this crude and hap-hazard manner to pledge itself to such a proposition, but because in my opinion it is a proposition which ought never to have been made, and is essentially inefficient.

If the House will permit me, I will try to place before them, with the utmost brevity I can command, the reasons why I think this condition of the noble Lord, totally abstracted from any question of policy, was inefficient—Now, I think the noble Lord ought not to have introduced that condition into the negotiations for this main reason: The object of the Government was to reduce the naval preponderance of Russia in the Black Sea. Our object at present is to check, to control, to diminish—if possible, to destroy—what is called the preponderance of Russia as against Turkey. Now, in the first place, the preponderance of Russia as regards Turkey in the political system is not limited to the Black Sea. I shall say, with little fear of being contradicted by those who are masters of the subject, that of three quarters from which Turkey may be menaced by Russia, the Black Sea is the one that is the least to be dreaded. Turkey is assailable by Russia from the Danube, from Asia, and from the Black Sea. What is called the preponderance of Russia equally presses upon Turkey from the Danube and from Asia as from the Black Sea. The condition insisted on by the Government only pretends to meet the difficulties and dangers which may arise from Russian preponderance in the Black Sea. Now, I deny that Russia has the power, that she ever had the power, or ever can have the power, of sending an army, with the necessary cavalry, artillery, and means of transport, from Sebastopol to any port on the Turkish coasts in the Black Sea. She never had a fleet, she never can have a fleet competent for such an operation when the united navies of England and France, the two greatest maritime Powers in the world, have never been able to effect such an object. A learned Serjeant (Mr. Serjeant Shee), I remember, on the second night of this debate, told us of the great expedition of Russia to Unkiar 'Skelessi, which he estimated at 5,000 men. I do not think the Turkish Empire will fall by any invasion of 5,000 men. I happened to be in the country at that time, and I think he has understated the case. I think he would have been correct if he had said that 10,000 or 12,000 men arrived at Unkiar 'Skelessi; but that small force, which required the most prodigious effort on the part of Russia, was facilitated by the Turks, who were most anxious to receive the Russians. All that Russia could do, under any circumstances, would be to throw troops on the coast, as she did in 1828, when she disembarked troops at Sizeboli and Bourgas. Those troops remained at Sizeboli and Bourgas; they never moved; they had no power of moving. I do not say the movement was utterly ineffective in the campaign — it may have served, to a certain degree, as a military diversion to Russia, who was then invading Turkey from the Danube; but, so far from producing any effect on the fate of the war, it was then impossible, and it is now impossible, that any great military force could be moved from Sebastopol upon Turkey. There is only one point on the Turkish coast where Turkey can be assailed with effect, and that, I admit, is the Bosphorus, to which point I will refer presently. Of course, I do not for a moment pretend that the having command of the sea is not a great advantage to Russia in any war with Turkey. By having the command at sea she can bring provisions, ammunition, and arms to any part of the coast; but it is a limited advantage — it is not an advantage which is ever decisive as regards the results of war. Look too at the nature of the reciprocal limitation of the naval forces of Turkey and Russia. Turkey is to have a certain number of ships only in the Black Sea, but she is to have an unlimited number of ships in the Bosphorus. Russia is only to have a limited number of ships in the Black Sea, but she can build as many ships as she likes at Nicolaiev, where she builds all her ships. She can carry down those ships, floated in four or five days from Nicolaiev to Sebastopol, and at Sebastopol they can be rigged, munitioned, armed, and prepared in less than another week. What, then, becomes of your treaty? Suppose there is the most rigid, scrupulous, exact observance of your treaty, why all that Turkey gains, and the utmost advantage from it, if there be war, is an advantage of three or four weeks. And, if that happens, which is sure to happen, if Russia declares war against Turkey, or manages, as she usually does, that Turkey declares war against Russia when Russia is quite prepared for her, you will have a Russian fleet equipped and floating in the Black Sea before the diplomatic note can be drawn up which is to remonstrate against the violation of the treaty. It requires, therefore, only common forethought and common prudence on the part of Russia, to have, without any violation of the treaty, in case of a declaration of war, a fleet in the Black Sea, without sending to the United States for those 130-gun ships of which we have heard so much. This point has been discussed with great ability and very fully in the course of this debate, and I only venture to revert to it because I have spoken of circumstances in my own experience, on which I will not insist too much; but it is a vital point really to understand the nature of this great proposition, which, so far as I can collect from the Government, because it is not granted, is the cause that the war is continued. I think, there are very good reasons why the war should be continued; but are we to say that this war should continue to be waged indefinitely, because the Russian Government will not agree to a condition which, totally irrespective of its impolicy, I, with some other Members of this House, believe to be utterly inefficient? Suppose when Russia in 1828 threw troops into Sizeboli and Bourgas, what would have happened in that year if there had been a Minister at the head of affairs who really comprehended the matter? Is it not certain that had any fleet of the Western Powers passed the Bosphorus the communication by sea with the Russian troops would have been cut off, and the whole of the army of Sizeboli and Bourgas must have capitulated? The command of the sea is to a certain extent an advantage, but it is not absolutely necessary in order to carry on a war with success, for if your communications are free behind you when you are fighting on land, you have the same advantages as if you had the command of the sea. France conquered the world almost while we had command of the sea. The condition, therefore, which the noble Lord made the mainstay of his diplomacy at Vienna was inefficient.

It was also impolitic, because nothing can be more unwise than to insult an enemy with whom you wish to enter into peace — nothing more unwise than to humiliate a Power which you recognise as an important and necessary element of the European system. The right hon. Baronet the Member for Carlisle vindicated the noble Lord the other night against some observations which I had made on his conduct by observing that the noble Lord was quite justified in considering the honour of Russia in all arrangements which he contemplated. Who denied it? It is not only the first principle in diplomacy, but in common life; for in ordinary affairs when adjusting differences and making arrangements intended to be permanent, you consider the honour of the opposing party, and I should have greatly blamed the noble Lord if in any scheme of negotiation he had failed in so great a duty. I do not blame him, therefore, for consulting the honour of Russia, but what I blame him for is, making the great and unnecessary admission previously to the negotiations that the honour of Russia must be considered in any arrangements that might be made—thereby giving Russia an excuse to avoid commencing negotiations herself and of answering every proposition by alleging that her honour was concerned, of which Russia is the only judge. I refer to this because I wish to impress on the House that not only was the condition of the noble Lord inefficient, but impolitic, because it was unnecessarily humiliating to Russia. Now, the noble Lord on that occasion referred to a precedent which has been already noticed in the course of the debate, and I only notice it again because it is of importance that the House should have clear ideas on the subject. The noble Lord has apparently regulated the whole of his conduct in this affair by the treaty of Utrecht. I think he was the author of the proposition for limiting the number of ships. [Lord JOHN RUSSELL: I acted by the instructions of the Government.] Yes, by the instructions of a Government of which the noble Lord was a Member. I think I am right in what I am saying, for I remember that towards the end of the last Session—recurring again to the fatal speech of the noble Lord respecting the dismantling of Sebastopol—the noble Lord, in a tone of self-vindication, and in some degree reproachful to myself, inquired whether the right hon. Gentleman did not remember any precedent. That was in July, before the noble Lord had the slightest idea that he would be a Plenipotentiary, and when he was perfectly cognisant of the policy of a Cabinet of which he was the very soul. He has been quite full of this instance of Dunkirk, which was to be the solution of the question, and the precedent for the dismantling of Sebastopol. But the dismantling of Sebastopol could not be insisted on, because the course of the war did not warrant the sanguine anticipation of the noble Lord; and, therefore, the dismantling of Sebastopol took the more qualified shape of the limitation of the fleet. It is to me obvious that the necessary consequence of giving up the point of the dismantling of Sebastopol was the neutralisation of the Black Sea, which was the proposition of M. Drouyn de Lhuys. I do not know whether the French minister was dismissed for that proposition, but it is plain that the Dunkirk precedent fixed in the mind of the noble Lord led him into this serious consequence. Does the noble Lord forget that there is a great difference in the position of the Power with respect to which he quotes the Treaty of Utrecht and the present instance? By the third article of the Treaty of Utrecht the destruction of the harbour of Dunkirk and its fortifications was secured, but the allies made it a condition that the King of France should receive an equivalent. The noble Lord quite forgets that in this instance no equivalent has been suggested. Is that all? I beg the attention of the noble Lord to those conditions, and I will not avail myself of any phraseology of my own to support my argument. I quote from one of our great political authors and eminent historians. I will show you from his language that the equivalent which the King had to receive was no less than the city of Lisle, and I will show you how the condition was evaded. I quote the words of the historian the more readily, that he is opposed to me in politics. This is immediately after the signature of the ratification of the treaty.

> "In order to evade the stipulation of the treaty with England, which compelled Louis to fill up the port of Dunkirk, he made the canal De l'Ourcque, and insisted on continuing the work, in spite of all the remonstrances of the allies."

Thus the House saw how the King of France evaded the condition of that treaty by persisting in constructing a canal at Mardyke, at a spot a league from Dunkirk, and in a stronger position, and accumulating the materials for his second Sebastopol in spite of all remonstrance. Now, who is my authority for this? I quote from the *History of England since the Treaty of Utrecht*, by Lord John Russell. The noble Lord, who is a most distinguished statesman, though unfortunately not a very successful negotiator, and justly prides himself on being a man of letters, will, I am sure, excuse me from quoting his own language, in order further to show the condition to which France under Louis XIV. had been reduced at that moment.

> "The Treaty of Utrecht," says the noble Lord, "secured a peace only wrung from Louis XIV. when the nation was utterly exhausted by the expenses of a ruinous war, when his recruits had been conducted to the frontier chained like malefactors, when by that peace Louis XIV. had no longer to dread the presence of the enemy in his capital, or the cruel alternative of being obliged to dethrone his grandson by his own armies."

But is this a parallel which the noble Lord was justified in quoting, in vindication of his demand to Prince Gortchakoff? He refers to an instance in which Louis XIV. agreed to a treaty which was wrung from him, when the nation was utterly exhausted by the expense of a ruinous war. Was it wise, then, to humiliate Russia by implying that she was in the pitiable condition described in the nervous language of the noble historian, while at the same time the noble Lord made a suggestion to Russia as a condition of peace, which the Russian Government might learn from the noble Lord's own *History* could be instantly and successfully evaded?

I now come to the question of the preponderance of Russia as regards Turkey; and I think that the noble Lord and his colleagues, and I am afraid, too, that many of us, are apt to consider this question of preponderance as something novel in politics, as a new phenomenon in our political experience, and as a problem to which it affords no solution. Now, what is the preponderance of a great Power as regards a weaker State in the independence and integrity of which Europe has an interest? Is there anything strange in such a conjuncture? Why the history of modern Europe is the history of attempts to check and control the preponderance of great States over contiguous weaker ones in the independence of which Europe has had an interest. We have heard a great deal of the designs of Russia, and we have had a picture drawn of those designs by a law officer of the Crown, which is enough to make us tremble. I do not suppose that Russia is freer from ambitious design than any other great Power; but is Russia, the only country that has ever exhibited designs upon the independence of weaker neighbours? Why, in the case of the designs entertained by that vast military empire, France, upon the Low Countries, there was the precise parallel of a powerful State attempting to encroach upon the independence of a weaker State in the preservation of whose integrity Europe had an interest. Were not the designs of France as well matured and as continuously carried on by individuals possessed of as great ingenuity, as great ability, and as great energy as any of the Sovereigns or statesmen of Russia of whom we have heard so much? Why Cardinal Richelieu was the first man who conceived the plan of subduing the Netherlands. Louis XIV. invaded the Netherlands, and Napoleon the Great conquered the Netherlands. And yet, at the present day, the Netherlands are independent, and the preponderance of France, which for a century and a half was exerted upon that battlefield, has been baffled, and at no period perhaps in the history of France has the conquest of the Netherlands been less a feature in the political system of that country than it is at the present moment. Thus we see that there are means by which the preponderance of a great Power over a weaker may be controlled; and the question to consider is, whether the project of the Government is the best means of controlling the preponderance of Russia with respect to Turkey? To judge of that, it may be well to consider how it was that in the case of the Low Countries the ambitious designs of France, which were carried on continuously for so long a period, and by men more fertile in resources than any three men who ever lived, Richelieu, Louis XIV., and Napoleon, were baffled, and the independence of that country preserved. The united will of Europe established the neutrality of Belgium, one of the battlefields of Europe, but I do not see that the noble Lord or his colleagues have at any time ever started the idea of establishing the neutrality of the Principalities, another battlefield of Europe. Switzerland was one of the battlefields of Europe, and its independence was menaced by the preponderance of Austria; but the Congress of Vienna established the neutrality of Switzerland, as the Congress of London, did that of Belgium; and Switzerland, also, is independent. What I complain of in the negotiations of the Government is, that I see no evidence of a recurrence to those means bywhich statesmen of great ability and unquestioned reputation have attempted to deal with difficulties similar to those with which the Government have now to grapple. I do not ask the House to pledge itself to the principle of establishing the neutrality of the Principalities; all that I ask them to do is to entertain the idea, and to well consider it. Let me, in a few short sentences, place before the House what the effect upon Turkey would be if the Principalities were declared neutral ground. The frontier of Turkey on the Danube would be reduced, and it is on that frontier that Turkey is exposed to the greatest danger. In such a case, the frontier of Turkey would extend only from Reni to the Black Sea, and let us consider what would be the consequence if Russia attempted to invade Turkey on that side. The Russian army would have to pass a large river, and then to enter on the fell and pestiferous steppes of the Dobrudscha, to pass the fortresses of Schumla and Varna on its left, and Silistria on its right. I see no probability that in the course of ages the Russians would be able to overcome such difficulties; and am I then to be told that there are no means of checking the preponderance of Russia with regard to Turkey except those means which have been suggested by the Government? I say that it is the bounden duty of this House to consider whether the scheme proposed by the Government appears to be the one most likely to effect the objects which they have in view. With regard to the Asiatic frontier, nature is not so favourable to diplomacy, inasmuch as there are no natural barriers; but the noble Lord will not pretend that it is impossible to establish artificial barriers. The noble Lord is, no doubt, well acquainted with the Barrier Treaty, and is aware that on various occasions it has been stipulated that fortresses should be erected, to be periodically inspected by a Commissioner.

It was not thought derogatory to the honour of the King of Holland or to the Princes of Germany that Wellington, as Marlborough had done before, should inspect fortresses raised as artificial barriers in those countries. Fortresses on that principle might be erected at Erzeroum and Kars, and on other points of the Asiatic frontier; and the same principle might be extended to the Bosphorus, and a fortress erected under the constant inspection of English Commissioners. We all know the crudeness and inutility of the scheme of the Government, which has resulted in failure, and I therefore venture to place before the House and the country these materials for thought, and to endeavour to show that there are practical means of controlling the preponderance of Russia without humiliating her; that there are other means than those proposed by the Government by which Turkey may be placed in a position which will, for a long time, so far as she is concerned, secure the peace of Europe, and which will connect her more closely with the European family of nations. The ideas which I have advanced have been sanctioned and put in practice by great men, and I think them well worthy of the attention of the House. There is one other point which ought always to be borne in mind, and that is—the condition of the eastern coast of the Black Sea. The fortresses on that coast have, with the exception of two which are held by the Turks, been blown up, and, before concluding a peace, if you restore that coast to Russia, it might be stipulated that those fortresses should not be rebuilt, and that the two held by the Turks should also be blown up, when they leave them. That is not a stipulation which would wound the feelings or injure the pride of any nation, however great; but it is one which would render imperfect the military communications of Russia in those waters, and which would, more than any other condition that could be devised, consolidate the power of Turkey, and secure the possession of Constantinople to the Ottoman Empire. I will not, however, pursue this theme, as many other opportunities will be afforded to me for discussing it. What I have been anxious on the present occasion to do, when these crude schemes of the Government are placed before us, and when we are told that peace cannot be effected because these inefficient and useless methods have not been successful at the conferences, is to show—first, that it is our duty to denounce such ineffectual propositions; and, in the next place, to inform the minds of the people of this country on the subject, and to convince them that there are practical, sound, and solid means by which the great problem in modern politics can be solved. The right hon. Baronet the Member for Carlisle told us the other night that the new generation of statesmen should occupy their minds in considering what was to occur when the Turkish Empire—an event which was, he said, inevitable—should be no more. I cannot agree in opinion with the right hon. Gentleman on that subject. I believe that there are elements when Turkey shall be more fairly treated—and never has any country been more unfairly treated than Turkey, especially within the last two years—for securing the independence of her empire, and—what to us is of vital interest—preventing Constantinople from becoming an appanage to any great military Power. But if you carry on the war for that object—and that is our object—you must carry it on with more definite views and on a more matured system than you have given any evidence of yet. We can only judge of your policy—we can only judge of your resources—we can only judge of your ability to deal with great difficulties from the records you have placed upon the table, and which give the history of the conduct of your Government—and records more barren of information—more calculated to impress me with the melancholy conviction of the incompetency of our statesmen to deal with subjects of vital concernment to a great nation, never yet met my eye or engaged my attention. The noble Lord (Viscount Palmerston) may rest assured that it is not the language of party that I am now uttering. He is too able a man not to be convinced that the irresistible course of European events will baffle all mere party politicians, and that no party support can sustain a Minister whose policy will not stand the test of time and the scrutiny of an impartial public, and prove to be a policy the result of study, meditation, and an anxious desire to attain the truth. The noble Lord, though he may defy for a moment the words of those who sit opposite to him in this House, and though he may be sustained by a majority collected God knows how, and voting God knows why, may rest assured that if he and his colleagues are pursuing a course without sufficient knowledge, without sufficiently clear ideas, without a resolution sufficiently firm—that if there is any wavering in their councils, which is the natural consequence of an ignorance of the subject with which they have to deal—if there is any hesitation—if at this moment, when they are about to vote, they have not a definite idea of the objects for which they are struggling and of the means by which they are to accomplish the avowed purpose which we have agreed in this House is the object which we wish to achieve—namely, the preservation of Constantinople to the Ottoman Porte—then, I say, the noble Lord may rest assured that the utmost confusion and consternation will fall upon the Cabinet of which he is a Member, and that no Parliamentary power can sustain a Ministry dealing with great transactions to which they are not competent; and that if they are conducting our foreign affairs as they have hitherto conducted our home affairs—I speak now of preceding as well as present Governments—living from hand to mouth, adopting merely the whim of the moment, not influenced by any principle founded on knowledge, and acting upon no matured system, and for no determined purpose,—then, the noble Lord may rest assured that his Ministry must fall, or, if it continue, the future of this country is a future of gloom too terrible for imagination to contemplate.

VISCOUNT PALMERSTON: Sir, the right hon. Gentleman has adverted to the Motion which he made before the late recess, and, in the first place, stated that that was far from being a Motion which implied a want of confidence in the Government, or one which, if agreed to be, the House required on the part of the Government that they should abandon their position; and he mentioned as an instance in support of his assertion, a Motion which had been made by Mr. Sheil for the recall of Lord Londonderry from St. Petersburg, on which occasion, though that Motion was carried, the Government of the day did not think fit to resign. If we are to judge of the accuracy of the right hon. Gentleman's information upon the great subjects upon which he has been enlightening the House by the correctness of his memory upon that point, I think the House will not be much disposed to adopt the counsels which he gave them; for if the right hon. Gentleman wishes to refresh his memory by referring to the records, he will find that that was a Motion for the production of papers made by Mr. Sheil upon which no division took place, as it was withdrawn, and the Government afterwards took the steps which it recommended. With reference to the Motion before the House, I must own I think the observations which the right hon. Gentleman has made to-night, and the criticism which has fallen from him of the conditions on which, according to him, the negotiations broke off, contrast injuriously with the language he held before the late recess. What was the ground upon which he stated that he proposed the Resolution upon which we gave a vote? Why, he said, I call upon the House to interpose, because I am convinced that if the Government are permitted to have ten days' recess without the opinion of the House being expressed, they may make a disgraceful and ignominious peace during the interval. And what has he told us to-night? Why he has accused the Government of insisting upon terms which were too hard to be imposed upon Russia. The whole of his criticism has amounted to this, that we were demanding from Russia a limitation of her fleet, to which she could not consent with honour, and that we were pushing our terms too far; and yet this is the same right hon. Gentleman who, with the very same papers before him, after, as he had before, the recess, told us that there was great danger that the Government might make a disgraceful and ignominious peace during the recess.

Now, Sir, with regard to the Amendments which we have been called upon to discuss, I confess that although the right hon. Gentleman has repudiated my agreement with him, I have arrived at the same conclusion as he has upon them, although not exactly for the same reasons. I stated some time ago, that I did not take much interest in the first part of the Amendment of my hon. and learned Friend; but at the very outset I stated that I did object to the second portion of his Amendment; and I did so upon the grounds stated by the right hon. Gentleman opposite before the recess. And yet he now says that he has reconsidered these reasons, and that he thinks that, upon full consideration, it is no evasion of the prerogative of the Crown for this House to express an opinion as to the terms on which peace should be made, or the grounds upon which the war should be continued. I know that it is very difficult to say in what respect any decision of this House is to be considered an unconstitutional trespass upon the prerogative of the Crown; I will not put it upon that ground of abstract principle; but I say I agree with the right hon. Gentleman that it is highly inexpedient for this House to take into its hands the conduct of negotiations with foreign Powers, or to state to the Crown that such and such terms ought to be the terms of peace—or to state, on the other hand, that such and such terms ought not to be assented to. Any expression of opinion on the part of this House cannot fail to be highly embarrassing to the Government who are conducting negotiations, and injurious to the interests of the country. But if that is an objection in a case in which the Government of this country is at war alone with another Power, infinitely more embarrassing and injurious must such an expression of opinion be when England is acting in concert with allies whom it is necessary to consult and agree with as to every step that we may take in the negotiation. Therefore, it is evident that if this House were to lay down any opinion as to the adoption or rejection of any particular condition which must be a subject of negotiation jointly between this country and the allied Powers, it would act in a manner infinitely to be deprecated, highly embarrassing to the Government, and most prejudicial to the public interests. Well then, Sir, the right hon. Gentleman will not take offence at me, I hope, in agreeing with him, and repudiate my concurrence in his opinion; but I must say I think there is some force in the argument that there are phrases in the wording of the two Amendments so linked together that the objections which apply to the last would by fair argument apply to the first. I am far from rejecting the capacious bridge which the right hon. Gentleman says has been constructed for us by the right hon. Member for Portsmouth. Far from having expressed an opinion different from his Amendment, it is for that Amendment I am prepared to vote, and I think the House would do best to take that Amendment with the remaining part of the Motion of the right hon. Gentleman as the question on which the sense of the House should be taken. That would be a clear and distinct question on which the House would vote, and I hope the hon. and learned Gentleman (Mr. Lowe) will allow his Amendment to be cleared away in order to enable us to do so. With regard to the course adopted, there is one circumstance which had strongly impressed itself upon my mind. We have had a debate upon the most important matters—matters of the deepest interest—conducted in general with that calmness of temper and that deep consideration so becoming the gravity of the subject. We have heard those who were advocates for carrying on the war with vigour exhibit a little animation—like the hon. and learned Member for Enniskillen (Mr. Whiteside)—but, generally, the debate has been conducted with calmness, moderation, and temper. The only exception to that calmness, temper and moderation has been the line of conduct adopted by the advocates of peace at all price. Those Gentlemen, who had peace in their hearts, had war in their mouths. Their speeches have been full of passion and violence, vituperation and abuse, and delivered in a manner which showed the angry passions that were striving for mastery within them. I must say, judging from their speeches—from their manner, and the substance and language of those speeches—that they are much fitter to be leaders of a party for war at all hazards, than for peace at any price. But, Sir, I must own the arguments of that party are not such as in my judgment are likely to influence much public opinion. They have been complimented upon their courage in standing forward as the champions of their peculiar opinions; I do not think that they very much deserve even that compliment, because the danger they have incurred is not likely to be very much increased by the speeches they have made on this occasion. The hon. Member for the West Riding has complained that we had through Parliament and the press whipped and goaded public opinion into a temper for war. Why, Sir, that assertion is directly at variance with the historical fact. Every man who looks back for the last two years must know that, so far from the Government, the Parliament, and the Press goading the national feeling into an artificial excitement, it was the deep and deliberate conviction of the people of this country—looking at what was passing—exercising their own judgment, and stimulated by the feeling which I trust will ever animate the people of this country—that that war was necessary and just, which is so distasteful to the hon. Member for the West Riding and the hon. Member for Manchester. I say then it is somewhat extraordinary that those gentlemen, who have risen to that eminence which we must all admit them to stand upon by the force of public opinion on a question where public opinion went with them—who prided themselves on being the organs of the national feeling, and reproached and taunted hon. Members in this House with being untrue and unfaithful organs of public opinion—should now turn round and reproach this House with following public opinion; and, that, after having built their own fame on the foundation of being the organs of the national will, they should now endeavour to make it a reproach to this House and to the Government that they follow the national will on this great and important question. Sir, at this late hour of the night I cannot go over the many fallacies contained in the speeches of those hon. Gentlemen. They abound in fallacies. The hon. Member for the West Riding told you that we proposed to Russia the limitation of her fleet in the Black Sea to four ships-of-the-line and four frigates; and he said that Russia would by a certain contrivance, which the hon. Gentleman explained, make out of that fleet a force that would be equal to any fleet she ever had in the Black Sea. Why, if that be the case, why did Russia refuse it? If that offer would leave Russia as strong as ever she was, what interest would she have in refusing it? Oh, said the hon. Gentleman, I will tell you the reason — Russia felt it inconsistent with her honour, and for the sake of honour she has continued the war. Why, Sir, is there a man in this House or in the country who has more often than the hon. Gentleman stigmatised the conduct of a Government that makes war, as he has called it, for honour? I have heard him over and over again say that honour and glory are not things that a nation should fight for, but that they should fight for those other considerations which I shall not advert to. The hon. Gentleman said he would fight—no, he would not fight—but he said there was something for which the country might fight. He said if Portsmouth were besieged, he would—he would—go into hospital. There are many in this country who certainly think that the hon. Gentleman and his party deceive themselves on this question, and that they should go immediately into hospital—but into a hospital of a different kind—which I shall not mention, but which everybody can well understand. The gentlemen who so anxiously recommend peace upon their own terms say, What madness it is to make war against a nation of 60,000,000 of people! But the populations of England and France are almost equal to 60,000,000. In England there are 26,000,000, and 33,000,000 in France, so they are almost equal in number to the population of Russia; but they possess also the advantage of concentration, and all the advantages that science and civilisation can confer. They have likewise the advantage arising from the national feeling that belongs to the condition of the people of England and France, but which can never be shared in by the unhappy serfs in Russia. I say then that the observation is one which has no value in it. The hon. Member for Manchester, in a speech characterised by undoubted talent, as his speeches always are, finds fault with me for treating grave subjects with unbecoming levity. I am not conscious of in any way deserving that reproach; but I must say that I shall not make such an accusation against him, for his jokes have not much levity in them; but if a jocular mode of mixing up stories about batter puddings, and jokes of all kinds, high and low, with serious argument may be called levity, I thnk the hon. Gentleman is himself more open than I am to the charge which he preferred against me.

Sir, I have heard with great regret the change of opinion which has taken place in the minds of those right hon. Friends of mine who lately left the present Government —a change of opinion upon the question of the limitation of the Russian fleet in the Black Sea—because as it was well and properly acknowledged by them, they were not only parties to the war, they were not only parties to the conditions which in general should be proposed as the terms of peace, but they were distinctly parties to insisting upon that particular condition of the limitation of the Russian fleet in the Black Sea as the method by which the preponderance of Russia in the Black Sea shall be made to cease. I will not enter further into that; but I am sure they will not deny that when they joined the Ministry, which I had the honour to be ordered to form, there was a condition which they stipulated should not be made, but it had not reference to the limitation of the naval force of Russia in the Black Sea; and therefore by not objecting to that condition it must be understood that they agreed to it. It is not necessary at this period of the debate to urge upon the House the reasons why it was right, necessary and just that England and France should draw the sword in defence of Turkey. It is not necessary for me to go into the systematic extension of territory which had marked the policy of Russia for some time. It would be easy for me to trace her encroachments from the Eastern shores of Asia to Central Asia by the Caspian Sea; her encroachments on Armenia to the Danube; on Poland, towards Norway and the Arctic Sea; to show how on every point of her immense circumference she has always been looking for extension, and how in every treaty that she has made with her neighbours she has ever sought to fix her boundary, not where nature had placed it, but beyond its natural line, in order to obtain a post which would either further extend her dominion, or assist her in making an aggression at a future time, or lay the ground for future demands. Well, then, when we saw the extent of that system of aggression and that it was going to be largely put forth against Turkey—when we knew that the present Emperor had declared his intention to follow out the system and adopt the policy of the Emperors Peter, Alexander, and of Nicholas—I say that the time was come when it was necessary that England should take steps in conjunction with Austria and France for stopping the encroachments of Russia. Well, then, after the war had been begun, Austria expressed a wish, if possible, to bring the war to an end, by arrangements being entered into for that purpose; and the treaty of December was concluded. By the terms of that treaty it was agreed, that if within a certain time peace should not be concluded upon the basis of the Four Points, that when Austria would—not exactly enter into the war—but enter into concert with England and France for the purpose of devising means for accomplishing the object of the alliance—that object being to secure the independence of Turkey. It would have been blameable in us—in England and France—if we had not entered into these negotiations. But did we on that account suspend the war or the operations in which we engaged? Quite the contrary; we carried on the war all the same as if no negotiations had been set on foot, and nothing was lost, in consequence of these negotiations, in the carrying on of hostilities.

The right hon. Gentleman has thrown out certain suggestions, some of which, no doubt, are deserving of consideration, with respect to the arrangements for the future protection of Turkey, and one of those suggestions was that the Principalities should be declared neutral. There certainly are instances in Europe of such propositions, and it has been agreed by treaty that Belgium and Switzerland should be declared neutral; but I am not disposed to attach very much importance to such engagements, for the history of the world shows than when a quarrel arises, and a nation makes war, and thinks it advantageous to traverse with its army such neutral territory, the declarations of neutrality are not apt to be very religiously respected. But if these Principalities continue to form a part of the Turkish Empire, as I think it is essential they should—for, if separated, they might follow the fate of Poland, and be partitioned to some neighbouring State—for their neutrality would be disregarded the moment Russia went to war, that, I think, would be the best guarantee for the safety of the whole. My noble Friend (Lord John Russell) at the Vienna Conference, made the best provisions which, under the circumstances, could be proposed —that no invasion of Turkey through the Principalities by Russia should take place, by placing the Principalities under the protection of the Five Powers, so that there could be no foreign intervention in their affairs without the consent of the whole of the contracting parties. That was some security, no doubt. My noble Friend also proposed that the Principalities should organise an internal defence—an army which might in time be augmented, according to their resources, and which, though it might not be great at first, might yet be the foundation of a national force capable of energetic resistance hereafter.

The right hon. Gentleman said, he objected to the particular arrangement which we made for putting an end to the preponderance of Russia in the Black Sea, because he thought that from those waters least danger was to be apprehended to the independence of Turkey. Sir, I entirely differ from that opinion of the right hon. Gentleman. I think that is precisely the quarter whence most danger is to be apprehended. That is the quarter whence Russia can strike Turkey quickest, and to the heart. Why, have we not seen a Turkish army in the Principalities keep the Russians at bay for twelve months? and, upon a former occasion, when Russia came in greater force, it took them two years before they could advance from the Danube to Adrianople. If this, then, were the quarter from which attack should be made upon the heart of Turkey, it would be the slowest and the most difficult, and it is the quarter where Turkey, if at all supported by Austria or the other Powers, can make effectual head against Russia. As to the Asiatic frontier, no doubt Russia has prepared on the frontier of Turkey great fortresses. A great fortress is placed at Gumri, which was of no value for any purpose but aggression, so that both from Gumri and from Tifflis she might be able to operate advantageously against the Turkish territory in Asia. But still the march is long by the Russian frontier to Broussa. The inhabitants of Asiatic Turkey seem to be the most warlike of the Turkish race. She would have to cross the Bosphorus after she had got to Broussa; and every step that Russia took in invading Turkey would lengthen the line of communication between her army and the basis of operations, and, of course, be attended with increased difficulty. I do not mean to say that there is not danger from this quarter, and that it ought not to be provided against; but what I say is, that, as in the case of an attack from the Danubian Provinces, there are great natural difficulties to be overcome in such operations. Well, but how stands the case, with regard to an attack from the Black Sea. In about forty-eight hours the Russians can reach Constantinople from Sebastopol. Russia could place in Sebastopol an immense number of ships of war—any amount of force which she chose to have—twenty, twenty-five, or thirty sail of the line, aye, and of the largest dimensions, with screws and all the improvements of modern nautical science. Why, with such a force as that, will any man tell me that she could not throw a large force upon the shores of Turkey at any point she chose, and be in a little time in the middle of Constantinople? An hon. Gentleman says, that we could prevent this by fortifying the Bosphorus; but there are parts in the Black Sea, north of Constantinople, where a force could be put ashore. The right hon. Gentleman said, it would require greater means than Russia possessed to transport a sufficient force. But see what we have done at the distance we are. Since the 18th of January last we have landed on the shores of the Crimea 103,000 men, and 14,000 horses. It is evident, therefore, that there would be nothing more easy, nothing more within the means which Russia possesses, than to land, in the shortest space of time, either at Constantinople or at any other point on the shores of the Black Sea, a large force. That is the greatest danger to be expected to happen to the Turkish Empire, and a danger to which it would be constantly exposed. Well, but then it was said, we ought to have adopted the Russian proposition. But there were two—one for opening the Straits, and one for closing them—and some hon. Members are for one and some for the other. Some said open the Straits, and others said shut them. Of the former, all had given up the idea except the hon. Member for the West Riding (Mr. Cobden), and he said, if the Straits were ten miles wide instead of two, then they would be open to all nations. But the Straits are closed, they always have been closed, by that inherent right of sovereignty which belongs to the ruling Power whose territory is so closely connected. It is a great mistake to suppose that the closing of the Straits is a recent arrangement. It is an ancient law of the country, and was acquiesced in by Great Britain by a treaty of 1809, which bound this country to respect that law of the Turkish Empire; Russia has always recognised that law; and, by a treaty of 1841, France came into the arrangement, she not having before entered into a similar binding contract. I say, if the Straits were open, and if Russia possessed any fleet she liked in the Black Sea, she might any morning send a fleet of eighteen or twenty sail before the Seraglio, and say to the Porte—"So and so must be conceded to me, and if it be not done immediately, the Admiral here is to support my demands." Now, every man knew what that meant—such a demand would no sooner be made than executed, before sunset of the day on which it was made. But it is said the Sultan would be able to ask for assistance. Now, where would he find it? We may safely assume that Russia would make such a demand, in a time of peace, or at a time when England and France might not be in a condition to afford much assistance—at a time when, as the right hon. Baronet knew had happened, we might have only two sail of the line in the Mediterranean. I doubt whether I have not exaggerated the number, for I believe that at one time we had only one ship there, but that was thought too little to have there under any circumstances. But suppose we should only have a very small squadron in the Mediterranean, and France in the same condition, why, long before France and England could equip a force sufficient, the whole affair would be over, and the demand made by Russia would have been carried into execution. Thus, then, the arrangement of having the Straits open, is one which no sensible man would for a moment entertain. Well, then, he would assume that the Straits must remain closed, and no force enter the Black Sea. Suppose Russia had twenty sail of the line in that sea, would not Turkey be threatened with danger? Why, a Russian army in the Crimea would be ready to embark, and in forty-eight hours would be down upon Constantinople. But then the Turks would send for us; but we should not be prepared with a fleet or an army, the current of the Dardanelles and other casualties would impede our approach—in short, we should be wholly unable and unprepared to carry the Turks timely assistance; I say, then, that the only method to secure Turkey, and to prepare her for any danger which might occur from that quarter—a danger which would be the greatest, and which might be the most sudden and the least resistible, is to persuade Russia to limit her naval forces in the Black Sea. But it is said your condition would be nugatory. That is the objection that seems to carry most weight with the House—not that we have demanded too much, but that we have conceded too much. Well, suppose that four sail of the line and four frigates would be possessed by Russia under that article; it must be remembered that England and France would be entitled, each of them, to have half that number in the Black Sea; which would make between them a force equal to Russia; and Turkey would also have a force equal to Russia, independent of the ships she would have in the Bosphorus, the sea of Marmora and elsewhere. It is clear that Russia might have accepted these terms, if she had been sincere in her wish to put an end to the war; while, on the other hand, the terms were such as would have sufficiently provided for the safety of the Turkish Empire. Under this arrangement that force would not have enabled Russia to bring down a large army on the Turks, like falling upon a covey of partridges. There would not have been any danger to Turkey if this arrangement had been carried out. But it is said that the Russian proposal was, that the Straits should be closed in general, but that Turkey should be at liberty to call upon her allies, in case of danger, to render assistance to her, and that this was an arrangement which would have afforded full security to Turkey; but this condition proposed by Russia was, that either Russian, English, or French assistance might be asked for, and therefore that condition would have enabled a Russian Minister in Turkey, by means which it is unnecessary to describe, to prevail upon the Turkish Government to call in a Russian fleet, under pretence of a danger which in reality did not exist. But that proposition has been scouted. No such condition was necessary to enable the Porte to call upon an allied force if Turkey were threatened with danger from Russia. It is said that the Porte could not do so, because the Turkish Government were bound by treaty to keep the Straits closed; but will any man tell me that, in common sense, a Sovereign who knows that an expedition is on its way to threaten his capital, is prevented from calling his allies to his assistance, because a treaty provides that in time of peace all foreign vessels shall be excluded from the Straits? Well, then, I contend that this condition was perfect, and that, having the consent even of my right hon. Friends who sit below the gangway—having the consent of the French Government, the approbation of the Austrian Government, and the concurrence of England—it was a condition which it was fit to propose to Russia, she having agreed that her preponderance in the Black Sea should cease. That this preponderance might have been made to cease by other means is quite unquestionable; but we did not make the proposition, in the strict sense of the word, as a *sine qua non*. We said, "This, in our opinion, is the best course that can be adopted; it is the only way we can imagine for effectually putting an end to your preponderance; have you any other plan to suggest?" Well, Russia proposed two other modes, both of which we thought insufficient; and, as she had nothing else to propose, the conferences naturally came to an end. Russia might have submitted other proposals, but I will not go into these, as they must be obvious to every one. My right hon. Friend said, the preponderance of Russia in the Black Sea arose as much from her territorial as from her naval position; and it is possible she might have made suggestions without any reference to stipulations with regard to her fleet. I think we did perfectly right in proposing that condition to Russia; and when she would neither consent to it, nor offer any other to accomplish the same object, it became evident that further negotiations would only be trifling with the two countries which had embarked in the contest.

That, then, being the case, the question is, what ought the House to do in the existing state of things? The right hon. Gentleman opposite (Mr. Disraeli) gave the House an opportunity before the recess of determining whether the conduct of the war should be left in the hands of the present Government, or should be transferred to the hands of the hon. Gentlemen who sit opposite, and the House answered that question by a majority of 100. I apprehend, therefore, that it cannot enter into the views of hon. Gentlemen opposite to try that question a second time—that cannot be the object which they have in view. Then, they say they expect Her Majesty's Government to come down to the House with a Message from the Crown, and to propose an Address, by which the House should pledge itself to support Her Majesty in the vigorous prosecution of the war. It is unnecessary for us to do that, because the right hon. Gentleman has done it himself. The Resolution of the right hon. Gentleman, coupled with the introductory passage proposed by my right hon. Friend the Member for Portsmouth (Sir F. Baring), would be precisely the same Resolution as that which the Government, if they had had to take the initiative in the matter, would have proposed to the House. If there had been no Motion of the right hon. Gentleman, and if there had been no Amendments proposed upon it, then, next week, when we shall be able to lay on the table the remaining papers relating to the negotiations, we should probably have asked the House to express its regret that peace had not been obtained, and to say that it deemed it its duty to assure Her Majesty that it would give Her Majesty the utmost support in the vigorous prosecution of the war, for the purpose of obtaining a safe and honourable peace. I offered, the other day, if the Motions were swept away, and the House waited until the papers were produced, which they could not be until we got them—and probably we should not have them for a day or two—to propose something to the House which should convey an expression of the opinion of Parliament upon the existing state of things; but the offer was refused, and the House determined to go on with the debate. That being the case, and the House having come to this stage of the debate and being ready, I hope, in a few minutes, to come to a division, it would be childish to ask the House to withdraw the Motion, which hon. Gentlemen seem afraid of meeting, and to wait until next week for the chance of something else being proposed to take the sense of the House. We are perfectly content to take the sense of the House on that assurance of support which the right hon. Gentleman, very much to his credit, proposes this House should express. The right hon. Gentleman certainly, last week, proposed something which amounted to a censure upon the Government; it has now been lopped of its head, but the assurance of support still remains, and that assurance is doubly valuable to us, for, following as it does that large majority which we had on a former occasion, it shows that we are the Government to which that large support was accorded. We shall feel it our duty to carry out the wishes of the House and the will of the country.

We are asked to say what are the objects of the war? That question has been put to us by the right hon. Gentleman the Member for Midhurst (Mr. Walpole), but at the same time, in the course of his speech, he was constantly expressing a wish to know the conditions which we intend to propose to Russia. Now, every one knows pretty well what is the object of the war. It is idle for any man to ask his friend, much more a Prime Minister, what is the object of the war. The war was undertaken to repress the aggressions of Russia on Turkey; to defend—I will not say to defend Constantinople, for that would be taking a narrow and limited view of the matter, for if Turkey had nothing left but Constantinople, I would not give many years' purchase for that possession—but to defend the Turkish Empire from being swallowed up by Russia. That is the object of the war, and it is that for which England and France are fighting. And are we fighting for it without reason? The House will recollect that, in the papers which were laid on the table at the beginning of this dispute, we were kindly and civilly told by the Russian Government that Turkey must fall—that the man was sick, and that his death-bed was approaching—that the man's inheritance ought to be divided, and that if Egypt would suit us, and if we liked to have Candia, these two possessions might probably induce us to wink at the appropriation of the rest by other parties. I say that the intention of Russia to partition Turkey is as manifest as the sun at noonday, and it is to prevent that we are carrying on the war. The object of the war, as stated in the declaration, which we must all recollect, is not only to protect Turkey—to protect the weak against the strong, and right against wrong—but to avert injury and danger from ourselves. Let no man imagine that if Russia gets possession of Turkey, and if that gigantic Power, like a Colossus, had one foot upon the Baltic and another upon the Mediterranean, the great interests of this country will not be perilled—let not the peace-at-all-price imagine for a moment that their trade and their commerce would not be deeply injured. Instead of things being as they now are, notwithstanding the war—if instead of what I am told is the usual consumption of cotton at Manchester—30,000 bales per week—there are now 40,000 used—so that the trade is actually more flourishing than it was before the war—that that lucrative trade would labour under heavy encumbrances, if not soon disappear, were the Mediterranean and the Baltic under the sole command of a Russian naval force, and that Power exercising a dominant control over Germany. Who shall say that then the day might not come when those who may succeed the hon. Member for the West Riding might not have to repair to the hospital at Portsmouth, either to assist in aiding our suffering army or to obtain a place of safety. Well then, Sir, I say, we accept the Motion of the right hon. Gentleman—we accept the assurance of support which I am sure there is hardly any man in the House who does not feel in his heart desirous of giving; it must be the feeling of every gentleman that, in the present state of things, it is becoming on the part of the House to assure Her Majesty that they will give their earnest support in the prosecution of the war. I am sure that such a Resolution will meet with a unanimous response from one end of the country to the other; that there is not a man in any part of the United Kingdom who will not feel his heart glow when he finds that the Parliament of the country is animated by the same sentiments as himself, and who will not be proud to think that he shares in some degree in the determination to support the Government. The Motion of my right hon. Friend the Member for Portsmouth—which is, I hope, the question which we are going to vote—will be the Resolution of the right hon. Gentleman opposite (Mr. Disraeli) minus the introduction, and plus the introduction of my right hon. Friend. If that be the Motion which the House is about to vote upon, I trust that party feeling will for one night be set aside; that, as it is no longer a conflict of party—the vote a fortnight ago having silenced that question—we shall, at least for one night, and upon one occasion, be unanimous in our assurances to the Crown that we are determined, as the true representatives of the people of this great country, to give to Her Majesty the best support we can in the prosecution of the war to the attainment of a safe and honourable peace.

Sir JAMES GRAHAM said, he was anxious to offer an explanation to the House upon a question affecting the personal honour of himself and his two right hon. Friends near him (Mr. Gladstone and Mr. S. Herbert). Nothing could be more accurate than the statement of his noble Friend the Prime Minister, that he (Sir J. Graham) and his two right hon. Friends were parties to the arrangement that a proposition should be made to the Russian Government with reference to the diminution of the preponderance of Russia in the Black Sea which should require the limitation of the Russian naval force in that sea. They were parties to that proposal, as were also our allies Austria and France; but it was never intended to be made an *ultimatum*; and, therefore, he objected to the expression "insist," which the noble Lord had used. He and his right hon. Friends were parties to the proposal, but they were never consenting parties to its being made a *sine quâ non*.

Mr. LOWE rose to address the House; but—

The DEPUTY SPEAKER said the hon. Gentleman was not entitled to speak. Having waived the privilege of speaking when he moved his Amendment without remark, it was not competent to the hon. Gentleman to claim that privilege now.

Question put, and *negatived*.

Mr. LOWE said, that as the forms of the House had prevented him from explaining his former Amendment, which had been much misrepresented in the course of the debate, he did not think it right to trouble the House to vote on an Amendment which had not been before them in the way he could wish. As to the Motion of the right hon. Baronet the Member for

Portsmouth, he should give no vote on it at all, as he did not think it worthy of the occasion.

MR. J. G. PHILLIMORE also abandoned the Amendment of which he had given notice.

The Motion of the right hon. Member for Portsmouth having been read by the Deputy Speaker—

MR. WALPOLE said, Sir, the noble Viscount has made a strong appeal to the House, in which I entirely and cordially concur, that it is desirable that in any question upon which there is not a serious difference of opinion, our decision with reference to any declaration on the subject of the war should be as unanimous as possible. Therefore, although I certainly should have thought the declaration contained in this Motion unnecessary in itself, yet since it has been put from the Chair, I, for one, shall think it right to support it.

MR. GLADSTONE: Sir, upon a previous occasion, when the words on which we were then about to divide were already announced, and were practically before the House, I stated what very much coincides with the view of the hon. Gentleman the Member for Kidderminster. I must confess, if I had the choice of the mode of proceeding, that I am not of opinion that the words now before us are altogether equal to this occasion. It appears to me that when the grave occasion arises—and a very grave one it must be—upon which this House thinks it necessary to pronounce its sentiments in regard to the question of war or peace; it ought, I should say, above all things, it ought to be careful that its sentiments are pronounced in a clear, unequivocal, and unambiguous manner. Now, Sir, I find myself in this predicament, that the right hon. Gentleman presents me with a Motion with every word of which I agree. I agree in regretting that the Conferences at Vienna have not led to a termination of hostilities, and I agree that it is the duty of this House to support Her Majesty in the vigorous prosecution of the war till She can attain to a just and honourable peace. At the same time, while I so regret that the conferences have not led to a termination of hostilities, I regret it much in the same manner as the right hon. Gentleman the Member for Midhurst; and, I am bound to say, in a very different sense from many persons who are of opinion that the course pursued by Government in this respect has been wise and expedient—a proposition which I am not prepared to adopt. Therefore, it appears to me that we are in this difficulty, and that we ought not to shut our eyes to it. We are about to agree in asserting a proposition; but we shall do so with feelings absolutely irreconcilable. I do not think the House and the country will gain much by such a declaration. Had it been in the power of the hon. Baronet the Member for the University of Oxford (Sir W. Heathcote) to have proposed his Amendment at a period when it was justified by the state of the facts, I should, with great satisfaction, have joined him in a declaration of opinion which at any rate would have been plain, manly, and unequivocal. The alteration of circumstances and the lapse of time have completely disposed of that Amendment, and I have now before me nothing but a choice of evils. On the whole, I agree with my right hon. Friend that it is not desirable, and that it is plainly impracticable, to introduce new propositions at this period of the debate, and that it is also undesirable, in the circumstances before us, that we should present an appearance of dissension in regard to the prosecution of the war. As far, therefore, as I am concerned, I shall give my vote in favour of the Motion, though I do not give it cheerfully or readily, as I think that Motion unequal to the occasion.

Question, That the words "having seen with regret that the Conferences of Vienna have not led to a termination of hostilities," be inserted after the word "House" in the original Question: It was resolved in the *affirmative*.

Then the Main Question, so amended, being put,

Resolved—"That this House, having seen with regret that the Conferences of Vienna have not led to a termination of hostilities, feels it a duty to declare, that it will continue to give every support to Her Majesty in the prosecution of the War, until Her Majesty shall, in conjunction with Her Allies, obtain for this Country a safe and honourable Peace."

The House adjourned at half after Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 11, 1855.

MINUTE.] *Sat First in Parliament.*—The Lord Wemyss, after the Death of his Father.

PUBLIC BILLS.—1ª Friendly Societies; Grants of Lands.

2ª London Necropolis and National Mausoleum; Brighton Incorporation.

LONDON NECROPOLIS AND NATIONAL MAUSOLEUM BILL.

Moved, That the Bill be now read 2^a.

Lord BERNERS opposed the second reading of the Bill, on the ground that the promoters of it had originally contracted for the purchase of 2,000 acres of land under the Act of Parliament constituting the cemetery; that they had secured certain portions of it to themselves, and now they asked Parliament to give them power to dispose of other portions of it. The recent Act of Parliament was passed for the benefit of the metropolis, and the present Bill was completely contrary to the terms of that Act.

Lord REDESDALE hoped that their Lordships would allow the Bill to go before a Committee. If the Bill were in the state in which he (Lord Redesdale) believed it to be, the noble Lord who opposed it was not at all correct in his statements. All that the promoters of the Bill wished was, to obtain power to dispose of certain detached portions of the lands they had purchased, which could never be properly appropriated to the purposes of the cemetery.

Lord ST. LEONARDS said, that if the directors of the cemetery were indulging in land speculations—if they had acquired 1,000 acres more land than they needed, and now wished to sell it for building leases, &c., he should oppose any such proceeding; but if they had only bought more land than they wanted, believing it to be necessary, and now desired to dispose of certain outlying portions of it, he thought it would be a very great hardship if that House interfered with their proceedings.

Motion *agreed to;* Bill read 2^a accordingly, and *committed.* The Committee to be proposed by the Lords' Committees appointed for proposing Committees on opposed Bills.

ORDNANCE SURVEY OF SCOTLAND.

The Earl of EGLINTON wished to know what decision had been come to with regard to the scale on which the Ordnance survey of Scotland was to be concluded. He understood it had been decided that the rich mineral and agricultural parts of Scotland should be surveyed on a twenty-five and a half inch scale to the mile, the Highland and mountainous districts on a scale of six inches to the mile, and the large towns on a scale of ten feet to the mile. He, perhaps, had no right to complain, for the county he represented had been very liberally treated on the twenty-five and a half inch scale; but he could not help thinking that a uniform six inch scale should have been carried out all over Scotland. The twenty-five and a half inch scale could easily be reduced to the six inch one; but the six inch scale could not easily be increased to the twenty-five and a half inch. Another objection to the twenty-five and a half inch scale was the enormous size of the map. He had found that the map of a tolerably large county on that scale would exactly cover the highest house in London, the French Embassy. Then, if that survey were to be carried out on a differential scale, not as regarded counties, but as regarded individual districts in the same county, it would be found a very bad plan indeed, and would not answer in any way whatever.

The Duke of ARGYLL said, he thought the noble Earl would admit that while a plan—for it ought not to be called a map—on a twenty-five and a half inch scale would be highly useful, and almost indispensable for many purposes, in the cultivated districts of Scotland, it would be utterly useless in the case of the uninhabited and mountainous districts; and that, therefore, it would be utterly useless that the whole country should be surveyed on that scale. He quite agreed with the noble Earl that it would be desirable that some plan should be adopted with regard to the districts to which the different scales were to be applied, in order to secure a certain degree of uniformity in the survey; and the exact line of division would be a matter of careful consideration for the officers charged with carrying it out. He represented himself a mountainous country which it would be useless to survey entirely on the large scale; but it contained detached districts to which that scale might be applied with great advantage. The six inch scale, he believed, had not been found altogether useless for property purposes in Ireland; but the circumstances of the two countries were totally different, and although so small a scale would be sufficient for the Highlands of Scotland, it would not be at all sufficient for all purposes in the lowlands. He thought it a great national object that they should possess a plan which would be sufficient for property purposes, and serve at the same time as the basis of a registration plan for the sale of lands. The proposed plan would serve all those purposes, and as it would not cost much more than a uniform six-inch scale, he thought their Lordships ought to be content with it.

LORD MONTEAGLE said, it was important to know whether Scotland and Ireland were to have a survey which would be of real use to both countries. He did not think that so large a sum of public money was intended to be laid out for the private purposes of property. The practical scale was that of one inch to the mile, and he hoped it would be adopted in Scotland. A larger plan would be of little real use to the country, and would entail an enormous expenditure.

THE EARL OF HARDWICKE said, he had never found that the people of Scotland were unmindful of their own interests, and he could not conceive that anything could be more advantageous to the owners of land in Scotland than to possess a perfect plan of their farms upon a twenty-five and a half inch scale, surveyed at the public expense. If he were a Scotchman, he should certainly vote for a twenty-five and a half inch scale, because it would then be an object with him to obtain the most perfect map of his estates.

THE DUKE OF ARGYLL agreed with his noble Friend (Lord Monteagle) that for all scientific purposes, though not, of course, for statistical or estate purposes, a map upon a one-inch scale was indispensable. With regard to the observations of the noble Earl opposite (the Earl of Hardwicke), he could only say that the six-inch scale, which had been adopted for Ireland, could only have been adopted in reference to purposes connected with property. The noble Earl appeared to think that questions connected with property were not matters of national importance; but it seemed to him (the Duke of Argyll), that it was a great national object to obtain a perfect map of the whole country upon a large scale.

THE BARONY OF FERMOY.

THE EARL OF DERBY: My Lords, the question which I have to put with regard to the late creation of the barony of Fermoy is one of great importance, affecting as it does the privileges of the peerage, of which your Lordships are the appropriate guardians, which concerns the legitimate and legal exercise of the prerogative of the Crown, and which affects the construction now for the first time placed upon a very important provision of a very important Act—the Act of Union between England and Ireland. I think I have a right to complain of the course pursued by the Government, who have, without due consideration of the law of the case, put an interpretation on the Act which is strange, and, I think, erroneous, and in direct contradiction of the interpretation which has been placed upon it by every previous Government, and even by the framers of the Act of Union fifty-three years ago. I shall presently show good reason to your Lordships for my statement that the construction put on this Act by the creation of the Barony of Fermoy has been put upon it in order to serve a political purpose, and owing to the pressure of a political emergency. Your Lordships are aware, that by the 4th Article of the Act of Union it is provided that upon three vacancies occurring in the Irish peerage the Crown was empowered to create one peer. The Irish peerages were to be reduced till they arrived at 100, the object being to keep at that number those out of whom the representative peers were to be elected. It was stated that peerages in abeyance should be deemed to be existing peerages, and that no peerage should be deemed extinct until one year after the death of the last possessor. But in order to guard the rights of successors it was provided, that after the expiration of the year—the Crown having availed itself of the vacancy—if a claimant should appear, that circumstance should have the effect of preventing the next vacancy that should occur counting towards a new peer. Fifty or sixty peerages had become vacant in pursuance of these enactments, and fifteen or sixteen peerages had been created since the Union. The last creation was in 1852, when Mr. Fortescue was created a baron. In the course of April or May, in the present year, another creation took place, by which Mr. Roche, the Member for the county of Cork, was raised to the peerage by the title of Baron Fermoy. On hearing of this creation, and on receiving some information connected with it, I thought it my duty, in order to elicit the grounds on which this creation was to be vindicated, to move for a return of the three peerages which had become extinct, so as to justify this creation; and I confess it was with some surprise, notwithstanding the information I had received, that I found the first of these peerages which were now held to authorise the Government to make this last creation fell vacant on the 1st of March, 1802, within about twelve months after the Union, and when the Government of the day must have had the whole case fully in their mind, and must have been conscious of the intentions and bearing of the Act. I hope and believe, my Lords, that on this occasion I do not attempt to interfere with the exercise of the just prerogative of the Crown—nor will I canvass the merits of the gentleman on whom has been conferred this honour. I know little of the gentleman personally. I know that his family are strong and violent opponents of the existing Church of Ireland. They took an active part in the repeal agitation of 1843—that may constitute a claim to the favour of the Crown; but of late years the gentleman in question has been a staunch adherent of the Government, late and present, and that, I assume, is the ground why the favour of the Crown has been directed upon him. Indeed, if this gentleman has, through evil report and good report, given his steady support to Government, and if he is satisfied with the barren honours of an Irish peerage, all I can say is, he is much more moderate in his demands for compensation for his services than many other supporters of Her Majesty's Government coming from the same part of the empire. But this is not a question as to individuals—it is a question whether the Crown has the right by law, and under the circumstances, to create a new peerage—it is not a question of the prerogative of the Crown, except so far as the prerogative is connected with, and defined by, the statute. It strikes me as very singular that the first of the three vacancies which gave rise to the new creation should fallen vacant so far back as 1802, and that in all the successive creations that have taken place since that time no one dreamt of the earldom of Mountrath being vacant, so as to give the Crown a right to create a new peer. The circumstances connected with the vacancy are shortly these: The Earl of Mountrath having no son, and the title being likely to expire with him, asked and obtained of the Government of that day, that he should be created Baron Castle Coote, with remainder to his heirs male, and in default of male heirs to go to his heirs female. He died in 1802, little more than twelve months after the establishment of the Union, and was succeeded in his barony of Castle Coote by his nephew, who died in 1822. The son of this nephew died in 1827, and it was this vacant barony of Castle Coote that constituted one of the three peerages which the Government of the day availed themselves of in order to create another Irish peerage, under the provisions of the Act. Now, a few years ago there was laid before your Lordships a list of peerages vacated and peers created since the Union; and I found among the list that the last peer had more than one peerage vested in him. Some of the titles became extinct since the Union, and that is the case of the barony of Mountrath. I found that no less than nine cases up to the year 1840, precisely similar to this one, have occurred; but in no one instance have Government availed themselves of them for purposes of creating new peers. I have already stated—I hope not offensively—that Government came to the conclusion it did on the pressure of a political emergency, and to serve a political purpose. Your Lordships shall judge of my reasons for coming to that conclusion. It will strike you as somewhat curious that the right of creating a peer accrues to the Crown within one year after the death of the last of the three peers; and it is a singular thing that the two last peerages which perfected the title of the Crown to create a new peer expired on the 26th and 29th of January, 1853; consequently, the right of the Crown accrued in January, 1854, and yet it was not until the end of March, 1855, that Government exercised their right, if the return be correct. I have little or no experience myself in such cases, but I can hardly recollect an instance in which a Government whose tenure of office was so precarious as that of the late Government, twelve months ago, retaining in their possession the right of creating a peer for twelve months, and I do not think their supporters who might be anxious for the honours of the peerage could have given them a comfortable time of it; and I think, in order to avoid the importunity of claimants, it would be the best course to take the earliest opportunity of making these creations. But, if there was any doubt upon the part of Government as to whether they should use the right or not, I think it is perfectly clear that it was improbable, to say the least of it, that they should postpone it for the entire twelve months, and I will tell you why. It was not until the other day the Government had the least idea of availing themselves of this earldom of Mountrath. On the 15th of March, 1854, died Viscount

Netterville, and it was generally believed that the title was extinct, and, consequently, that would make up for the three peerages which would entitle Government to the new creation. In the meantime Mr. Roche received the promise of a peerage, and "All went merry as a marriage bell;" but just one month before the appointed time a claimant to the Netterville peerage appeared, and that title being then in abeyance could not be considered and made use of as an extinct peerage. It was necessary, therefore, to cast about for some other title in lieu of the Netterville peerage to enable the Government to perform their promise to Mr. Roche, and it became necessary to rake up this old ghost of a peerage. Now, I say this is a question which the House is bound to enter into. I believe there has been, for political purposes, a violation of the letter, and I am sure of the spirit of the Act of Union, and I think I can make it clear to your Lordships that neither by the letter nor the spirit of that Act was the extinction of the peerage of Mountrath in 1802 such as to warrant the creation of a new peerage. I have shown that previous to 1840 there were nine similar cases which, if the doctrine of the Government is correct, would justify them in creating three new peers. I will suppose a case—

Lord CAMPBELL here rose and said: As the question propounded by the noble Earl was one of great importance, and depended on the construction of an Act of Parliament, on which their Lordships could hardly be expected to come to a decision without due argument, he would suggest that the proper time to bring forward the question would be when Lord Fermoy applied to their Lordships to be entitled to vote in the election of a representative peer for Ireland, when his claim might be objected to, and then the whole question might be discussed, or referred to a Committee for Privilege, when the question could be discussed by their Lordships, with the assistance of the Judges of the land. This, he thought, would be the most convenient course to adopt.

The Earl of DERBY: I never heard, my Lords, a more disorderly call to order. My intention is to move that the question shall be referred to a Select Committee, and, in doing so, it is clearly not only my right, but my duty, to state the case according to the best of my ability, and to lay a Parliamentary ground why a reference should be made to a Committee for Privilege to determine whether what was done by the Executive, and to which the name of the Crown is annexed, is correct. I am bound to make this statement. When interrupted, I was saying, supposing two peerages held by one peer became extinct at the interval of a very short time, would the two peerages be considered separate and complete extinctions under the Act of Union, and just the same effect produced as if two titles had become extinct by the death of the holders? If this be so, see what it would lead to. There have been fifty or sixty Irish peerages vacant since the Union. Some of these peers may have held three, four, or five distinct titles. I have looked over the peerage, and I find the only Irish Duke holds six peerages, and, I ask, if those six peerages became extinct, would it entitle Government to create two new peers? The Marquess of Downshire has seven peerages, and if they became extinct the same result, according to the same doctrine, must follow; and in all probability, on the average, in the higher ranks of the Irish peerage, each peer holds three separate peerages. The consequence of the doctrine sought to be established would be, that on the extinction of three titles there would be one authorised creation of one new peer. If this doctrine stood, there would have to be created forty or fifty peerages retrospectively. The case is so stated according to the Government view; but the consequences would be so monstrous that I cannot believe that the framers of the Act had such a contingency in their imagination, or that they enacted the law in that sense. It cannot be denied that the purport of the Act of Union was, that until the number of the peers was reduced to 100 there should be one creation only to three extinctions. This was in order to ensure a rapid reduction of the number. But if each peer had three titles, it would not tend to the diminution of the number of peers if one creation were made on the extinction of three titles. It is clear that the creations, according to the Act of Union, refer not to peerages, but to persons, and unless there is a diminution in the number of peers there is not that extinction of the peerage contemplated by the law. The words are remarkable as showing this distinction. They are to this effect, that if it shall happen that the peerage of Ireland shall by extinction or otherwise be reduced to the number of 100, exclusive of those peers who by hereditary right are peers of Great Britain, then it shall be lawful to create one peer for Ireland as often as any one of such number shall fail, either by extinction or otherwise. The true intent and meaning of this Article being to keep up the peerage of Ireland to 100, exclusive of those peers who are entitled by hereditary right to a seat in this House. If the construction of this Act be that those peerages should be personal, and not connected with the dignity, then that interpretation is perfectly consistent with the rationale of the case, and effects the object of the Legislature at the Union, which was clearly to reduce the number of Irish peers to 100 permanently. This is the interpretation that has been acted on by every successive Government since the Union except the present Government. The principle has uniformly been not to consider the extinction of the dignity, but of the person, as the case provided for. Three or four more cases of this kind may shortly occur—indeed, must occur. The Marquess of Thomond's death, for instance, will vacate the marquisate; but that noble Lord is also Earl of Inchiquin, and he will be succeeded, I believe, by a gentleman named O'Brien, who is a Member of the House of Commons. Again, there is my noble Friend the Marquess of Westmeath, who is also Baron Delvin. On his death the marquisate is extinct, but the barony remains. Two other cases have recently occurred. The viscounty of Cremorne, for instance, has expired; but my noble Friend, who is not in this House, succeeded to the barony, and there was no question of creating another Irish peer as arising out of this extinction, though the Government, to be logical, should have done so in that as well as in the case now before your Lordships. Again, the earldom of O'Neil not long since became extinct; but the viscounty only vested in the person of the deceased peer was taken by his successor. That, too, has since become extinct; and yet no one has contended that these extinctions counted as two in respect to the creation of another Irish peer on the extinction of these Irish peerages. The Earl of Tyrconnel, again, died on the 26th of January, 1853; but he was also Viscount and Baron of Carlingford, and no one has contended that these three extinctions constituted a right to create another Irish peer. Viscount Melbourne, also, was Baron Melbourne; and, on the same principle as that adopted by the Government in the present instance, his death would make two vacancies out of the three necessary for the creation of an Irish peer. If the *dictum* which Her Majesty's Government has laid down should be adopted, you will, my Lords, stultify your whole proceedings—everything that has been done in this respect since the Union. You will put a new interpretation upon a most important statute, and you will provide, contrary to the letter as well as to the spirit of that statute, for an indefinite increase, instead of a definite reduction, in the numbers of the Irish peerage. I have thought it my duty to lay these circumstances before your Lordships' House on this occasion. Such a step as that taken by Her Majesty's Government, as singling out a peerage which has been extinct since 1832, has not been taken since the passing of the statute in question. I shall be exceedingly sorry if the claimant for the Netterville title shall have nipped in the bud the fond hopes of the hon. Member for Cork; but, my Lords, according to the practice of every Government since the Union, the patent of the barony of Fermoy, which he now holds, is no better than a piece of waste paper, possessing no more value than the paper I now hold in my hand. And until the title be duly granted, and the Ministry shall obtain an Act of Indemnity, the Baron of Fermoy cannot vote in the election of representative peers for Ireland, or claim to hold a right to do so by a valid title. I do not wish to deprive him of the title; but I consider that your Lordships are bound to take care that the prerogatives of the Crown shall not be exercised beyond the statutable power given to the Crown in this instance, and I therefore beg to move, That the Circumstances attending the Creation of the Barony of Fermoy be referred to the Committe for Privileges to consider and report.

EARL GRANVILLE said, he entirely agreed with the noble Earl that the question was one of great importance to the House, as affecting its privileges, and also as involving the prerogative of the Crown; and if the noble Earl had wished to argue it on the constitutional ground alone, he (Earl Granville) thought the noble Earl would have acted more wisely, had he taken the advice of the noble and learned Lord (Lord Campbell), and proposed to refer it to a Committee of Privileges, instead of introducing questions personal and political in connection with it. But the noble Earl had coupled with this question the accusation against Her Majesty's Government of having acted in this matter without due consideration, and with having yielded to political pressure in the creation in question. To these propositions he (Earl Granville) could not agree. The noble Earl had stated the case accurately with regard to the Mountrath peerage, a very old peerage, created in 1660, which, before the Union, had had added to it the Castle Coote peerage, with remainder, in the latter case, to the collateral issue. With regard, however, to the accusation of having acted without due consideration in the present case, he (Earl Granville) assured the House that Her Majesty's Government had consulted the Irish law officers of the Crown. [The Earl of Derby: Hear.] He (Earl Granville) hoped the noble Earl did not mean that cheer as an imputation that the Irish law officers of the Crown had been biassed in their opinions by political considerations; if he did, it would not advance his case a single iota, for Lord Palmerston subsequently consulted the English law officers of the Crown, and their opinion was the same as that of the Irish law officers. And, what was more to the purpose as regarded the noble Earl's cheer, the late Attorney General of that noble Earl's own Administration was also referred to in the matter, with the same results. He (Earl Granville) had seen the opinion of that hon. and learned Gentleman; and not only did he concur with the opinions of the Irish and English law officers of the Crown on the subject, but he actually went further, and adopted the whole argument used by the noble Earl as a *reductio ad absurdum*, his opinion being distinctly stated, that if the barony of Castle Coote had become extinct at the time of the earldom of Mountrath, there would be two distinct peerages extinct towards making up the three necessary for the creation of a new Irish peerage. The Government, therefore, could not be justly charged with having acted in this matter without due consideration. Then, as to the question of political pressure. The noble Earl had given a description of Mr. Roche, as a man once extremely violent against the Church Establishment, against the Union, and against Her Majesty's Government, but as having been of late years one of the staunchest supporters of the Ministry. He (Earl Granville) could not pretend to follow, with the same accuracy as the noble Earl, the votes of Mr. Roche in Parliament; but he believed that Mr. Roche had never been a violent man, in any sense, or upon any question, and had never changed the political opinions he once held; and moreover he understood that he was a man of old family and considerable fortune in his own country, and fit, therefore, in every respect, to be created an Irish peer. The noble Earl sneered at him as the claimant of an old title; but if Mr. Roche even had entertained extreme opinions some years since, the noble Earl was the last person in the world who should deny that a man holding extreme opinions at one period of his political career might not subsequently become an ornament of the Irish peerage. The noble Earl had described with great ingenuity how a promise was made, as he said, a year ago. He (Earl Granville) did not know whether such a promise had been made to Mr. Roche or not; but, if such a promise had been made, and if it could be shown that three Irish peerages had become extinct, so as to enable the Government to fulfil that promise, he (Earl Granville) could see nothing wrong in it. The noble Earl said the Government had been induced to act as they did because of the appearance of the claimant for the Netterville peerage; but the facts went the other way. If, however, the Government wished to make a peer of Mr. Roche for political reasons they might have done so in the Netterville case without any need of going to the Mountrath case, because the twelve months required by the Act for making such claim had fully elapsed. He (Earl Granville) had gone into the case, because he thought the Government were fully justified in the course they had taken. He was quite willing to assent to the Motion to refer it to the Committee of Privileges; but at the same time he must say that the noble Earl had dug out so many extinct Irish peerages, that unless the noble Earl's late Attorney General was completely wrong, the Prime Minister, it was to be feared, would have some difficulty in dealing with the numerous applications which would be made to him for peerages.

Lord ST. LEONARDS thought the Government were seriously to blame for the course they had pursued on this occasion, even if they had deemed themselves in the right. It was no light matter to deal with questions of this nature, which were based, not upon individual contracts, but on a solemn compact made between two nations. They had wantonly raised the question at issue in the most offensive manner; for if they were right at all they might as well have taken the last, or the last but one, extinction as the ground for the extension. As he understood the Act of Union, however, it referred to persons, and not to dignities; otherwise the death of one peer enjoying three dignities might be the occasion of the creation of a new peerage. He did not consider that it was possible for the Crown to exercise a right that had never before been exercised in this matter. He regretted the Government had taken the course they did—he thought it an ill-advised course. He also thought it was a very unusual course to state the opinions of the law officers of the Crown in justification of the Government on the point of law.

LORD BROUGHAM begged their Lordships to consider the position in which they were now placing themselves. They were about to refer this matter to a Committee, and it was agreed on all hands that sooner or later it might, he would say it must, come before the Committee of Privileges. He would not say that the law Lords would in such a case stand in a different position from any other of their Lordships—all were equal in that respect; but still everybody knew that in disposing of these questions, it was chiefly the law Lords who took part in the decisions of the House. He was quite aware that the noble and learned Lord who spoke last would say, that the opinion which he had given was a hypothetical one, and did not bind him after hearing counsel, and that he would be at perfect liberty to change his opinion when sitting judicially on the question; but if he (Lord Brougham) were the noble claimant, he must say he would rather have his counsel address a Judge who had not committed himself or *quasi* committed himself to any opinion on the subject. His noble and learned Friend had expressed a very decided opinion against the claim, but he (Lord Brougham) thought the case ought to be heard and decided by Judges who had not gone so far as his noble and learned Friend in intimating their opinion on the subject. He hoped, therefore, that this debate would not be continued, or, at all events, that noble and learned Lords would not commit themselves to any opinion on either side, until the case was argued before them by counsel.

THE LORD CHANCELLOR: His noble and learned Friend was altogether wrong, if he supposed that in the few observations which he (the Lord Chancellor) was about to address their Lordships, he meant in the slightest degree to diverge from the very wholesome rule his noble and learned Friend had laid down, and which his other noble and learned Friend (Lord St. Leonards) commenced by stating that he should follow, though the whole tone of his speech was eminently, in point of practice, at variance with the principle on which he set out. He by no means wished to say that his noble and learned Friend had not taken a right view of the law; but upon that point he must reserve to himself the exercise of the most unbiassed and unfettered judgment when the case came judicially before him. There were one or two observations, however, to which he could not but call attention. The noble Earl (the Earl of Derby) had treated the clause in the Act of Union as a limitation upon the prerogative of the Crown. That he (the Lord Chancellor) conceived to be entirely wrong. The power of creating Irish peerages was, in fact, a new prerogative conferred upon the Crown, which never could make peers of Ireland when there was a United Kingdom of Great Britain and Ireland, just as, no such power having been given, it could not make peers of Scotland; but the Irish Act of Union gave the power to the Crown to promote in the Irish peerage existing peers and to create new peers, though not until three peerages had become extinct; and so from time to time. That then was the right of the Crown. His noble and learned Friend who had argued the case against Lord Fermoy, as he must call him, said, "Why raise the question in this way?" But, if it were the prerogative of the Crown to create peerages in such circumstances as the present, in what other way, he should be glad to know, could it be raised? There was no other mode of raising the question except by exercising the supposed prerogative of the Crown. Her Majesty had been advised that She might safely take that course; but that advice was not given until the opinion of the law officers of the Crown in Ireland, and certainly of one, if not both the law officers of the Crown in England, had been obtained, and it was found to be in conformity with the very decided and distinct opinion of the Attorney General of the preceding Government. Well, was not that a case in which the Crown might be safely and properly advised to create a peerage, and thus see whether it had the right or not? He trusted, then, that their

Lordships, and especially the law Lords, would, when they came to hear the arguments upon the question, decide calmly and dispassionately, looking at all the clauses of the Act of Union, and that nothing which had passed to-night would tend to prejudice the right of any party.

LORD ST. LEONARDS: According to this method, poor Lord Fermoy would have to battle the case, in order to try the rights of the Crown.

THE EARL OF WICKLOW was sorry the noble Earl the President of the Council had acquiesced in the proposition for a Select Committee, because by so doing he would prejudice the case of Lord Fermoy, who would be thereby deprived of the services of counsel, of which he could avail himself, if the case were simply brought before the House. He would have less objection to a Committee of Inquiry; though, even in that case, the consequences must be injurious to Lord Fermoy, when he came before their Lordships to claim the right of voting for representative peers. He would suggest to their Lordships, that the question could be discussed when Lord Fermoy appeared before their Lordships to establish his right to vote for representative peers.

LORD CAMPBELL said, he thought the question might be disposed of as had been just suggested; but he considered, at the same time, that the noble Earl opposite was justified in making the Motion before the House, because Lord Fermoy might refrain from bringing forward his claim to vote for representative peers. If Lord Fermoy presented a petition to be heard by counsel before the Committee, he was sure they would not hesitate for a moment to hear him by counsel.

THE EARL OF HARDWICKE observed, that any opinion expressed by their Lordships in debate ought to have no influence with the Lord Chancellor and other noble and learned Lords, when the question came before them in a judicial capacity.

THE EARL OF DERBY said that, as the Attorney General was in favour of the creation of the barony, it was not to be expected that the duty of opposing the claim of Lord Fermoy could be intrusted to him. He wished to know, therefore, what course would be adopted in reference to the opposition to it.

LORD CAMPBELL suggested that counsel should be appointed by the House to argue the case.

Motion *agreed to.*

LEASES AND SALES OF SETTLED ESTATES BILL.

House in Committee (according to Order).

LORD ST. LEONARDS objected to the power given to parties to the settlement to sell the estate, which he considered would be a very dangerous innovation in the law, and a power that might be used by insolvent life-tenants to the prejudice of the estate. He also objected to throwing new business of this kind into the Court of Chancery, and complained generally of the course taken by his noble and learned Friend on the woolsack, in the various Bills he had introduced, of extending the business and the number of officials of that Court.

THE LORD CHANCELLOR said, the Court of Chancery was only empowered to do what their Lordships were in the habit of doing, when private Bills were introduced to effect the objects contemplated by this measure.

On Clause 11,

THE EARL OF DERBY objected to the extensive powers given to the Court of Chancery to sell the whole of an estate, and suggested that the powers should be limited to such outlying portions of an estate as it might be necessary to dispose of for the purposes contemplated by the Bill.

THE LORD CHANCELLOR said, the noble Earl had taken an extreme view of the case. A general power was given to sell, but, except in some very extraordinary cases, only outlying portions of an estate would be so disposed of in order to insure the improvement of the remainder.

THE EARL OF DERBY would not object to the sale of an outlying portion of an estate for the improvement of the rest; but power was here given by which the Court of Chancery might alienate a person's entire inheritance.

THE EARL OF WICKLOW thought the noble Earl had forgotten the real object of the Bill, which was to prevent the necessity of coming to that House at great expense, for an Act of Parliament to empower a sale. This being the great object of the Bill, the Court of Chancery ought to have the fullest powers. Without the power here given, the Bill would be comparatively a failure.

THE EARL OF DERBY said, the object he had in view would be secured, if the words "the whole or" were left out of the clause, and he accordingly moved, as an Amendment, that these words be omitted.

On Question to omit the words from the clause, their Lordships *divided:* — Content 6; Not Content 10: Majority 4.

Clause *agreed to.*

Other clauses *agreed to*, with Amendments: the Report of the Amendments to be received on *Thursday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 11, 1855.

MINUTES.] PUBLIC BILLS.—1° Validity of Proceedings (House of Commons).
2° Insolvency and Bankruptcy (Scotland); Spirit of Wine; Dwellings for Labouring Classes (Ireland); Youthful Offenders.
3° Gold Finger Rings.

ABSENCE OF MR. SPEAKER.

MR. SPEAKER addressed the House as follows: I have to offer my sincere thanks to the House for the very kind and indulgent consideration it has extended to me whilst disabled from attending its service by my late accident. I have the satisfaction of knowing, that, owing to the very zealous and able manner in which the duties of the Chair have been discharged by the Chairman of Ways and Means, public business has not been impeded or interrupted in consequence of my absence. There is one circumstance, however, to which I ought to call the attention of the House. During my absence two Members, the Member for Aberdeenshire (Lord Haddo) and the Member for Bath (Mr. Tite) have been called to the table, and have taken the oaths and their seats. Now, the Acts which regulate the taking of oaths and the delivering in of the qualifications of Members of this House provide that it shall be done within certain hours of the day, whilst the House is sitting "with their Speaker in the Chair;" and I understand that doubts have been suggested whether these words do not make it absolutely necessary that the Speaker himself, and not any person appointed to act as Speaker in his absence, should be in the Chair at the time. No doubt the intention of the Legislature was, that the oaths should be taken in the most solemn and public manner possible, when the House was not in Committee; but I think it very desirable that the House should consider the point. These two Members, before they took their seats, did everything, as far as they were aware, which they were required to do by law; but they may be placed in a very inconvenient position unless some legislative enactment be passed which would protect them from any penalties they may have incurred for having sat in this House without having been sworn in strict conformity with the provisions of the Acts. I do not venture to give any opinion as to whether or not these doubts are well founded. I only throw out the suggestion in the hope that an early step may be taken for the purpose of giving such relief to these Gentlemen as the House may think expedient under the circumstances of the case.

SIR GEORGE GREY said, he was sure he was only expressing the universal feelings of the House, when he said that they deeply regretted the cause of the short temporary absence of the Speaker, and that it afforded them sincere gratification to find that the right hon. Gentleman was able to resume that Chair which he had so long filled, to the great advantage of the House and the public interest. With reference to the question to which the right hon. Gentleman had called attention, having previously received a private communication from him as to whether the two hon. Members referred to had taken their seats conformably with the strict letter of the statute, he (Sir G. Grey) had conferred with several hon. Members on both sides of the House, learned in the law, and others who were competent from their experience to give an opinion entitled to weight with the House, and they were unanimous in their concurrence with the view taken by Mr. Speaker, that a question might be raised whether the oaths had been taken strictly in accordance with the terms of the statute. They were of opinion further that the matter ought not to be left in doubt, and that some step should at once be taken to prevent that inconvenience to the two hon. Gentlemen who had taken the oath during the absence of Mr. Speaker, to which the right hon. Gentleman had referred. It was no fault of those hon. Gentlemen themselves that the informality had occurred; they were called upon by the right hon. Gentleman, who was at the time acting as Deputy Speaker, to come up to the table and take the oaths in the usual manner, and they did so. But to remove all doubts, and to relieve the two hon. Members from all liability, he proposed to introduce a Bill immediately to render all proceedings which had been taken during the absence of Mr. Speaker as valid and effectual as they would have been if the right hon. Gentleman had himself been present, and he hoped that Bill would meet with the support of the House.

MR. WALPOLE said, he cordially joined in the expression of regret at the cause of Mr. Speaker's temporary absence, and begged to offer his sincere congratulation at his return. With respect to the important question raised by the right hon. Gentleman as to the strict legality of swearing Members in the absence of the Speaker, it was necessary, at all events, to confirm the acts which had been done; and he should, therefore, be perfectly willing to support the right hon. Baronet's Bill. As this was the first occasion on which they had had practical experience of the working of the suggestion of the late Sir Robert Inglis, of appointing a Deputy Speaker, he would suggest that if the Committee which sat some time ago on the subject was reappointed the hon. Gentleman who had filled that office during Mr. Speaker's late absence might be able to give many valuable suggestions as to any inconveniences that might occur in carrying out that suggestion, and the best mode of remedying them. He would submit that when the right hon. Baronet (Sir G. Grey) brought in his Bill, he should move for the appointment of a Committee to consider in what mode the appointment of Deputy Speaker might best be made, so as to avoid any doubts or inconveniences that might arise from acts done by the House during the absence of the Speaker in future.

SIR GEORGE GREY said, he begged to thank the right hon. Gentleman for his suggestion, which he thought it might be very desirable to adopt.

MR. WILSON PATTEN said, he thought there would be no necessity for appointing a new Committee, as the evidence taken before the former Committee would be found to contain all the information requisite. The best mode would be for the right hon. Baronet to act on his own authority, and to introduce a clause in the Bill which he was about to bring in providing against such difficulties as this for the future.

MR. FITZROY said, he did not think it would be convenient, on a Bill relating to the relief of certain Members from penalties to which they might have subjected themselves, to raise a discussion as to the future mode of proceeding to be adopted by the House. The best mode in his opinion would be to appoint a Committee to consider the subject separately.

SIR WILLIAM HEATHCOTE said, he would suggest that every arrangement necessary might be made by a Standing Order without an Act of Parliament. It was a matter of grave consideration whether they should alter those regulations in dealing with the office of Speaker which had been in use for centuries. The difficulties which had arisen proved, as he ventured to state the other day, when the Resolution for appointing the Deputy Speaker was proposed, that much caution was necessary on this subject. Whatever was done should be done with great gravity, after mature consideration, and with the authority of the Crown; which, in point of fact, was the source of the authority of the Speaker of the House of Commons.

MR. HADFIELD said, he wished to inquire whether it would be necessary that the two hon. Members who had taken the oaths and their seats during Mr. Speaker's absence should be re-sworn?

SIR GEORGE GREY said, that if the House should agree to the Bill he proposed to bring in it would not be necessary for those hon. Members to be re-sworn. With regard to what had been said by the hon. Member for the University of Oxford (Sir W. Heathcote), he had to observe that the authority of the Crown had been given to the appointment of his hon. Friend the Chairman of Ways and Means, as Deputy Speaker, during the temporary absence of the Speaker.

METROPOLIS LOCAL MANAGEMENT BILL.

Order for Committee read.

House in Committee, commencing with Clause 48, which was *agreed to,* as were also Clauses 49 to 53 inclusive.

On Clause 54, requiring notice of the intention to build to be given to the vestry or district board, before commencing such operations,

SIR BENJAMIN HALL said, he proposed that the blank in the clause should be filled up with the word "seven," so as to make the notice one of seven days.

MR. CUBITT said, from his experience of building operations he was convinced that a notice of seven days would involve great delay and practical inconvenience to builders in opening the ground to lay their foundations. The existing Act regulating building in the metropolis only required forty-eight hours' notice to be given, and that period, he considered, would also be amply sufficient for the purposes of the Bill. An extended notice of seven days was quite unprecedented in such cases.

MR. HENLEY said, he considered that forty-eight hours' notice would be quite sufficient in this case if the vestries had a proper staff of officers, and such a map of the levels of the different districts as they ought to possess prepared beforehand.

SIR JOHN SHELLEY said, he thought two days would be inadequate for the surveyor to inspect and make his report, and then for the board to sanction his recommendation.

SIR BENJAMIN HALL said, that the notice provided by the City Sewers Act was one of fourteen days, and he had already reduced that notice by one-half. However, he would further consider the point; and if the notice could be fixed consistently with the public interests below seven days, he would have no objection to insert words to that effect.

MR. HENLEY said, that, according to the clause as it stood, any house, building, or drain commenced without the specific authority of the vestry or district board would be liable to be pulled down. Surely there should be a limit to the time within which such authority should be given.

SIR BENJAMIN HALL said, he proposed to introduce words requiring the authority of the vestry or district board to be given within a certain prescribed period.

Clause, as amended, *agreed to.*

On Clause 66, which relates to the various powers given under local Acts,

SIR BENJAMIN HALL said, that nothing could be more easy than to repeal all the local Acts, but there were some of them which it might be desirable to continue. He, therefore, hoped that the Committee would agree to the clause as it stood. It proposed merely to transfer the powers of the different Acts to the new boards. He looked upon this Bill as the commencement of good legislation for the metropolis, and he thought it would be better to postpone the consideration of the local Acts until they had the opinions of the representatives of the different boards on the subject. If the clause was passed, he had no doubt that the time was not far distant when there would be some measure brought in to deal with these local Acts.

SIR HENRY WILLOUGHBY said, he had no objection to upset all the constituted authorities of the metropolis provided something better could be substituted; but that something ought to be stated. He objected to the little consideration shown to the owners of property, and on that ground he would suggest that the clause should be postponed until some statement was made.

SIR BENJAMIN HALL said, he would consider, before the Bill was passed, how far it was desirable to repeal the local Acts.

VISCOUNT EBRINGTON said, he thought it advisable that the clause should be postponed, inasmuch as it was desirable to get rid of the conflicting terms of the local Acts as soon as possible.

Clause *agreed to.*

Clauses 67 to 69 inclusive were then *agreed to.*

SIR BENJAMIN HALL said, he did not propose to proceed any further with the Committee that day, but as the measure was one of very great importance, and expedition in its passing was most desirable, especially with reference to the present advanced season, he trusted that the House would allow him to go on with the remaining clauses at a morning sitting to-morrow.

MR. HENLEY said, he understood that morning sittings had already been appointed for Thursday and Friday next, and although it was no doubt desirable that this measure should be proceeded with without delay, nevertheless, it was to be remembered that there were limits to human endurance, and flesh and blood could not sit there day after day from twelve o'clock at noon till two in the morning.

House resumed; Committee report progress.

RETIREMENT OF OFFICERS IN THE EAST INDIA COMPANY'S SERVICE—QUESTION.

MR. CRAUFURD said, he would beg to ask the right hon. the President of the Board of Control, whether his attention had been called to the recent case of Græme *v.* Wroughton, in which the Court of Exchequer has decided that the practice of subscribing a sum of money to induce officers in the East India Company's army to retire is illegal, and a misdemeanor; and, if so, whether he intends to take any steps to remedy the effects of such a decision. The facts of the case were, that on an occasion of the officers of a regiment, to which Lieutenant Wroughton belonged, being called on to contribute their quota to purchasing one of the majors out, that gentleman declined on account of his inability to find the means, when Captain Græme lent him the sum, 4,000 rupees, on his bond. Mr. Wroughton had since himself been purchased out of the regiment, receiving 30,000 rupees, on which Captain Græme sued him on his bond, and he defended the action on the ground of illegality of the transaction, and the Court had decided in his favour.

Mr. VERNON SMITH said, his attention had not been officially directed to the case in question. He had read the account of it in the papers, and he must say he did not understand the grounds of the decision. There was no doubt that the practice in question, and which had been declared illegal, did exist to a certain extent, and, under proper regulations, he did not think it was prejudicial to the service. He would, however, consider the subject in conjunction with the Court of Directors, with a view to its being placed on some more certain footing.

AUSTRALIAN POSTAL COMMUNICATION —QUESTION.

Lord NAAS said, he begged to inquire of the hon. Under Secretary for the Treasury what steps have been taken to restore to the inhabitants of the Australian colonies the advantages of steam postal communication.

Mr. WILSON said, the state of the Australian postal communication was at present very unsatisfactory. Previous to last November arrangements had been made by which a monthly mail was sent by way of Singapore, and another was sent round the Cape. In consequence of the steamer belonging to the Peninsular and Oriental Company having been disabled, the service by way of Singapore had been stopped, and the other vessels of the Company being engaged in the Crimea, they were unable to supply another. The Screw Company which carried the mails by the Cape had been applied to, and a proposal had been made by the Postmaster General and the Treasury for a monthly communication overland by way of Singapore, and that it should be performed, if possible, by the Peninsular and Oriental Company. The Admiralty had called on the Company for a contract for the service, and the Company some months ago communicated with the colony on the subject, but had not yet given the Admiralty any answer. At the same time the Postmaster General had arranged for a monthly service by clippers, which had on several occasions performed the passage as rapidly as the steamers. As soon as arrangements could be effected, it was intended to reopen the communication by way of Singapore.

CADETS AT SANDHURST AND ADDISCOMBE—QUESTION.

Captain LEICESTER VERNON said, that, referring to the present arrangement to obtain officers for the Royal Artillery and the Royal Engineers from civil colleges and public seminaries, he would beg to ask the hon. Clerk of the Ordnance, whether it was the intention of Government to take such cadets from the Military Colleges of Sandhurst and Addiscombe (the latter with the permission of the Honourable East India Company) as may on examination be found to be competent, seeing that such cadets are already militarily educated, that formerly it was considered essential that Woolwich cadets should first enter at Marlow, and that by giving commissions to officers volunteering from the militia, the line would be more than compensated for the loss of any cadets taken from Sandhurst to enter into the two scientific corps?

Mr. MONSELL said, it was not the intention of the Government to select any cadets from the colleges at Sandhurst or Addiscombe. The cadetships to be given away in July would be given after the examination which had been appointed by the Secretary of State. It was competent for the gentlemen in these colleges to compete for the cadetships, and if their examination should be satisfactory, no doubt their claims would be fully considered.

AGRICULTURAL STATISTICS—QUESTION.

Lord WILLIAM GRAHAM said, he wished to ask the Vice President of the Board of Trade whether Government intend to continue the collection of agricultural statistics in England, and, if so, whether it is intended to appoint the clerks of Unions as permanent collectors at a stated and liberal salary; and, whether it is intended to introduce any compulsory measure for making a certain class of returns imperative?

Mr. BOUVERIE said, the English returns generally were not satisfactory. With the exception of the West Riding of Yorkshire, the attempt had proved a failure. Of the eleven counties fixed upon, ten had not given returns to a sufficient extent to justify the Government in following up the plan which had been adopted. The returns which had been received did not amount to more than 16 per cent of the whole. The deficiency in the returns from the West Riding was only seven-tenths of one per cent. As the experiment had not succeeded, his noble Friend the President of the Board of Trade had given notice of his intention to move for the appointment of a Select Committee in the other House, to ascertain the best mode of procuring agricultural statistics. The experiment with regard to Scotland had, however, been eminently successful. The amount of failures of returns in Scotland was only one-fifth of one per cent. The Government proposed to continue the return from Scotland, and would consider what remuneration should be afforded.

DEAN OF CHRIST CHURCH—QUESTION.

Mr. GRANVILLE VERNON said, he begged to ask the First Lord of the Treasury whether the appointment of the Dean of Christ Church has been made subject to any conditions or alterations as to emoluments, or otherwise, which may be recommended by the Oxford University Commissioners?

Viscount PALMERSTON said, the Commissioners had the power of making such regulations as they thought proper, and having recommended to the Crown a gentleman whom he considered eminently fitted for the position, and one who was imbued with the right principles of improvement, he did not think it proper to exact from him any condition as to the course which he ought to pursue. He was quite satisfied that that gentleman would be most anxious to concur in any measures which might be suggested for the improvement of the University of Oxford.

VALIDITY OF PROCEEDINGS (HOUSE OF COMMONS) BILL.

Sir GEORGE GREY said, before the House proceeded to the Orders of the Day, he wished to mention a question to which Mr. Speaker had called attention that day, relative to two Members having taken their seats during his absence, and suggesting that steps should be taken to secure the validity of the proceedings. He (Sir G. Grey) had been in private communication with Mr. Speaker and the right hon. Gentleman opposite (Mr. Walpole), and it had been arranged that a Bill should be submitted to the House for the purpose of removing all doubts on the subject. He understood that it was desirable that that course should be taken immediately, as until the Bill passed those Members would abstain from taking part in the proceedings of the House. He begged leave to move for leave to bring in a Bill for the purpose now, and that it be read a second time tomorrow.

Mr. ELLICE said, he could not avoid taking that opportunity of expressing a hope that the House would avail itself of the occasion to place this difficult subject on a more satisfactory footing than it was in at present. He was one of the Members of the Committee to which this subject was referred, and looking to the difficulty of providing for such an emergency as he was sorry to see take place the other day, he thought it was undeniable that no statute or Act had been passed placing the matter on a satisfactory footing. A great many of the duties of the Speaker were statutory, and others were laid down by the Orders of that House, and it was desirable that the question should be placed on a satisfactory footing. He hoped the House would take the whole subject into consideration, and make some satisfactory settlement.

Sir GEORGE GREY said, that the right hon. Member for Midhurst (Mr. Walpole) had suggested that the Committee on the duties of the Speaker should be reappointed to consider the question, but he thought it was the general opinion that it would be desirable to appoint another Committee.

Leave *given.*

Bill *ordered* to be brought in by Sir George Grey, Viscount Palmerston, and Mr. Attorney General.

Bill read 1°.

EDUCATION (No. 2) BILL— ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to Question [2nd May], "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Mr. ADDERLEY said, that, after an

interval of six weeks, he felt considerable difficulty and distrust in resuming a debate which was suspended under the influence of the speech of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), which for long-sustained argument, fair statement, manly sentiment, and deep religious feeling deserved the high praise it had obtained. But it would be a grave calamity if the House, under the influence of arguments and sentiments, the application of which were wholly unjustifiable, were to decide against the principle of the Bills now before them, because there could hardly be a Member of that House so possessed of patience, courage, and perseverance as again to urge upon it propositions which had received such repeated disappointment. The question had been brought before the House in every possible form. It had been the subject of a private measure and a public measure. It had been treated as a local question and as a general question. It had been carried in the shape of Resolutions in both Houses, such as those moved by Lord Brougham in the other House. It had been recommended to Parliament in the Reports of Select Committees. It had also been met by the most contradictory arguments. When a private Bill was brought in, it was said that the subject was too large for private legislation, and that it must be dealt with by a general measure. When a general measure was brought in, it was said that educational provision must be made for distinct localities, and that the state of education varied so much in different places that no general measure would apply. Seven years ago a majority of all the ratepayers of Manchester petitioned Parliament for liberty to tax themselves for the purposes of education. This permission was then, and had ever since been refused to them. They might rate themselves in every way—for the punishment of ignorance, and for almost every other object—but not for the diffusion of knowledge and religious education. He objected to the dangerous and unparliamentary course of reading all these Education Bills a second time *pro formâ*, and then shaping them in Committee. He maintained that the principle of a Bill could not be adopted *pro formâ*; but should be decided by the second reading. At length the question of National Education was placed before the House in the classical form of three courses, and was, therefore, ripe for solution. The right hon. Gentleman (Mr. Henley) was content with the principle of the present system, which, he thought might be developed to a satisfactory extent so as to suit all the requirements of the country. The second proposition, embodied in the Bills of the noble Lord (Lord John Russell) and the right hon. Gentleman (Sir J. Pakington), was that, where private resources failed, public rates for education might be allowed to come in, these rates being distributed under the control of religious bodies which had been recognised in this country for a number of years. The third proposition was that of the right hon. Member for Manchester (Mr. M. Gibson), who, agreeing in the necessity of public rates, was for sweeping away all the existing schools, mapping out the kingdom anew for the purpose, but wholly ignoring religious instruction. Such a system, to say the least of it, was distasteful to the country, and had no chance of adoption. With regard to the Bill of the right hon. Baronet (Sir J. Pakington), although his (Mr. Adderley's) name was on the back of it, he thought it complete without the clauses which provided for new schools, and that those clauses were incongruous in principle with the rest of the measure. This supplement was unnecessary, because the zeal of religious bodies will never leave unsupplied the supposed deficiency. Religious jealousy was the obstacle which they had to meet on the very threshold of this question; but, he believed, the Bill once passed, that jealousy, in the form of rivalry, would itself be the mainstay of the system which would be established, and as the new school clauses were also open to objection in principle, he hoped they would be expunged. The Bill would then be identical with the Manchester Bill which he introduced last Session. The right hon. Baronet the Member for Droitwich, by endeavouring to introduce theoretic completeness, had arrived at practical contradiction. He needlessly exposed the whole proposition to cavils, nine-tenths of which were inapplicable to its main principle. It was an utter misrepresentation of both the measures of the right hon. Baronet and the noble Lord the Member for London to say they were either intended or calculated to supersede the existing system—they merely supplemented it. Where the existing system was in full work, where 'squires and gentlemen were willing to maintain schools in their own villages, and the clergy were wasting precious time in begging sums and losing half their influence by incurring obligations, in those places the Bill—either of the noble Lord or the right hon. Baronet—would never be adopted. There would be no rush of ratepayers to relieve such paymasters. But in some places there was no such support, and yet a cry for means. It was only in places like Manchester, where the deficiency was felt, that the rate would come into operation, and, instead of superseding, would stimulate private charity. In comparing the proposition which the right hon. Gentleman (Mr. Henley) supported with the system embodied in these two Bills, it would be observed that the principle of the right hon. Gentleman was one of private patronage, aided perhaps by Government patronage, but essentially a system of patronage as opposed to self-support. The principle of the two measures was, on the contrary, to take advantage of private patronage as far as it went, and to provide for any deficiency out of the public funds and by local taxation. The right hon. Gentleman (Mr. Henley) called his a voluntary self-supporting system; but, if it were self-supporting, what need was there of the 300,000*l.* which Parliament voted annually, and about another 300,000*l.* of forced loans, upon condition of which the grants were made? The advance in national education dated exactly from the period when these subsidies commenced, and therefore, the right hon. Gentleman, in referring to the improved state of public education to support his views, was really using an argument which belonged to his antagonists. The right hon. Gentleman seemed to say, "Let well alone—let there be no alteration;" and his opponents replied, "if there had been no alteration, these grants would not have been made, and education would not have improved as it has." He was told that if he introduced this principle of popular rating he should be sapping all those sources of benevolence which now existed in the country. What was this but saying that the spirit of charity on which the present system rested wholly was so languid that the instant it received assistance from any other source it would shirk its task and wither away. The existing system was voluntary, not as depending on the will of the people, but on that of the patron—the 'squire, the clergy, or of some wealthy manufacturer. If the good-will of the 'squire or the clergyman failed, the result of this voluntary system became nil, and the system itself died. The next objection which the right hon. Gentleman had taken to the support of education by a system of public rating was that it would be pauperising the whole system. But why should this be? Is it not really the reverse? Local rates were raised for the formation of public parks, for public libraries and museums, for lighting the streets and highways with gas, and none of these public enterprises were considered to bear the character of pauperism; why, then, should the collection of local rates for the purposes of education be regarded as pauperising? He should have thought that money collected from the bounty of the rich or by the clergy going about from house to house with begging-boxes, would rather have been regarded as eleemosynary and degrading than a contribution from the whole body of the people, necessarily including the parents and friends of the children who were to receive the benefit of the funds so contributed and imposed by the people voluntarily upon themselves. There was no one feature in the present state of Canada more indicative of progress and its future success than the development of the education of the people based upon the principle of contributory rates. Their educational institutions were supported by local rates as well as by voluntary subscriptions, and in the opinion of the people there was nothing more pauperising in the one than in the other. Let hon. Members read Lord Elgin's Report upon Canada, and they would find that that upon which the noble Lord had prided himself most in that country was the development of education upon a self-reliant system based upon municipal institutions. Were schools of design pauper schools he would ask? Yet they were supported out of national funds. Were the very Privy Council grants, on which the present system so much relied, less eleemosynary than grants locally voted? The right hon. Gentleman had said that such a system as this now proposed must be irreligious, as though the wealthy patrons of existing schools monopolised all the religion of the country. In such an objection as this made by men of such different opinions as Mr. Colquhoun and Archdeacon Denison, he saw only the desire of each to obtain for his own form of religion the monopoly of all the schools. But if it were granted that all that the right hon. Gentleman had said in favour of the existing system were true, that it was self-supporting, voluntary, independent, sufficient.

and exclusively religious—in short, everything which he (Mr. Adderley) said it was not, still he would ask, how did it perform its work? Did it do it satisfactorily or not? No doubt there had been great results from the present system; but who were the primary objects of that system? The children of the poorer classes? No. But they ought to be the first chief, if not the only, object of any system of national education in England. It was not intended to provide for the education of all classes of the community as in America, but for those who were not able to provide it for themselves. The statistical question, whether one-eighth or one-ninth ought to be at school, was not so important as of what class the deficient fraction consisted. It would be found that they consisted wholly of the class which ought to have been primarily provided for by the present system, but who, instead of being educated by the national schools, were only treated exceptionally in ragged schools, pauper schools, reformatories, or, after neglect had worked out its result, in prison schools. You may read in the brutalised features of the children wandering about the streets a record of the defects of this boasted system. Another defect in the present system was its reducing the adult population — the parents of the children whom it should educate themselves—to a state of pupillage. It did not enlist the sympathies of the parents in the children's education, but took from them all responsibility and share in their children's schooling, and substituted private patronage. The present system was also imperfect in its adaptation to its objects, industrial instruction being the last thing thought of, but instead, instruction in branches of knowledge, which, even if practicable, could never be useful to the labourer's son. But, while in some places the character of the instruction given was much too high, in others it was as much below, or aside of what should be the true standard. If children do not come to this kind of instruction we are told education is not wanted; schools are already empty, the parents are abused for ignorance and cupidity, while the patrons ought to blush for their pedantry. If industrial education fitted for the future life of the children of the labouring classes, there would be no difficulty in procuring the willing attendance of pupils, as was evidenced by the fact that in Cornwall, where the pursuits of the mining population required some amount of scientific instruction, which being provided in the schools of that county, the children attended them from three, four, or five miles round, and their parents left them in the schools a sufficient time to acquire the knowledge necessary for their future career. The right hon. Gentleman admires dames' schools as a proof that the Church has followed the population to their own doors. He forgets that they are suitable not to small localities, but to small boys. The comparative states of education and morality in England and in Austria were therefore adduced against the proposition, but the failure of education in the latter country to render her people more moral arose from the character of her institutions. But the House was told that to supplement the present system by rates they must fall into the Austrian system. There was no reason why the zeal of Austria for education should not be engrafted upon the freer institutions of our own country. The proposed municipal rates bore no resemblance to Austrian Government patronage, the principle of which the existing national schools of England rather embodied. But there were countries which based on institutions as free as our own a system of education as complete as the Austrian. But if he alluded to America, he was told that the system which he advocated was the same as the system which existed in America. That was not the case. Misrepresentation never went further than in the attempt to identify the proposed system with the American secular schools, which agreed only in the feature of the rate, or to argue that the one grew out of the other. There never was a denominational system of education in America, or the means of establishing one; and when the right hon. Gentleman said the secular system there was the development of the religious system which went before it, he must be either ignorant or oblivious of the history of the country in that respect. The truth was, that the religious system of education which prevailed in America previous to its emancipation, especially that established in the New England States by the old Puritans, might be said to have been swept away with the religious foundation which accompanied it. The present secular system there was saved from its irreligious tendency by the religiousness of the people, produced by the former state of things, which amply secures Sunday schools and parental teaching. The same feeling, had there been denominational schools at the time of Independence, would have led America to make them the basis of their educational system; and if England now ignores the denominational foundation already laid, the people will not go without education, and their only alternative will be a secular system like the American. He had endeavoured to draw a comparison between the Bill of the noble Lord and that of the right hon. Gentleman, and he believed that between them they contained elements from which a Select Committee would be able to strike out something satisfactory. He had been surprised to hear remarks made which indicated a preference for the Bill of the noble Lord, and more particularly a statement in a pamphlet laudatory of the religious clauses, for those clauses appeared to him to have been rather hastily drawn up, a circumstance which might be accounted for by the short time which the noble Lord had to prepare the Bill.

LORD JOHN RUSSELL: Those clauses were drawn up last summer, and were taken principally from Lord Brougham's Bill.

MR. ADDERLEY said, he thought the wording had been inadvertently transposed, the stipulation being, not that no child should have a creed forced on him against his parent's wish, but that no child should be taught a creed without a written parental consent, which, in most cases, would be wanting altogether. Of the two, he preferred the Bill of his right hon. Friend (Sir J. Pakington) to that of the noble Lord, not only on this point, but inasmuch, among other reasons, as he could not agree to the kind of blank check which the measure of the noble Lord left to the Committee of the Privy Council to fill up. He was not prepared to give that body such an extraordinary power. They carried on too much by legislation on this most important subject already. What the country wants is something between these two Bills. As to those who sigh after some ideal perfection, who wish to see the Church the sole national educator, or hope to stimulate the voluntary efforts of various religious bodies to be independent of legislative aid; he sympathised with their wishes, but could not spend the rest of his life in concert with their unavailing regrets, and in detecting flaws in every proposed scheme. There are two classes of good men—one, who have high aspirations, but so fastidious a sense of the imperfection of all human processes as to preclude the possibility of their putting any of them into practice; the other, who, with the same high ideal before them, are content to forego half its pretensions in order to realise the other half. They are equally good, but not equally useful. The first are all, in their graves, forgotten by posterity; the second has supplied all the benefactors to whom mankind is grateful, and are the instruments of all progress. The two classes are engaged in this discussion, and seeing the grievous defects of the present national provision for the education of the poor, he could not wait, in hopes of some perfect system, without an attempt at an immediate practicable proposition for supplementing and invigorating what we had.

MR. EVELYN DENISON said, he was surprised that the hon. Gentleman should recommend that the three Bills should be sent to a Select Committee. Whether such should be the decision of the House he was unable to say, but he considered that it certainly was not a wise Parliamentary course. Should the Bills go to a Select Committee, he would invite the attention of the Committee to the question of the attendance of children at school. How was it that 1,000,000 of children were not receiving instruction? Mr. Horace Mann said it was not the want of schools, or the poverty of parents, so much as their indifference and apathy. The real difficulty was to induce attendance in schools. The last Report of the Committee of Council on Education was most valuable. That Report pressed on the public a most weighty consideration—that while they were increasing the number of trained masters, and local teachers, and all the machinery, of an advanced and improving system of education, the children attending schools were daily becoming younger and less suited to that system. Mr. Moseley, in his Report, stated that a hope had been entertained that as the children of the poor derived from the schools greater benefit than they had hitherto done, their parents would desire to send them for a longer period, but he could not conceal that they were disappointed in this hope, because in many cases the parents reasoned that the schools were so good that the children obtained all the learning necessary for them earlier than hitherto, and, therefore, they could take them away sooner. Mr. Moseley also stated that the only remedy for this would be to make, up to a certain age, attendance at school obligatory. In confirmation of this opinion, Mr. Horner, an Inspector of Factories, stated that the Factory Act, by which attendance at school was rendered obligatory on the part of the children, was most successful. Opinions similar to these ran through all the Reports presented by the Committee of Education. Mr. Norris, in his Report, gave an interesting account of a prize scheme which was tried in the mining districts of Staffordshire, by which as much as 400*l*. or 500*l*. were given in the schools as premiums for long attendance at schools —thus showing the disposition on the part of the master manufacturers to counteract the evils of the present system. But Mr. Norris said that this scheme did not remedy the present evils, and that nothing would do so but the interference of the Legislature to make attendance at school obligatory. How stood the question of compulsory obligation? Every child of a pauper in the workhouse receives compulsory education in the workhouse school. Under the Factory Act, every child working in the factories was also obliged to receive instruction for a certain portion of the week. Was it to be permitted, then, to take a little child and put him in a field to watch crows without any care or consideration for his instruction? Legislative intervention was more required in this direction than in that taken by the Bills before the House, it would be less distasteful to the people to apply some portion of the wages earned by children to the purposes of education, than to raise a general rate which would be the subject of constant controversy. If any one doubted how labour and education might be made to go hand-in-hand, let him visit Mr. Price's factory, a few hundred yards from their door. There labour prepared for study, and study sweetened labour. This question of the attendance at schools was becoming more important day by day, and without venturing to express any positive opinion as to the course which ought to be pursued, he considered it would be well worthy the attention of the Select Committee.

Lord JOHN MANNERS said, in rising to oppose a Bill which had for its object the promotion of education, he experienced peculiar pain; but, being conscientiously convinced that the measure of his right hon. Friend (Sir J. Pakington) would tend most materially to interfere with the existing system without improving it in the least, he could not have any hesitation in opposing it, both by his vote and his speech. The hon. Member for North Staffordshire (Mr. Adderley) in supporting the Bill, oddly enough said that the half of it, which related to new schools, had not his concurrence; and he had given a convincing argument against the other half of the measure, which related to existing schools, when he said, with respect to the existing schools, he had no wish to apply to them the machinery of the Bill. The hon. Gentleman, however, had told the House with great truth that on this all-important subject of education statistics were not to be relied upon. If they wanted any confirmation of that, it would be found in the magnificent array of statistics with which his right hon. Friend (Sir J. Pakington) had illustrated and supported his views in introducing the Bill; and the equally formidable number with which his right hon. Friend the Member for Oxfordshire (Mr. Henley), in his great oration on this subject, had driven his right hon. Friend (Sir J. Pakington) from the field. Let them first of all consider how the Bill before the House would supply, as it professed to do, the poor populous places which they alleged the existing Minute of the Privy Council deprived of public educational support. If his right hon. Friend was convinced that these poor and populous places were not properly supplied with education, why did he not propose to the House to relax the restrictive Minute of the Privy Council in every case in which that was proved to be its effect? By that means he would have had a certain and efficacious cure for the evil complained of. Again, did his right hon. Friend propose to make the educational rate in those places compulsory? He believed his right hon. Friend would not be offended with him if he said that he dared not make it so. The truth was, that he proposed to leave it to the option of the people of those places whether they would tax themselves or not. Now, he (Lord J. Manners) would ask whether rates of this kind were so popular with the poorer classes, who had mainly to pay them, that the poor would voluntarily submit themselves to those compulsory payments? Were schools the only requisites of civilisation which were deficient in those places? Were churches and chapels in abundance there? Take the case of Bethnal Green. Would the poor people residing there be ready to tax themselves for the promotion of education, or the endowment of churches or chapels? Hon. Members would find, on the contrary, that the very districts which stood most in need of education and instruction were precisely those which had the least means, and consequently the greatest objection to tax themselves for providing those means of civilisation. But what was the second object which his right hon. Friend proposed to gain by his Bill? He assumed that there were above 900,000 children who were prevented from attending the existing schools by the deficiency of the present system of education. There were, however, children who were prevented from attending any school on account of their being engaged at work in gaining a livelihood, and so in fact there would be only between 400,000 and 500,000 children with whom this Bill had particularly to deal. Now, he would ask, how would they be induced to go to school by the Bill proposed by his right hon. Friend? His right hon. Friend assumed that these children were prevented, by the poverty and the apathy of their parents, and by the deficiency and the badness of the education provided, from attending the existing schools. It was, however, extraordinary that since the adjournment of this debate a great authority had given his opinion in print, and so far from agreeing with the right hon. Gentleman as to the character of the education now provided, he came to a very opposite estimate of the present quality of education. Mr. Moseley, in his last report to Parliament, stated that it was the very excellence of the existing schools which diminished the number of scholars, by inducing parents to withdraw their children from school at an earlier age than they formerly did. But no doubt the poverty of parents was a great cause for the non-attendance of children at school, and the Bill of my right hon. Friend would have little or no effect upon that class of non-attendants. But there was another class—those who were engaged in earning a livelihood by dishonest and criminal means. Did his right hon. Friend think he could induce this class of children by his Bill to go to school? There was a third class—all those who were prevented going to school by the culpable indifference and apathy of their parents. There was a fourth class—and that he admitted that the Bill of his right hon. Friend would benefit in a little degree—those who were willing and able to provide their children with clothes, and were willing to send them to school, but who were unable to pay for their schooling, or to obtain charitable assistance in doing so. This, however, he did not think was a large class. The largest class was undoubtedly the third, and the parents of the children belonging to this class would not be more willing to send their children to the new schools than to those at present in existence. It was particularly important to consider whether the institution of free schools would not greatly endanger the attendance of children of the labouring class. Since the Whitsun recess he had conversed with a clergyman who was conversant with questions of education, and who had a free school in his own parish, and he had stated that, so far from finding this free school an advantage, he was endeavouring to change the system established there, and to have a school with payment substituted for the free school. This clergyman said that the children did not regard the free school, and that the parents did not scruple calling their children away from it every hour in the day, and that out of twenty-eight scholars the average attendance was only 15½. He (Lord J. Manners) was on the Committee on the state of the stockingers of the Midland Counties the other day, and it was there stated that the attendance of the children of stockingers at a free school in one of the manufacturing villages was smaller than at schools in the same locality where small fees were demanded. He offered these observations as elements of the question which the House had to consider—namely, whether the Bill proposed by his right hon. Friend would induce those 400,000 children who do not now go to school to go to the new schools. Supposing the Bill would have the effect of inducing these children to go, then the House would have to inquire whether the measure was not based on the contravention of the principle of independence and spirit which happily existed throughout our population; whether it would not go to break down their spirit, and destroy their independence of mind. They all knew that the poor did not set much store now on what they did not earn or purchase by their own free will, and the House should not lightly tamper with or do anything to impair that feeling. But were the provisions of the Bill likely to be practically carried out? It was all to be effected by the majority of the taxpayers. Farmers, small traders, and artisans, were, it seemed, so enamoured of paying rates that they were to propose to impose on themselves a new rate. Hon. Members at his side of the House had for years been contending that local taxation pressed too heavily on the people. What at that moment was the great question which was convulsing England from one end to the other? It was the question of church-rates. Now, was there any great difference between a church-rate and a rate for education? There was certainly a difference which he willingly admitted. Church-rates have a prescription of a thousand years. He knew of no authority which was in favour of this rate imposed on a nation divided in religious feeling. Would not this education-rate soon be regarded as a religious grievance? The Bill was assuredly calculated to excite religious differences and party contention; and, as if to prevent the return of peace to the harassed communities, it was provided that the rate should be proposed every year. If he had to choose between these Bills which had been proposed to the House, he should say give us the Bill of the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), for he knew what that Bill meant. That right hon. Gentleman, above all, gave the unfortunate parishioners a little respite from contention, for, by his Bill, a whole year must elapse before the proposal to bring them under its operation, if rejected, could be renewed. The Bill offered by his right hon. Friend introduced confusion, conflict, religious bickering, every element which should be kept out of play in a question of education, and therefore he (Lord J. Manners) called on the House to deal with it in a manly straightforward way, and to reject it and the other two Bills at once, and not to tamper with the feelings of the people on this important subject. He came next to the third point of his right hon. Friend's Bill. They were told that the existing education was meagre and deficient, and they were referred to the systems existing in Austria, Prussia, France, and even the slave states of America, as worthier of imitation. They had had a vast amount of foreign statistics brought forward; but who could unravel foreign statistics? They might be told that in the slave states of America, in Austria, in Prussia, in France, a great number of children were brought under the State schools, and were receiving instruction; but he denied that with respect to education we could come to any conclusions from such statements. It was in the battle-field, and in missionary enterprise, and in all the various engagements of an industrious people, that they should seek for the results of education. Subjected to this test, it could not be said that the education established in England had failed. Looking at the whole subject, could it be affirmed that the system had failed, and would the House hazard and endanger a great system, which had the general concurrence of all religious denominations in the country—a system which at this moment was educating 2,000,000 of children, in 20,000 schools, out of a population of 18,000,000, and through the means of which 1,000,000 a year was obtained in private charity? Every form of Protestant dissent, and even Jews, received education under the existing system, and was this to be hazarded for the sake of some visionary object that would never be carried out with the consent of the great body of the people of this land? Should the measure be carried, in less than ten years, Gentlemen would rise in that House and deplore the folly and the failure of this attempt to impose what was called the "voluntary will" principle of education. It was better for the House to open their eyes, and not in a blind and hasty way give a second reading to this Bill. For the reasons he had stated he should give his cordial and determined opposition to the Bill of his right hon. Friend, and he entreated the House to reject it. Either the Bill of his right hon. Friend would be inoperative, and then it would be useless to pass it, or it would be operative, and then it would affect the system of education established in this country in a most mischievous—perchance in a most fatal, manner.

MR. W. J. FOX said, he could not avoid expressing his disappointment at the speech of the noble Lord who had last spoken. He had expected to hear from the noble Lord, after objecting to the proposed measure, some broader principle propounded to encounter and remove the causes of that ignorance and crime which unhappily prevailed in the country. But, instead of that, the noble Lord had confined himself to objecting to various points of detail; and even then had not suggested any more efficacious modes by which to accomplish the objects which all must equally desire to see effected. The noble Lord had stated that the municipalities and parishes would not rate themselves, and yet he at the same time had said that these same municipalities and parishes were overflowing with benevolence, the voluntary exercise of which would amply supply all the deficiencies of education in this country. In opposition to the statement of the noble Lord he begged to say that it was well known there were some localities which were most desirous of rating themselves for the same benevolent purpose of educating the people. The people of Manchester had actually petitioned Parliament to be allowed to do so, and surely those who were desirous of taking such measures ought to be indulged, and every legal sanction given to their praiseworthy efforts. It was argued by the noble Lord that the Bill would have no effect in removing the objections of parents to send their children to existing schools. It was said that some were too poor, and that some were indifferent; but this important element was overlooked by the noble Lord, that supposing every locality to rate itself, and supposing education to be extended by this or any other measure, the popular estimate of education would rise. Those who rated themselves and thus became voluntary payers for the instruction of the children of their neighbours, would be solicitous that their money should produce the desired benefit; they would give a tone to the paying class in the neighbourhood, which would extend itself to the non-paying class, and would raise their appreciation of the education thus brought within their reach. But it was not a fact that education was despised on account of the smallness of the payment. As in Prussia, if education were provided by the Legislature, it would cease to be regarded as a charity; patrons of schools would no longer go begging poor people to send their children to the schools they patronised; education would become a public right, and, as such, would be claimed. For the poor people of this country were quite as forward to demand a right as they were to reject a boon of charity, which they deemed degrading. The noble Lord had referred to the question of church-rates; but one of the three Bills before the House was free from that objection; and if the Bills were sent to a Committee he hoped that one, at all events, would have the noble Lord's support. But Dissenters had again and again declared, in their remonstrances against church-rates, that they would be perfectly ready to pay them if they were an education rate; and that change had been many times proposed in the discussions on that question. There was another consideration—the Dissenters were, to a large extent, true, earnest, zealous friends of education—and he believed the time was come when all who belonged to that description felt that some compromise was necessary in the conflict of opinions that prevailed, and that concession must be made on one side as well as on the other; and that there was an earnest and general desire to have some great measure adopted which should redeem the country from its present condition. He trusted he rightly understood the noble Lord to have renounced the opinions he formerly professed, which were against education altogether; his Utopia was—

> "Knowledge on them no lurid light hath shed;
> But faith stands there in education's stead."

If the noble Lord still maintained that opinion, was there no difference between faith associated with knowledge and faith associated with ignorance? He regretted to hear the objections of the hon. Member for North Staffordshire (Mr. Adderley) to sending the three Bills to a Select Committee. All the Bills were founded on the same principle so far as to warrant their being subjected to a common treatment, and, if practicable, to an amalgamation. They all went on the principle of localities rating themselves—they all provided for local authority in the management of the schools—they all endeavoured to furnish a check and a guidance for that local authority by the intervention of a central authority in some form or other—they all either included the direct inculcation of religion, or provided, as in the case of the third Bill, facilities for its being given, so as to extend the advantages of the instruction to that form of religion which the friends and parents of the children thought most desirable. And they all admitted, either to a greater or less extent, the principle of free schools—a principle which was most important. With such an amount of agreement, the difference was necessarily one comparatively of detail, a difference which might be adjusted, he considered, by a Committee; and those portions of the measures which should be deemed the least obnoxious might be severed from the rest, and put forth in the form of a national measure, which might be expected to realise the most important results. Indeed, the very circumstance of there being these three Bills before the House indicated that we had arrived at a species of crisis in this education question. Each class of thinkers on the subject had given its lucubrations a definite and tangible form; each told the way in which it would legislate for the entire country. There was only one other mode—adhesion to the present mixed system of public grants and voluntary exertion; and we had arrived at a moment when the contest might be fairly tried between the present mongrel system, the present combination in which one part seemed incongruous with another part, and the adoption of some general and comprehensive scheme. He knew that some objected altogether to the interference of the State in this matter. But he would ask them—Where is the duty of education? Where has Providence devolved that duty? On the parent; and devolving that duty on the parent, it gave a correlative right to the child to be educated. If a parent neglected that duty, he committed a wrong—a wrong upon his own offspring, which the State had a full and competent right to interpose and correct. Interference by the State to prevent the abuse of parental authority had been one of those great progressive measures which had marked the advance of civilisation. And if we kept the child secure from physical ill-treatment, as we did, at the hands of his parent, we surely had the right to protect him from that moral ill-treatment—that defrauding him of one of the best and most valuable rights, which the parent committed who left him altogether uninstructed. Then, society had a right of its own. Its own self-preservation was among the first laws that ought to guide its movements; and the very existence of society—assuredly, its well-being at all times—was endangered, if ignorant and vicious parents might at their pleasure turn forth one generation after another of semi-savages, to disturb the order of society, to imperil the safety and comfort of the honest and well disposed, and to bring confusion into that national existence which ought to be the bond of harmony, of peace and progress. It had been asserted that the present system had been very successful. Now, he looked in vain for evidences of that success. He did not accept for success the number of schools and scholars upon paper. He asked for other evidence; and he found other evidence, both as to the extent and the quality of the education given. An hon. Member said go to the gaols. He did so, and found that the great bulk of those committed were those who had been at school, in such schools as now existed. The utterly untaught, who had had no vestige of training at any school whatever, were a comparatively small number. The well-taught were a number so small that it was difficult to find a fraction or decimal low enough to express its proportion to the remainder. They had all been at such schools as now existed, and they had been there to no such purpose as served to make them honest and useful members of society. Take another class of evidences—the mechanics' and literary institutes, which were springing up latterly in abundance all over the country. What was the universal complaint as to those institutes—a complaint made by the Bishop of Manchester in Lancashire, by Professor Maurice in London, and everywhere where good institutions existed? That their benefits were limited, their advantages crippled, by the want of a rudimentary training. That was the complaint in every case. Young men were not sufficiently qualified beforehand; even those who were so desirous of intellectual improvement that they willingly joined these institutes and enrolled themselves in the classes, were continually turned back for want of that key of knowledge which enabled them to unlock even its outer courts. In the People's College in London—that noble institution—Professor Maurice was obliged to establish a rudimentary school, to prepare the young men for its advantages. What was that but a strong condemnation of the existing system of education? They might look abroad, if they would, at our army—those brave and gallant fellows, who had plenty of the constitutional English courage. Might not a moiety, if not more, of the misery which they suffered last winter have been averted, had their intelligence been a little more cultivated, had they been but able to do those common matters the teaching of which was now to be introduced into our schools, and which would not have left them the helpless beings they were, the victims of their own ignorance, in not knowing how to make the most of the scanty materials which were within their reach? Look again at our churches. Look at that census which told the extraordinary and humbling fact that one-third of the population of this country were never to be found within the walls of either church or chapel. If rudimentary education were but better, that number must inevitably be decreased. On this point he would appeal to the United States of America, so much condemned for its merely secular education. The statistics of the American churches showed that almost the entire population was imbued with one form of belief or another. That was the effect of knowledge, imparted on merely secular principles. Their gaols told the same tale against us as the churches. The great bulk of the prisoners were not natives who had had this training, but emigrants from Europe, and unhappily too many of them from this and the sister country. He would try the question of success on the lowest ground—that of numbers. We were told, in the language of boasting, that since 1818, we had advanced from one in seventeen to one in eleven in 1835, and that now one in eight and a fraction were at school. There was a gross fallacy in this way of stating the progress. It showed an increase in the number at school compared with the gross population; but what did it show as to the number of children who required education? He had gone through the calculation of the number of children who ought to be at school, and who were not at school, and found that it was a regularly increasing number; it mounted up by tens, and scores, and even hundreds of thousands. There were now in Great Britain more children who should be at school, and who were not at school—more by many, many scores of thousands—than there ever were before. This was an odd kind of progress; he called it retrogradation. The real test was, how many children are uninstructed that should be instructed? and their number far exceded the 900,000 of Mr. Horace Mann's calculation; it was much nearer 2,000,000, if it did not surpass that number, taking into account the proper age at which children ought to be under instruction. How different was that from the state of things in Prussia. In Mr. Joseph Kaye's admirable book on the state of education in Europe and in England, he gave this account of Prussia—

> "As I before stated, every child in Germany, Holland, and Switzerland, for the last twenty or thirty years, has been receiving a good-education. Of the men and women under the age of thirty-five, nine-tenths are well educated. They can all read, write, cypher, sing, and chaunt. They all know the Scripture history, and nearly all know the outlines of the history of their own country. Throughout all parts of these countries there are many of the poorest people who have learnt more than this, and know something of the general principles of science, or the principles of some particular science. Four years ago the Prussian Government made a general inquiry throughout the kingdom to discover how far the school education of the people had been extended, and it was then ascertained that out of all the young men in the kingdom who had attained the age of twenty-one only two in every 100 were unable to read. This fact was communicated to me by the inspector general."

What a contrast with this country! where we found that, even of our common soldiers, who had enjoyed the advantage of regimental schools, only one in five were able to read; and throughout the country, in every two marriages one person signed with a mark, instead of writing his or her name. This was a subject, he maintained, which pressed most urgently upon the attention of the Legislature. It was eminently pressing at the present moment. The state of our troops was one form of that pressure; and we should do immeasurable good to future armies that might be sent forth if they were better qualified to take care of themselves than those who were last sent out—to say nothing of the other advantages of the development of their intellect. The question pressed also on account of the public feeling in the country. Who could doubt that the time was coming when the great mass of the population must and would have a more direct influence on the choice of Members of that House? Who could doubt that the time was coming when there must and would be a large extension of the suffrage? Now, was not that an inducement, and a most powerful one, to raise the standard of that education by which they were to be prepared for the wise, and safe, and useful exercise of their privileges? He thought it would be no undesirable thing if the enlargement of the suffrage were made conditional on the attainment of a certain quantum of education, which might be raised as high as any one thought necessary for the purpose, and would still operate with the best effect, would still be a stimulus acting with peculiar force and power upon the great body of the working population. The suffrage was an object of their ambition, their constant aspiration; it was what they often endeavoured to obtain by unwise means; and, without doubt, the hope and prospect of gaining it would induce them to practise mental culture. This would be especially the case at that period of life in which our modern education entirely failed; he meant that important period when the boy left school, and the young man was not able to avail himself of the advantages of the institute. It was in that time that whatever had been learnt was forgotten. They continually found those who had been two or three, or even four or five years at school, from whose minds every trace of what they had gained there was obliterated, worn out for want of exercise and intellectual operation. But let them have some such prospect as the franchise in view, and they would apply themselves to keep up their attainments; the infallible result of application would be to extend their knowledge; and thus they would become better members of the institute and of society, and better qualified for the exercise of the political franchise. In every point of view the good that would thus be realised for the country was of the most inestimable character; and its extension had a most urgent claim upon the consideration of Parliament. When they spoke of the present plan as a system, they gave it a name to which it was not entitled. They should not talk of its permanence; for it was a thing not of a nature to be permanent. We were in a transition state as to education, a state which limited its own duration by the very conditions of its existence. How had this great movement of popular education begun? With private benevolence; in the form of Sunday schools—first by that excellent man, Raikes, of Gloucester. From the individual it extended to the religious body with which he was connected. That was the first step, the approach towards organisation; there was association, combination, union. From single or isolated congregations, or churches, it extended itself to sects, and to those large associations which had been from their prominence, taken to represent the education of this country. It was only another step in the same progress that was now sought to be made. The principle of organisation and combination which led to the action of the Church and of the association were still at work; and if progress was to exist at all in education, it would be found in that direction. These combinations must go on till it became strictly and properly a national concern, and till, in the view of all ranks of society in all their grades, we had arrived at the conclusion that universal education was a national institution.

SIR JOHN PAKINGTON said, he had never risen under feelings of deeper anxiety than he did on the present occasion, being aware, as he was, of the vast importance of the issue which had to be decided that night. He felt also that he was about to address the House under a disadvantage to which he thought no member of that House ought ever to be exposed. He did not intend to impute any blame to the Government; on the contrary, he admitted he had received from them on this subject every possible courtesy, fairness, and kindness. But he thought that there must be something wrong in their forms of proceeding when it was possible in an Assembly like that to hang up the discussion of so vital a question as this for six weeks, and to adjourn for that period any reply which could be given to the arguments used in the first part of the discussion. It was under such a disadvantage that he proceeded to make some reply to the able and remarkable speech delivered by his right hon. Friend the Member for Oxfordshire (Mr. Henley) six weeks ago. He admitted that that speech was marked by great ability, and that it had deservedly created a very great impression both in that House and in the country. He would tell the House and his right hon. Friend frankly at the outset the substance of his reply. His right hon. Friend had spoken with a published copy in his hand of the speech which he (Sir J. Pakington) had delivered on introducing his Bill, and he avowed that he was replying to that speech. His answer to the right hon. Gentleman was, that he had either omitted or had evaded all the strongest points on which he (Sir J. Pakington) had justified the introduction of his Bill. With the permission of the House he should supply the omission. His desire to do so was greatly increased by the line which the right hon. Gentleman had adopted, and which had also been followed by the noble Lord the Member for Colchester (Lord J. Manners). His right hon. Friend and the noble Lord had abstained from criticising his measure, or instituting a comparison between his proposals and those of any other Bill, but they boldly and broadly asserted that no change was required; that, as respected education, the country was doing well at present; and the House was told to beware how they disturbed a system which had been productive of such beneficial results. They were told to-night, too, that that system had not failed, was not failing, and would not fail. Uudoubtedly, if such observations were just, it would be a mere waste of time, both by himself and the noble Lord opposite (Lord J. Russell) to ask the House to consider the provisions of a Bill of this nature; but he utterly denied the accuracy of such assertions, and if Parliament consented to leave the matter where it was, it would be abandoning one of the first duties of a Legislative Assembly. His right hon. Friend must not suppose that such a question as this could be decided against him on the paltry ground as to whether he had been correct or not in quoting from Mr. Kay's book as to Austrian crime. The question must be decided by a consideration of the facts as they existed in this country, and by the truth. If it could be shown that he was wrong he would be thankful to the right hon. Gentleman if he could do so, for it was not without some reluctance that he had arrived at the conclusions to which he had come upon this subject. He had in his speech drawn a comparison between the state of crime in Austria and England, as compared with the population, and had stated that he gave it only for what it was worth. The right hon. Gentleman had applied his microscopic eye to the table, and had discovered that it should not include what were termed the summary convictions. He would admit he had fallen into an error upon that point, but the right hon. Gentleman had forgotten to mention another which told in favour of his (Sir J. Pakington's) Bill. He stated on that occasion that the summary convictions in England in the year to which he referred were, leaving out the fractions, 35,000; but, on further investigation of the Report of the Inspector of Prisons, he found that they were in realty 60,000; so that he had, in point of fact, understated his own case by nearly a third—the whole number of convictions in England in that year being nearly 90,000, instead of 60,000. He would not, however, dwell any further on this point; he attached no weight to it at the time, and had said that the statement was merely to be taken for what it was worth. Indeed, no comparison could be properly drawn, for he was sorry to say that the amount of undetected crime in England was so serious that any calculations founded upon the number of convictions must prove fallacious. He had, by the kindness of the Ministers of Denmark and Holland, two of the best educated countries in Europe, been enabled to refer to the statistics of crime in those kingdoms, as compared with the population, and he found that the convictions in Denmark were much less in number that in England; and those in Holland also less, though in a smaller degree. But the right hon. Gentleman also accused him of an error as to the proportion of the population of Austria that were educated. The right hon. Gentleman, quoting from an unofficial book in the library, said that the number of persons receiving education in Austria was below what it was in this country. Since then he had had access to official papers, and he found that in 1847 the proportion of educated persons was one in eight in the whole of the Austrian Empire, excepting Hungary, Vienna, Lombardy, Italy, and the military frontier, but including Galicia, where the education was very low. The right hon. Gentleman had made the comparison in a most inaccurate manner, for he had taken the year 1846-7 for his Austrian statistics, and had compared it with those of England for 1851. If the right hon. Gentleman had taken 1847 for this country he would have found a much worse per centage than that of Austria. Take the following statement as indicating the condition of education in Austria:—

In 1847, the population of the provinces of Upper Austria, Lower Austria, Carinthia, Carniola, the Tyrol, Bohemia, and Silesia, was ...	12,435,731
The number of children, in the above provinces, between the ages of six and twelve years, was	1,498,243
The number of children, in the above provinces, actually attending primary schools, was	1,332,367
Therefore the number of children, in the above provinces, between the ages of six and twelve, not attending school, was	165,876
In 1847, in the whole of the Austrian Empire, excepting Hungary, Venice, Lombardy, Siebenburgen, and the military frontiers:—the population was	18,043,241
The number of young persons attending schools and colleges, was	2,130,853
The total number of young and adult persons attending educational institutions, was... ...	2,140,117
or about one in eight of the population.	
In 1847, the population of the Austrian Empire, excepting Lombardy, Hungary, Venice, Siebenburgen, and the military frontiers, was	18,043,241
In 1847, the number of children in the above-mentioned part of the empire, between the ages of six and twelve, was	2,118,334
In 1847, the number of children between the ages of six and twelve, actually attending the primary schools in the above-mentioned part of the empire, was	1,434,258

In 1847 therefore, the number of children between the ages of six and twelve, not attending school, out of a population of 18,043,241, was ...	684,076

Whereas he showed that the number of children not attending schools in England was nearly 1,000,000, or about one third more than in Austria. The number in Lower Austria and in the Tyrol was one in six higher than in any part of England. He would remind the House of what it was he really said on this part of the subject. He had not drawn an elaborate parallel between Austria and England at all. What he said was that in this great matter of education, England was, with perhaps the exception of some small states, lagging behind the civilised world. He did not allude to Austria, in particular—he alluded to the large nations of Europe and America. He repeated the statement, that what he said then was correct. This statement was borne out by documents. Why did not his right hon. Friend touch on those subjects. The right hon. Gentleman thought he had made an error with respect to Austria, and that was why his right hon. Friend had only referred to Austria. The fact was too humiliating for him not to wish that it was not true or could be corrected, but he feared it could not. But, after all, the great question was, not as to the state of education at home. He had been accused of exaggeration in his former statements. He did not acknowledge the justice of the charge. He knew his statements would be unsatisfactory to many, and he was careful, therefore, to make no statements except on the best official authority he could obtain. If there was any exaggeration, it was in the official statements. In the first statement he made, he had referred to the condition of eight metropolitan parishes, four situated on the north, and four on the south of the Thames. In four parishes there were 110,449 children, of whom 35,306 were at some sort of school; he allowed and believed his allowance to be too large that 27,611 were at private schools, and there then remained 47,532 who were not at school at all. To this statement his right hon. Friend never alluded, and he did right in so doing, for this was one of those statements which made it very difficult to contend that they were going on well, or that they ought to rest contented with the present system. The next statement which he made had reference to five counties in the West of England with which his right hon. Friend did attempt to deal, and said that he (Sir J. Pakington) had, in support of his statement, unfairly quoted Mr. Ruddock's Report. His right hon. Friend, in his speech, had almost entirely limited himself to stating his own opinions, and did not attempt to support them by official authority, except in two instances, in which he referred to Mr. Ruddock and to Sir James Kay Shuttleworth. It was unfortunate for his right hon. Friend that both those gentlemen had written to him (Sir J. Pakington), protesting against the construction put upon their opinions by his right hon. Friend. He would read Mr. Ruddock's letter to him in reference to his right hon. Friend's (Mr. Henley's) remarks, which was to the effect that his (Mr. Ruddock's) statement had not been based on workhouse experience of children, but on the experience of all children in the five counties quoted.

"Education Department, Council Office,
"Downing Street, London, May 3, 1855.

"SIR,—I have read in *The Times* of to-day, Mr. Henley's reply to your speech on moving the second reading of the Education Bill introduced by yourself, Sir E. L. Bulwer, and Mr. Adderley.

"I trust you will pardon me for troubling you with a few remarks on the right hon. Gentleman's speech, in so far as any statement of mine has been commented on—assuming the report of *The Times* to be correct.

"I have not by me a copy of the report whence your quotation was taken, but I know that I expressly limited my description of the ignorance of pauper children to such as had not been in the workhouse school before. My statement was, I believe, that nineteen out of twenty of the children admitted to the workhouse for the first time were totally and heathenishly ignorant. From this fact I drew the inference, that notwithstanding the zealous efforts of the Committee of Council on Education, and of the friends of voluntary education, the grossest ignorance was still extant in a Christian country.

"Mr. Henley's remark, that 6,000 children only were visited by me, is beside the purpose of his argument. The nature of my acquaintance with the educational dearth of this country is to be measured, not by the number of children contained in the workhouse of my district at one time, but by the area whence these children have been drawn, in constant succession, for a period of eight years.

"The counties of which I have now had considerable experience are—Cornwall, Devon, Somerset, Wilts, Dorset, Hants, Berks, Oxford, and part of Bucks and Gloucester; and I speak of all in the same terms as of the five quoted by you.

"I have the honour to be, Sir,
"Your obedient servant,
"JOSHUA RUDDOCK,
"One of Her Majesty's Inspectors of Schools.
"The Right Hon. Sir J. Pakington."

He (Sir J. Pakington), in this letter, was shown not to have exaggerated, but to have understated, the facts with respect to the condition of education of children in those five counties. He would beg to remind the House of a most important consideration which was not sufficiently borne in mind by those who talked of the percentage of those who were at school, and that was the quality of the schools and of the education of this country. In proof of this he had quoted Mr. Horace Mann's Report, in which it was stated that above 700 school-masters and mistresses could not sign their own names. His right hon. Friend had tried to dispose of this by saying it was not important, as these were masters and mistresses of infant schools; but he could not say what proof there was as to this, and though he (Sir J. Pakington) was ready to admit that a portion of them were so, still he asserted there was no proof as to the number of them who were so engaged. He maintained his opinion that no person in such a state of ignorance was fit to have the charge of children, and the fact itself was a proof of the unsatisfactory state of education in this country. His right hon. Friend went on to say that—

> "The only other evidence he had adduced with regard to the quality of the education afforded was a quotation from some work which mentioned the number of men in a militia regiment who were unable to write their names, and were obliged to make their marks."

Now, this short statement contained two decided mistakes. He had adduced other evidence, for he had referred to the important tables in Mr. Horace Man's Report upon the Census, which showed what proportion of children in each of our schools was taught certain specified branches of education, and he had contrasted with those tables the education required by law to be supplied to children in Prussia, Switzerland, and France. And, instead of referring to a "militia regiment," he had quoted from the Report of the Rev. Mr. Mitchell, one of Her Majesty's inspectors of schools, a statement respecting all the militia regiment of five counties in the East of England, from which it appeared that out of a total of nearly 6,000 militiamen, almost two-thirds were unable to sign their own names. He adhered to his opinion that this fact was a proof of the unsatisfactory state of education in those counties. His right hon. Friend said that these militiamen were twenty years of age, and the statement only showed, therefore, what was the state of education six or eight years ago. But he had procured a letter from Mr. Mitchell on the subject of the progress made in education during the last six or eight years. The following is the letter:—

> "Education Department, Council Office,
> "Downing Street, London, June 7, 1855.
>
> "Sir,—In reply to your communication of the 5th, I have to state that a slight and very gradual progress seems to be making in the improvement of the schools for the working classes generally. In those in towns that are under inspection, great progress has been made, and I consider it will not be possible materially to add to the efficiency of many of them, considering all the circumstances attending them.
>
> "My colleague and myself have been able in the last year to inspect nearly all the schools (in our five counties) that are under Government inspection, and I lament to say that his opinion agrees with my own—that the instruction and education of the greater number of agricultural schools is such as to give us slight hope that the condition of that part of the population of the country will be much advanced in the next eight or ten years. In truth, the support of these schools is mostly thrown upon the clergy, and the incomes of many of these is little more than adequate to their own needs. The consequence is, that the buildings are unwholesome, the apparatus and books deficient, and the teacher illiterate and of uncouth manners, and too frequently with little moral tone.
>
> "In Essex, lately, I have had instances of schools given up for want of funds, and many clergymen have written to state their schools were in such a condition they thought it would be only waste of time to inspect them.
>
> "I have made some calculations from the census return of 1851, of which the following is the result. The number of parishes and hamlets in the five counties is 2,068.

"Those with a population under		450	1,146
"With a population of	...	450	591
„ „	...	1,000	306
„ „	...	5,000	20
„ „	...	10,000	4
„ „	above	10,000	1
			2,068

> "The number of places with schools under Government Church inspection is 424,

"In places with a population under		450	94
"In places with a population of		450	153
„ „	...	1,000	152
„ „	...	5,000	20
„ „	...	10,000	4
„ „	above	10,000	1
			424

> "But though some parishes with a population less than 450 may possess schools that would require inspection, it seems to me that the mass of these could conveniently be united to other neighbouring parishes, and thus the number of parishes that would require schools in the whole of the five counties would be only 922, and of these by far the greater part are already supplied either from

endowment, or from voluntary agency, which does not require Government help.

"You will observe that nearly one-half of the schools that (supposing my calculations exact) would be required for the population, are already under inspection by Church inspectors, for my calculations only include those inspected by myself and assistant colleague, and that, therefore, it may be safely concluded that people's minds should now be directed to improving the efficiency, rather than increasing the number of schools.

"Pray excuse a hurried statement, as I am aware you require an early reply. I am also very much fatigued.

"Will you allow me to correct a misapprehension of my meaning, when you did me the honour of referring to my Report. You stated that I thought the training schools educated the students too highly. It was not my intention to convey such an impression. I do not think a schoolmaster can be trained too highly; but I think his training should be directed entirely to fit him to be a schoolmaster of a national school, and that some of the subjects of instruction in some training schools might have been better exchanged for more practical instruction in the best methods of conveying instruction, and in school-keeping. I meant that their studies were not sufficiently professional, *i.e.*, directed to education, or scholastic.

"If there should be any other information I could give you, I should have the greatest pleasure.

"It seems to me that if the funds (derived from endowment, charities, voluntary contributions, and the Government) were all to be systematically employed in the best and most systematic manner, that very little additional income would be required. I fear much, at present, it will be hopeless to expect any such arrangement.

"I have the honour to be,
"Your obedient servant,
"M. Mitchell.

"The Right Hon. Sir John Pakington."

That was the answer, and he thought his right hon. Friend would allow it met his reply to the argument he had endeavoured to found on the state of education among the militiamen. His right hon. Friend, in reference to his quotation of a statement of the Rev. Mr. Clay, the chaplain of the Preston House of Correction, said—

> "The only other evidence adduced to show the bad results of our present system, was some well-known extracts, almost stereotyped, from the Report of the Preston House of Correction and the gaol of the county of Worcester."

What did his right hon. Friend mean by "stereotyped?" Did he mean a sneer at Mr. Clay? [Mr. Henley: No, no.] He was glad to hear it. For the last twenty or thirty years Mr. Clay had been annually making reports as to the state of the inmates of the gaol, holding out warnings as to the condition of the population in and near the town. Mr. Clay stated that, in 1849, nearly 2,000 prisoners were committed to the gaol, of whom forty-eight per cent. were unable to read, forty-one per cent. did not know the name of the Saviour, sixty-seven per cent. did not know the month of the year, sixty-one per cent. were ignorant of the name of the Queen, and sixty-two per cent. were ignorant of the meaning of the words "virtue" and "vice." If this were the case with regard to Preston, did the same state of things exist in any other part of the country? He thought it would be found to exist in a very considerable portion of the kingdom. Mr. Clay had lately sent him an extract from his Report for 1854, which presented the same general results. He had received statements to a similar effect from Liverpool, Manchester, Durham, and from a different district altogether—Sussex. What was the statement from Sussex?—

> "The chaplain of the Sussex county prison at Lewes, whom I have had the happiness of knowing for seventeen years as a most careful, able, and conscientious clergyman, writes in his last report (1854)—'Gross ignorance still characterises the great body of our prisoners, and how much more has still to be done for the education of the poor may be judged from the single fact that out of 177 lads brought before me during the year not less than eighty were quite unable to read, and a great many more were nearly as unable to understand any useful book that might be lent them.' In his table, Mr. Burnets shows that of 699 prisoners, 267 could neither read nor write (38 per cent.), 304 could do so imperfectly (43 per cent.) Of 568 prisoners, 'examined more particularly,' seventy-nine were ignorant of the Saviour's name, and 320 were noted as 'scarcely knowing more.'"

It was frequently said that the condition of what might be called the gaol class could form no guide for judging of the general state of the people of this country. But he could not admit the force of that argument. He believed that the very fact of the existence of a gaol class afforded a proof of the unsatisfactory mode in which our poorer classes were educated; and he would further observe that that class of offenders, whose cases were disposed of by summary conviction, were drawn from the working classes generally of the surrounding districts, and furnished, on the whole, a fair sample of the state of the popular education in those districts. He could not agree with his right hon. Friend, that Parliament ought not to disturb a system which produced such results, for, in his opinion, these results went far to prove that Parliament must, and ought to interfere with the system now existing. His right hon. Friend had strongly objected to the proposal made by him (Sir J. Pakington), that the money required for educational purposes should be raised by means of a rate. His right hon. Friend had complained upon that head of the injustice of levying any rate upon real property exclusively. But he (Sir J. Pakington) did not mean to impose that burden on real property only. His proposal was, that a local rate should be levied not exceeding in any case 6d. in the pound, and that for every 6d. so raised there should be a contribution of the same amount voted by Parliament for the promotion of education. His right hon. Friend surely could not call that a tax upon real property exclusively. When he recollected how that House had voted millions for carrying on that unhappy war in which we were at present engaged, he could not believe that it would object to any fair and necessary burden for meeting the charge of educating the people. Any man who should oppose the imposition of a tax for such a purpose would, in his opinion, resemble a landowner who should object to the outlay of a sum of money for the drainage of his property. He could not help thinking that it would be better to spend money in educating the people, than to spend it in gaols and workhouses, and punishing the crimes produced by ignorance. It certainly appeared to him that his right hon. Friend formed a most exaggerated estimate of the amount of money that would be required to carry out that proposal. But he would pass on to the important question, whether rates should be levied for the support of education in this country, or whether the House of Commons should trust to the voluntary system as at present in force. He found that his right hon. Friend had drawn a very erroneous inference upon the point from a passage in a letter of Sir James Kay Shuttleworth, and he (Sir J. Pakington) had received a letter from that gentleman, in which he corrected the statement of his right hon. Friend, and expressed himself decidedly in favour of an educational system supported by public rates, and administered by local authorities. The letter was as follows—

> "Mr. Henley, in his speech on the second reading of your Education Bill, quoted the following passage from my volume on 'Public Education:'—'It would be difficult to conceive that any man of Parliamentary experience could gravely propose that local municipal boards should be invested with power to establish rate-supported schools in every parish, with whatever constitution, to the inevitable destruction of the schools of the religious communions.' The passage thus quoted, without the context, leaves the impression that I am of opinion that a school-rate must destroy the schools of the religious communions; whereas the main object of the volume on 'Public Education' is to prove that the schools of the religious communions cannot be generally raised to the state of efficiency already attained by those schools which have pupil teachers without the aid of a school-rate; and to describe the mode in which such aid from a school-rate can be introduced, so as to avoid all disturbance of the existing system of public education, as created by the religious communions. I hope that the discussions on the Education Bills now before Parliament, will establish the expediency of raising the schools of the religious communions to a state of complete efficiency by the aid of a public rate, applied by local authority, not only so as to interpose no obstacle to religious charity, but rather to stimulate it to greater activity, by giving it a surer prospect of permanent success."

It appeared from the lately published volume of the Minutes of the Committee of Council on Education, that Mr. Kennedy, one of the inspectors of schools, was of the same opinion; that he believed the condition of many of our national schools was at present absolutely discreditable. Mr. Kennedy said—

> "I venture to think, however, that no plan will ever succeed in getting our schools duly and permanently provided with sufficient incomes, save one involving some organic change, such as an educational rate. I fear that no mere development of the present system in any direction can ever meet the wants I refer to. But if want of adequate funds be a general characteristic, even of those schools which have been able to avail themselves of the minutes of Council and to obtain annual grants, what is the case of those schools which have not been able to avail themselves of any of the annual grants, and which in the rural districts are still a majority of our schools for the poor? I see, officially, comparatively few of such schools, but I receive numerous communications respecting them; and they may be described in a word—simply as defective in every particular. While even the majority of our best schools are not institutions to be proud of, and such as would lead us to display them to foreigners as doing honour or credit to the country, the schools I now refer to—namely, those which cannot avail themselves of the annual grants, are almost wholly ineffective and a positive disgrace. And yet how painful it is to reflect that a majority of our national schools are inefficient and discreditable, yet such I believe to be the simple unvarnished truth."

His right hon. Friend professed to speak upon that subject in the views of the Church of England; but a considerable number of the clergymen of the Church of England had stated their belief that it would be impossible to maintain the schools in an efficient condition unless some fund were set apart for the purpose. That was the opinion expressed by Archdeacon Ormerod, of Suffolk; Dr. Hook, of Leeds, another distinguished Church authority, said—

> "To dwell on the difficulties of maintaining a school would be mere waste of time; here it would be doubly so, the auditory being mainly composed of the witnesses to the fact. But long and careful consideration of the case would seem to lead to the conclusion that the urgent necessity of making such provision can only be met by rate or assessment. From solitary efforts no great additional resources can be expected. So far as the clerical support of parochial schools is concerned, in the great majority of cases the means of particular pastors may be considered as permanently taxed to the utmost by conscientious and benevolent obligations in support of particular schools. May all good results attend on what has been already done; their promoters desire no better reward. But it can hardly be expected that in so vital a question as is that of education, the welfare of so many should be left in dependence on the means, inclination, or ability of individuals or localities. The most effective, perhaps the only, means for meeting the difficulty would appear to be in a rate or assessment."

In consequence of the speech of his right hon. Friend he had lately received a letter from Mr. Ellis, a clergyman residing in the extensive parish of Burslem on the borders of the county of Stafford, stating that the population of that parish exceeded 7000 souls, and that it contained three good school-rooms, but that these school-rooms had been closed during the last five years from a want of the funds necessary to keep them up. Mr. Ellis said—

> "Will you permit me, as a clergyman in charge of a large, populous, and poor district, to address to you a few words on the subject of your Education Bill? The population of my district exceeds 7,000, being about two-thirds of the parish. I have three good schoolrooms (*i.e.*, two houses), and for the last five years they have been all closed for want of funds, after every possible effort had been made to keep them open, and heavy responsibilities incurred by myself, which I found extreme difficulty in discharging. There are at this moment in the parish but three schools worth noticing—namely, the parish church national school, the Wesleyan, and one recently established by Lord Granville for his workmen, on the Irish National Board system, or something like it; whilst there are thousands of children growing up in total neglect of education. This case, I think, illustrates the inefficiency of voluntary efforts, and the absolute necessity of some such measure as you propose. I am very anxious to have schools for my people, and would grudge no trouble to make them efficient; but with nine children, and about 150*l.* of annual income, I dare not incur any pecuniary risk or obligation for them. Two things are requisite to secure the general education of such a locality.—1. Funds for the payment of teachers and expenses. 2. A prohibition of the employment of children until they have learned to read and write. The latter, if duly enforced, would provide the former; for there would be so many children to be educated that they would fill all our schools, and require more, and their payments at a fair and moderate charge would supply ample funds; but there would still be a large number whose parents, being poor or vicious, would be either unable or unwilling to pay for them. If the poor law guardians had the power of providing for such extreme cases, our whole requirement would be met, and the difficulty and evil of a special rate (voluntary) would be avoided, and there might be no interference with the constitution or principle or management of any school. The certificates of masters, approved by the Privy Council, or of inspectors, either paid or unpaid, would be a sufficient guarantee of the child's fitness for employment. If some such measure as this was proposed, I do believe that it would meet with the approval of all parties, except the depraved and unfeeling parents (of whom there are too many) who sacrifice their children for the sake of the wages, however small, they can earn for them. May I submit the ideas here expressed to your consideration. As respects your own measure, I most heartily welcome it as a great improvement on our present position; but I confess I apprehend difficulties which I greatly fear would be found insuperable.—1. Such localities as this are already overburdened with rates, especially where there are boards of health, and a new rate for any object will meet with formidable opposition, especially if it is to be paid by unions instead of parishes—the rural parts of such unions being sure to oppose what principally benefits the towns.—2. The distribution of such rates would probably cause a great deal of contention and ill-will, and the Dissenters would make most unscrupulous efforts to drive our children to their schools, and make equally unscrupulous complaints against our teaching.—3. The religious instruction might become very meagre, and perhaps be more than omitted, from a desire to please all parties, for the sake of getting a greater number of pupils, and therefore a greater share of the rates. The exclusion of catechisms and such like I do not object to, but rather desire; but I fear for the teaching of the Word of God being neglected, as in the case in the Irish national schools. I have apprehensions I cannot put out of my mind, but still any measure providing funds is a great desideratum; and any Act having such an effect, however otherwise objectionable, must be accepted and adopted by the clergy who are situated similarly to myself. I beg to apologise for trespassing upon you with these observations, but I have long and earnestly studied this subject; and having read Mr. Henley's speech, which greatly surprised me, I wished to show you the practical inefficiency of voluntary efforts as illustrated in my own case; whilst I also see the difficulties of carrying out any measure involving a rate dependent on the will of a union, or parish, or borough, and to be distributed by a mixed and naturally discordant local body."

By the courtesy of Lord Granville, the President of the Council, he had received a return of the Committee of Privy Council as to the nature of the applications from the clergy. He found that during the last few months of last year 135 applications had been received by the Committee of Council from clergymen, and that in thirty-two out of those 135 cases the incumbents had been obliged to pay sums varying from 4*l.* to 74*l.* a year, or an average of 26*l.* a year, for the purposes of keeping their schools open; while, in the first few months of the present year, there had been 118 of those applications, and in thirty-four out of those 118 cases the deficiencies of the school incomes had to be made up by the clergyman in addition to his own pecuniary subscription. He need not point out that the clergy could not bear this strain upon them. The right hon. Gentleman (Mr. Henley) said they might as well go on as they were, but if patrons failed and clergymen were unable to bear the expenses, how could the schools be supported? A great number of letters had been sent to the Church of England Society, a new society for education, urging the inability of the clergy to support the schools. In some cases they said they had incurred liabilities on account of the schools which they were unable to discharge, and in some that, unless aid were given, the schools must be abandoned. No one who was made acquainted with these applications could escape the conviction that some extraneous assistance was necessary; and, if so, how could it be obtained except by a rate such as this measure contemplated? The right hon. Gentleman said this plan, by making the schools free, would pauperise the country. He did not understand how that effect could be produced. During the last few weeks they had had two distinguished citizens of the United States who had filled the office of President listening to their debates, and he imagined they would be surprised to be told that the system of free schools in Philadelphia, New York, and Massachusetts had pauperised those States. Holland had free schools, but was not pauperised; and, to come nearer home, he would ask the Members for Scotland if that country had been pauperised because there existed there a system under which schools were supported by sums taken from the heritors very much in the shape of rates? It was not a little remarkable that he was contending at that moment for the adoption in England of a system similar to that which had prevailed in Scotland for a period of 200 years. But it was urged against his Bill that it did not contain any provision for obviating the great deficiency of the present system—the want of a better attendance at the schools. Since the measure had been introduced, he had received innumerable letters, in most of which he had been recommended to enforce the attendance of children; and it had been further stated that the operation of the Bill itself ought to be compulsory and not permissive. Now, he would not attempt to decide what a Government ought to attempt to do upon the latter point; but he considered that an independent Member, sitting on the opposite side of the House, would, for the present at all events, undertake too much if he were to introduce a measure of a compulsory character upon that subject. With regard, on the other hand, to the introduction of an enactment which would make the attendance of children at schools compulsory, he should say that it would be manifestly premature to attempt anything of the sort until there were more schools to go to, and until the schools were better worth attending. He believed it would be impossible for the present to pass any measure for a compulsory attendance of children; but he denied that his Bill contained no provision calculated to insure a better attendance at the schools, because it would contribute to improve their character; and whenever that improvement took place, they had every reason to hope that greater numbers would seek in them the advantages of education. He could state a few remarkable cases to justify that expectation. A gentleman had established at Fochabars, in Scotland, a free school, open to children of every religious denomination, and it was found that in the winter season one-fourth of the whole population of the district attended that school; and that in the summer season it was attended by one-fifth of the whole population of the district. In the Minutes of Council of Education there was a statement made by Mr. Kennedy, with respect to the Church school at Rochdale, which would further establish the position for which he was contending. That statement was as follows—

> "This school is certainly a remarkable and interesting instance of the way in which a population learns to appreciate a good school. So great was the eagerness among the Rochdale people to get admittance into this school for their children, that during the past year the managers found it expedient to double the size of the room, so as to enable it to hold, with tolerable convenience, more than 500 children at

once, and that number is, I believe, now in attendance. This is interesting, because it shows that, to a very great extent at least, parents do appreciate a good school; and we may fairly infer that if all schools were raised to the level of the Rochdale parish school, our schools would be very much better attended. I admit that there will always be many parents who, under the present optional system, from indifference or poverty, will not send their children to a school however good. But still we have here great encouragement to improve our schools, with a view to larger attendance."

That was his (Sir J. Pakington's) belief. He believed that the prevalent indifference on the part of the peasantry to send their children to school arose from the general badness of the schools rather than from any other motive. It would be unjust to them indeed to suppose that in this respect they were not actuated by the same sentiments as other classes of the community; and he believed that the existing indifference on the point among them arose, as he said, from the badness of the schools. Of this he had a striking proof in the case of King's Somborne school. King's Somborne was an entirely agricultural parish, consisting of 1000 people. This was the account given of it:—

> "No 'squire, or any one above a farmer, except rector; not upon any high road, or near any great town. Of children in national school, fifty-three belong to other parishes, leaving 215 of the parish, or more than one-sixth of the population, under education. It appears that there are 152 children of labourers, and seventy of farmers and tradesmen. I am unable to distinguish in the school between the children of these classes. The popularity of this school is altogether unprecedented. Everywhere else the inspector is told of the indifference of the poor to the education of their children. Here he finds them manifesting an earnest desire to obtain for them the benefits of it. Agricultural labourers send their children from other parishes from three to four miles daily to school."

He had reason to hope, therefore, that if the schools of the country at large could be improved in the same degree as this school, that no unwillingness, but the contrary, would be exhibited on the part of the labouring population to send their children to them. At the same time he did not deny that hereafter it might be necessary to pass an Act somewhat like the Factory Act, to the effect that no child should be allowed to get employment without a certificate of a certain amount of education having been received. There was another statement also respecting the King's Somborne School, which bore upon the question of rating, and the objections raised to it by his right hon. Friend:—

> "Mr. Dawes conceived the idea of working out within the walls of his school a moral reformation in his parish. He found it thoroughly demoralised by the operation of the old poor law. . . The average annual amount of rates for seven years, ending 1835, was 1,600*l.*; population, 1,025. Rates are now 1,000*l.*; population, 1,125. From a state which gave it unenviable notoriety as the opprobrium of the country round, it has emerged into a village remarkable for the orderly deportment of the inhabitants, regular attendance at church, neatness of their abodes, the cleanliness of their children, the punctuality with which they send them to school, and the sacrifices they make that they may do so."

He (Sir J. Pakington) admitted, however, that part of this reduction might be attributable to the operation of the new poor law, but he believed also that Mr. Moseley was right in the main, and that so large a reduction was not from that cause alone, and that a great amount of it arose from the operations of the schools. There was another fact also which he (Sir J. Pakinton) considered of great importance, and which was illustrated in this school—namely, the mixing of the children of the farmers and of the labourers for the purpose of receiving an elementary education. There were at this school 152 children of labourers and seventy children of farmers and tradesmen. This was a subject on which he felt deeply, and which he thought the House ought not to lose sight of in dealing with the subject. One of the greatest wants of the country, in his opinion, was the want of instruction of the middle classes. The efforts of Parliament were altogether directed to the education of the children of the poor, but nevertheless no class stood more in need of education than the children of farmers and tradesmen. They had to pay a high price for an inferior education, and when free schools were established on the rates, when there would be no sense of receiving charity, he was quite sure that tradesmen and farmers would avail themselves of them. He saw no reason why the children of farmers and tradesmen, and those of labourers, should not be educated together, for elementary education. After that it would be the affair of the farmer and the tradesman to give their children what education they might see fit. An hon. Friend of his on the other side of the House had informed him that he had succeeded in establishing a school in his own neighbourhood on that basis; and it was in itself a subject which should not be lost sight of, as it was eminently calculated to be a benefit to both parties. Such schools, however, could not be established generally, except by a rate, which would efface the idea of charity. His (Sir J. Pakington's) right hon. Friend (Mr. Henley) had done him great injustice—unintentionally he was satisfied—when he said the effect of the Bill would be to exclude altogether the clergy from interference in their schools; that its provisions wholly negatived, entirely ignored, the existence of the clergy and their action upon the education of the children. He (Sir J. Pakington) denied that statement. The right hon. Gentleman objected to the arrangements that existed in the Bill as regarded parishes, and said that as the Bill ignored parochial boundaries the ministers of religion would not know where to attend. He said, "By taking a district they sever the connection of the child with the minister of the parish; and no one particular minister of religion would have a superintendence or control in respect of the schools." He (Sir J. Pakinton) denied the justice of this statement. When he first brought in the Bill he was told that he had ignored the Holy Scriptures in the schools; that as he had made no provision for their being read, he had excluded them. When, however, the Bill arrived at a second reading, he gave an explanation which, he believed, was satisfactory to the House; and he thought he could now show that the allegation of excluding the clergy was equally unfounded as that statement. He had, in fact, no such intention. He would be, indeed, the last man in that House who would exclude the clergy from their rightful influence over youthful education, still less ignore the Scriptures. But, on the other hand, the clergy of the Established Church should not, in his opinion, assume the right to teach their religious doctrines to the children of Dissenters. Their action on the children of their own Church, he admitted, was indisputable; but he could not admit the same proposition as regarded other children. His right hon. Friend, therefore, had been led away by the same argument in this instance which had been urged against the Bill, on the wrongful ground that it excluded the Holy Scriptures. He (Sir J. Pakington) did not propose to deal with the existing schools in connection with the Church, unless they came in and claimed to take the benefit of the rate; nor did he propose to interfere in any sense with the just and legitimate influence which the clergy exercised over the Church schools of the country. With

regard, however, to the criticisms of his right hon. Friend upon the arrangements proposed in the Bill in respect to parishes, he (Sir J. Pakington) was bound to say that his right hon. Friend seemed to him to have been more anxious to criticise the measure than to make himself master of all the particulars of these arrangements. He (Sir J. Pakington) believed that any attempt to carry out a system of schools by means of parishes would be perfectly impracticable; and that in any measure whatever a system would have to be resorted to analogous to the provisions of his Bill. Archdeacon Williams, of Llandaff, pointed out, in his visitation charge, delivered in May last, how the parochial system would act in Wales. He said:—

> "Our Church schools are generally of a parochial character, and they are a part of our parochial economy. But in very many of our smaller parishes there are really no elements out of which to form an efficient school—no adequate array of children to furnish either employment or remuneration for a well-trained teacher: and thus it is that, in a record of parishes without a school, the list is swelled with the names of those which, like Lanmihangel, or Eglwys Brewis, have but thirty-seven or seventeen inhabitants in the whole, and which can never therefore, either require or support separate schools for themselves. In cases like these, combinations, such as already in many instances exist, are all that can be looked for, and are certainly the provision at which we ought to aim."

His hon. Friend opposite, who took a great interest in the matter, had told him (Sir J. Pakington) that he had been obliged on his own estate, where the parishes were small, to put five parishes together for one school; and in his (Sir J. Pakington's) own county there were similar cases. In fact, in some parishes there would not be children enough to occupy a school, and it would require six or seven parishes to fill one; while, as the House had seen, at Burslem and other populous places, six schools were required for one parish. Consequently the parish plan would not be practicable. It was, however, not intended to interfere with voluntary schools. He believed, therefore, that he had answered his right hon. Friend's objections on that point. His right hon. Friend had said that the plan would tend to the secularisation of religion—"that if it were adopted there would be great risk of its slipping down into a purely secular system." Now, he denied the justice of that opinion. Upon what authority, however, did his right hon. Friend found it? By a reference to the United States of America. That he (Sir

J. Pakington thought was not altogether fair. Any one who heard the argument of his right hon. Friend would suppose this plan to be the same as that pursued in the United States, whereas, on the contrary, it was the very opposite. In the United States system there was no distinctive teaching of religion, for there was no teaching of religion at all; while in his (Sir J. Pakington's) school-system there would be distinctive teaching in every school. He was afraid there was too much ground for the statement of his right hon. Friend as regarded America, that religious teaching and religious duty were neglected in that system to a dangerous extent; but in his (Sir J. Pakington's) system every school was required to have a distinct religious character, though no child should be forced to learn any particular religious doctrine against the will of its parents. The parallel with the American system, therefore, was not applicable. That was the only instance adduced by his right hon. Friend on that point; but he (Sir J. Pakington) could meet that with several instances on the other side. He could point to the Catholic and Protestant cantons of Switzerland, where an analogous system existed; he could point also to other foreign countries; and, above all, he could point to Scotland in proof of its efficacy. Would his right hon. Friend contend that the system of education pursued in Scotland led to secularisation, and that religious instruction was neglected in that country? On the contrary, though he believed there was no country in Europe more averse to Catholic doctrines than Scotland, yet Roman Catholic children were admitted to the schools, and no attempt was made to instruct them in other doctrines. If no such danger as his right hon. Friend apprehended had accrued in Scotland, why should it accrue in England? He (Sir J. Pakington) was fortified in his opinion by the case of the Birmingham school—that noble institution—and by that of the school at Wallingford. Therefore it appeared to him that in this respect his right hon. Friend had no ground whatever for his alarm on the subject. The only real danger of secularisation likely to arise was that which the extreme views of the Church of England on this subject might induce. If an intermediate system should be rejected by the Church party the danger was that the public, who were sensible of the inefficient state of public education in this country would, whether they liked or it not, be driven to adopt the secular system. He had been asked how they were to teach religion to the children of Roman Catholics and Jews in these schools? His answer was, that where the parents objected to the religious teaching of their children in the schools the parents would become responsible. His plan was founded upon the principle recognising the paramount right of the parent to teach religion to his child; and where the parent evinced sufficient anxiety on that subject as to make objections to his child being taught the religion of the Church of England, he considered that that would in itself be a sufficient guarantee on the part of the parent that the child would receive religious teaching according to his own principles. It had been asked, why interfere with the present state of things? The children of Dissenters at present attended the schools. He would, on this point, refer to a pamphlet which had been recently published by the Dean of Salisbury. He stated a remarkable fact founded on the report of the inspector of schools in Wales. He stated that there were many Dissenters in Wales, but that the church schools insisted upon teaching the Church doctrine to the children who attended the schools. The result was, the Dissenters would send their children to the schools and allow them to learn the Church doctrine and the Church catechism, but at the same time they themselves taught their children not to believe those doctrines. He would appeal to his right hon. Friend whether that was so good and honest a course to pursue as the one adopted by him. The system described by the Dean of Salisbury reminded him of an expression of his right hon. Friend (Mr. Disraeli) who had once spoken of an "organised hypocrisy." Against that he warned the House, and trusted they would not hold out encouragement to any such hypocrisy as that. On the other hand it was hard to oblige the poor to send their children to schools where doctrines were taught which they disapproved, or else to leave them uneducated. This was the cruel alternative proposed by the opponents of the Bill. He thought that if the House would consent to adopt a liberal system, which had been adopted in Scotland and in many parts of England, and which, wherever it had been adopted had proved advantageous, a practical solution would be found of the difficulty which had been proved to exist. There was only one point remaining on which he wished to touch, and that was the question of the appointment of local boards. To that part of the subject, he attached great importance, and he thought that having in every parish a respectable man to attend to the subject of education would tend to remove the indifference which at present existed among parents, and to secure a better attendance of children in the schools. If the House was going to establish an extended national system of education, and, consequently, to give rise to a large local expenditure, that expenditure could not be satisfactorily arranged by a central body, and, therefore, it would be necessary to have local boards, and, in his opinion, the principle of local boards as laid down by his Bill was preferable to that of vestries as laid down in the Bill of the noble Lord (Lord J. Russell). He hoped, also, that the present constitution of the Committee of Council on Education would be changed, and that it would be converted into a recognised department of the State, represented in that House by a Minister who would be able to give authoritative answers to questions that might be put to him upon the subject of education. He was afraid that he had wearied the House by entering so much into detail, but he had found it necessary to do so in order to reply to the statement of his right hon. Friend; but the practical question was, whether the state of ignorance which now existed was to be permitted to continue, and he implored the House not to be led away by the arguments of his right hon. Friend or of those persons who entertained extreme views upon the subject of religious instruction in these schools, or of those who thought that, because in the immediate neighbourhood in which they lived the present system worked well, such was the case in all other parts of the country. The question was one which involved not mere considerations of a social or religious character, but it involved a great political question, for, at a time when it was to be expected that at no distant period there would be an extension of the franchise, it was of the utmost importance to fit those persons who would be called on to exercise the suffrage to perform the duties they would be called upon to discharge. There was nothing more dangerous than democratic institutions among an ignorant people, and the United States had, from the establishment of their independence, recognised the necessity of spreading education as widely as possible. He had brought forward this Bill in no spirit of rivalry towards the noble Lord the Member for London, who had added lustre to a noble name by his exertions in the cause, but he had brought it forward because he believed that the noble Lord had been deterred from bringing in a measure upon the subject, either by the difficulties attendant upon the question or by some other cause. So far from acting in rivalry towards the noble Lord, he would be most willing to act with him as a humble fellow-labourer, or with any man who was willing to make an effort to free Christian England from the curse of a debasing ignorance. Let the Bill go to a Committee and be fairly considered; mindful of the words of the Scripture lesson for that very day, "A wise ruler will instruct his people."

Mr. EWART moved the adjournment of the debate.

Lord JOHN RUSSELL said, he would move that the debate be adjourned till Monday next.

Mr. HADFIELD said, he should move as an Amendment that the debate be adjourned for four weeks. He thought that it was hopeless to expect the Bill to pass that Session, and to debate it was useless.

Amendment proposed, "To leave out the words 'Monday next,' and insert the words 'this day month,'" instead thereof.

Mr. MILNER GIBSON said, he thought that a month's adjournment was too long, and as the Limited Liabilities Bill was to come on upon Monday, he would propose Friday week, instead of that day week.

Lord JOHN RUSSELL said, he thought Monday next more convenient. It was of great importance to determine on the principle of the Bills.

Mr. HENLEY said, that his right hon. Friend (Sir J. Pakington) had accused him of making use of figures which he was not authorised to make use of, but he could inform the House that he had used those figures on the authority of a book to which his right hon. Friend himself had referred in the course of the debate.

Question, "That the words 'Monday next' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Debate *further adjourned* till *Monday* next.

BUSINESS OF THE HOUSE.

MR. DISRAELI said, he would suggest that it would be convenient to the House if some understanding were come to with respect to the mode in which the public business was to be carried on. On every day during that week there were to be morning sittings, but the arrangement had not been made in a formal manner. He begged hon. Gentlemen would consider what would be the consequences of having morning sittings every day. He felt he would not be able to bear a morning and evening sitting every day, and no one, he thought, could bear the consequences of an arrangement of that kind. Last year it was a later period before they had recourse to morning sittings to enable them to carry on their business, and they only took place on Tuesdays and Thursdays. But on every day during this week important business was fixed for morning sittings, while business of equal interest would occupy their attention in the evenings. On the next day the Metropolitan Improvement Bill would be taken, and in the evening there would be a Motion brought forward with respect to Decimal Coinage. The Capitular Estates Bill was fixed for a morning sitting on Thursday, and in the evening there would be a discussion on the colonial measure of the noble Lord. On Friday there would be also a morning sitting for the discussion of the Tenants' Compensation Bill, and in the evening there would be the adjourned debate on the Testamentary Jurisdiction Bill. He thought that, as a general rule, the rule of last Session should not be exceeded, and that the morning sittings should take place only on Tuesdays and Thursdays.

VISCOUNT PALMERSTON said, that during the present week measures of great urgency had to be considered, but he thought that in future it would be better to adhere to the rule mentioned by the right hon. Gentleman, that Tuesdays and Thursdays should be fixed for morning sittings. Last year, and also in the present year, the House of Lords had adopted regulations with respect to the period beyond which they would not consider Bills brought from the House of Commons, which made it important that the measures should be carried through the House of Commons so as to reach the House of Lords in due time. He was disposed to adhere to the rule that Tuesdays and Thursdays should alone be selected for morning sittings, unless later in the Session, it should appear necessary to have morning sittings more frequently.

MR. WALPOLE said, he saw that the Episcopal and Capitular Estates Bill was fixed for Thursday morning. That was a most important measure, with respect to which it was absolutely necessary to learn what was the opinion of the Government, and as yet they had expressed no opinion whatever on the subject.

MR. CARDWELL said, that they were approaching the time when, in accordance with the Standing Orders of the House of Lords, the House of Commons must dispose of the Bills which it was important to pass during the present Session. It was, therefore, important that the House should come to some decision on the subject of the law of partnerships in the present year, not only on account of the magnitude of the subject itself, but because the practice of granting charters by the Board of Trade in suspension of the general law seemed to be universally condemned. Therefore, he hoped that an early day would be fixed for the consideration of the Bill relating to that subject.

MR. SEYMOUR FITZGERALD said, he was afraid that on the days when morning sittings were appointed hon. Members would reserve themselves for the business of the evening, and not attend to that which came on during the morning. Instead of fixing the Tenants' Compensation Bill for Friday morning, he hoped that he would fix it for some time when the English Members would have an opportunity of hearing the discussion.

VISCOUNT PALMERSTON said, Friday had been fixed as convenient for those interested in the Bill. If it was not so, some other arrangement would be made.

MR. HENLEY said, he must protest against the Scotch Education Bill being put down for a morning sitting, as he understood was proposed.

MR. BOUVERIE said, that in fixing the second reading of the Limited Liability Bill for Friday, he must deny that there was any intention on the part of the Government to withdraw the measure.

MR. DISRAELI said, he wished to observe that there were grave objections to taking the Scotch Education Bill at a morning sitting. He also hoped that the Irish Tenants' Compensation Bill would not be brought forward at a morning sitting, and certainly not on Friday next. It appeared that there was to be a Committee of Supply on Friday and that the hon. Member for Aylesbury (Mr. Layard) was to have an opportunity of bringing forward his Motion on that occasion; but this was not consistent with a statement made by the right hon. Gentleman the Chancellor of the Exchequer, that other measures would be brought forward on Friday evening at a late hour. He wished the House to have a clear understanding upon this point, and he thought it would be more convenient if the hon. Member for Aylesbury brought forward his Motion as a substantive Motion, and not on going into Committee of Supply.

VISCOUNT PALMERSTON said, the hon. Member for Aylesbury had stated that he would bring on his Motion on going into Supply, and it would be taken just as he moved it. He was not prepared to say that the Tenants' Compensation Bill would not come on at a morning sitting, but it would not be brought forward on Friday.

MR. V. SCULLY said, he had come over from Ireland at great inconvenience, but he now found that he could have spent his week better in Ireland than here. He had fully expected that the Tenants' Compensation Bill would come on upon Friday.

Subject dropped.

SPIRITS OF WINE BILL.

Order for Second reading read,

In reply to LORD WILLIAM GRAHAM,

MR. WILSON said, there had been no greater disadvantage than that to which large numbers of coach manufacturers in London, Birmingham, and other parts of the country had for many years been exposed by the very high duty charged on spirits of wine, which they used extensively in their trade. The subject had engaged the attention of every Government during the last twenty years; and the Board of Inland Revenue, acting on the advice of certain eminent chemists, had recommended that, by the admixture of a small quantity of naphtha in spirits of wine, the wine would be effectually spoiled for ordinary use, but not at all injured for the purpose for which manufacturers used it; and they might thus be relieved from the high duty they now paid upon it. The Board of Inland Revenue had recommended that course to be adopted, and the Government had acted upon that recommendation in bringing in the Bill.

COLONEL DUNNE said, he wished to ask what the loss to the revenue would be under this Bill?

MR. WILSON said, it would be between 70,000*l.* and 80,000*l.*, but that was only the measure of disadvantage which our manufacturers laboured under as compared with their competitors in France and other continental States.

Bill read 2^a.

ST. CROSS HOSPITAL.

MR. MURROUGH said, he would now beg to move for the Returns respecting this Establishment, of which he had given notice.

THE ATTORNEY GENERAL said, he must oppose the granting of the Returns. No Commissioners had been appointed, and therefore no Report had been made. The Attorney General had been instructed to institute an inquiry, and such inquiry had been commenced. He believed that the hon. Member was acting as the agent of Mr. Holloway, whose object was to compel Lord Guilford to refund all the moneys he had received as Master of St. Cross Hospital. If he succeeded in that, he would prove himself stronger than the Courts of Law. Should the inquiries now in progress result in showing that the funds of the hospital had been mismanaged, the hon. Member might then move for the Returns.

MR. MURROUGH said, he would admit at once that he had moved for the Returns at the request of Mr. Holloway, and he thought the House was bound to render that gentleman every assistance in its power in compelling Lord Guilford to disgorge some of the funds which he had secured as Master of St. Cross Hospital.

The House *divided*:—Ayes 7; Noes 24: Majority 17.

The House was adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, June 12, 1855.

MINUTES.] PUBLIC BILLS. — 1^a Gold Finger Rings; Duchy of Lancaster Lands (1855.)

2^a Administration of Oaths Abroad; County Palatine of Lancaster Trials.

Reported—Education of Poor Children; Brighton Incorporation.

3^a Roman Catholic Charities.

THE CAMP AT ALDERSHOT.

In answer to the Marquess of SALISBURY,

LORD PANMURE said, that there could be no doubt, and it was a matter of public notoriety, that the supply of water to the camp at Aldershot was not in the condition that could be desired. The difficulty, he could assure their Lordships, did not arise from any neglect on the part of the authorities. Upon the claim which had just been raised by the canal company with reference to certain springs in the neighbourhood, it was very doubtful legally whether the Government could avail themselves of the supply of water those springs afforded. Into that question the Government were investigating; and he had given directions that, if by law they could appropriate the springs, the water should be conducted into the camp, which could easily be done, as the distance was only three-quarters of a mile. During the interval wells had been sunk in different parts of the camp, from which a temporary supply of water was at present obtained. He had been informed by General Knollis, the commanding officer, that there was sufficient water in the wells, aided by occasional supplies from the canal in the neighbourhood, to supply all their wants. It was impossible that any of the camp's drainage could fall into the canal, and therefore no objection could be taken to the water on that head. He could assure their Lordships that so far from the health of the troops having deteriorated at Aldershot, General Knollis reported that a most material improvement had taken place in the health of all the men, and that he had never seen an instance, either in camp or barracks, in which there was so little sickness. No doubt a great inconvenience existed at Aldershot. The ventilation of the huts was in some instances less perfect than in others; but the question of huts was so much disputed that it would be almost impossible to say what was the most desirable form to give them. However, in one case, in which General Knollis had reported, where twenty-five men slept in one hut, the temperature at four o'clock in the morning had been found never to rise above sixty degrees, which certainly was not too much. The desire of the Government was to inure the soldiers to the service, but not to injure their health in any way by exposing them to the influence of open drains or noxious smells.

THE MILITARY AT THE ASSIZES.

LORD CAMPBELL rose to put a question to his noble and gallant Friend the Commander in Chief of the army. His noble and gallant Friend, according to ancient custom, had been in the habit, on the approach of the assizes, of issuing an order all over England and Wales, requiring the soldiers, both foot and cavalry, to remain in their barracks while the assizes lasted. That was an order which proceeded from a most laudable motive, but which, he believed, was not required by any law, and which he also believed was not called for by expediency. The Judges were not afraid of being intimidated by the military power, and the soldiers behaved themselves on all occasions in the most creditable manner. The consequence of this order was, that as soon as he (Lord Campbell) went into an assize town the commander of the troops came to him and asked permission for the soldiers to go out—a request with which he at once complied, adding to it an invitation for them to come, if they chose, into his court. Now, he put it to his noble and gallant Friend whether the practice of issuing such an order might not be discontinued, as not merely unnecessary, but, in some cases, injurious.

VISCOUNT HARDINGE was understood to say that he had no objection whatever to withhold the order to which his noble Friend referred, as probably it was an order for which there was very little necessity. It was a curious fact that no such order was issued in Ireland, where, on the contrary, the practice was to march soldiers into a town where the assizes were held. He saw no reason why the army should be placed under suspicions which it did not deserve, and to which no other portion of the community was subjected.

RELIGIOUS WORSHIP BILL.

Order of the Day for receiving the Report of the Amendments read.

THE EARL OF SHAFTESBURY said, the object of this Bill was to repeal so much of the Act of 52 *Geo.* III. as prohibited the assembling of more than twenty persons above the number of the members of a household for purposes of religious worship in one house. Had no opposition been threatened to this measure, his course regarding it would have been comparatively easy, as he believed it would have commended itself to the approbation of their Lordships as in accordance with their views of religious liberty, and their sense of the present religious condition of the people. But, since opposition had been threatened, and a noble Lord and right rev. Prelate had stated that they would take exception to the measure, it would be his duty to go into the length and breadth of the question, to point out the objects he had in view and the necessity that existed for adapting the law to the exigencies of the case, and to show that this law could not be allowed to remain any longer a dead letter on the statute-book. The object of the Bill was clearly set forward in the preamble, as follows:—"Whereas it is expedient that the Right of freely assembling by Law accorded to Secular and Political Objects should be extended to Religious Worship," &c. Now, surely if people were permitted to open their houses for balls, parties, and every kind of amusement, there ought to be no bar in the way of opening their houses for purposes of religious worship. If it was a legitimate thing that there should be a "meet" with a pack of hounds for purposes of amusement, surely it was equally legitimate to meet on the hillside for religious worship. In these days every facility ought to be given for the instruction of the people. We heard a great deal of the necessity that existed for a large scheme of education; and he therefore maintained that every impediment ought to be removed, and every means adopted whereby the mass of the people might be brought within the reach of instruction and the sound of the gospel. It could not be denied that there were thousands on thousands—possibly even millions—in this country who were absolutely without the pale of Christianity. To overtake so great a mass was beyond the power of the Church of England singly—it was beyond the power of the Nonconformists singly, and he almost believed it was beyond the power of the two in combination. Who could deny that such a state of things was dangerous — not to the interests of any particular sect—but to the interests of religion itself? What we had to apprehend in this country, when we contemplated the vast numbers that were not within the reach of religious ordinances, was the spread of a fierce and brutal infidelity that would overwhelm the whole mass of our population. We were about, by a law lately passed, to set loose the penny press and inundate this country with a series of publications which, if they were of a character similar to those he had already seen, would be among the most formidable and terrible that were ever issued in any country, civilised or uncivilised. He thought, therefore, that no impediment should be thrown in the way of those who wished to go forth to neutralise this poison by the antidote of religion. He would begin by calling attention to the appalling fact stated in the Report of the Registrar General, that there were not less than 5,000,000 of people in England and Wales who never attended any public service of religion whatsoever. Make what abatements we might, the great fact remained that in this country there was an enormous mass of people who were not under the influence of any religious ordinances whatever. He would call the attention of the House to the evidence given by clergymen of the Church of England—men holding cures among the dense population of the manufacturing districts—to the same effect. One of these clergymen said—

> "Not 100 of these, in a parish of 10,000, attend regularly any place of worship, and only 150 out of the whole number occasionally attend. Out of 655 children questioned, upwards of 400 admitted that they never said any prayers. I may add to this, 351 youths, between the ages of twelve and twenty, were unable to read the Bible."

The next clergyman said—

> "The population amounts to nearly 7,000 souls. Multitudes of these never appear in God's house for years togethers; their week days are spent in discussing infidel and socialist topics; and their Sundays in gambling and cock-fighting, smoking, cursing, and swearing."

Another said—

> "After the most careful inquiry, I have ascertained that there were not 150 people out of a population of more than 4,000 habitual attendants upon the religious ordinances. I quite considered it an important epoch in the history of my parish when I beheld, for the first time, a woman attending Divine service in the morning!"

Another clergyman said—

> "On the Lord's day the lanes, the common, the quarries, are frequented by numerous groups of boys and young men, passing their time chiefly in gambling. I have made efforts to meet these claims personally, but find it quite beyond my strength to sustain them."

Again, a clergyman said—

> "I am labouring alone, as far as the Church is concerned, among nearly 9,000 souls; and I know of no place more in need of additional clerical assistance. There is a good field open, but a sad lack of those to sow the seeds of eternal life. The poor, at the more distant parts of my district, are anxiously inquiring when (to use their own expression) they are to have a shepherd among them, for they have been quite lost and deserted for years."

Another said—

> "Out of the 473 dwellings I have as yet visited only sixty-one profess to go to a place of worship, and the rest openly told me they went 'nowhere.' Some of these I have since seen in church; and I earnestly pray that the Lord may arouse them from their carelessness and indifference as to the salvation of their souls."

Another clergyman stated—

> "The district is four miles by three and a half, and contains a population of about 7,000. As to

the moral and religious character of the people, it is most deplorable and wretched; they are deeply sunk in ignorance, intemperance, and brutality; I cannot say that I meet with much infidelity among them; the feeling among them is indifference, the result of ignorance, neglect, and intemperance; their notions seldom seeming to arise above that of gratifying their sensual appetites. It is not often I can see a dozen of the 'delvers' in our congregation. In fact, there are only three places they visit—home for rest, the quarries, and the publichouse."

These were only selections from hundreds—he might say thousands—of similar statements which had been furnished to him by clergymen of the Church of England. He would now refer their Lordships to the remarkable records of the agents of the London City Mission respecting the condition of such districts as Bethnal Green, Westminster, Shoreditch, the New Cut, Petticoat Lane, and Rag Fair, where fighting, drinking, gambling, and immorality prevailed, more especially on Sundays. In those districts there were thousands and hundreds of thousands of persons who never attended any religious ordinances whatever. The greatest difficulty was found in inducing large masses of the people—even those of the more decent and orderly class—to attend any place of religious worship, whether in connection with the Established Church or with dissenting communities. There were, indeed, no persons whom it was so difficult to prevail upon to attend places of worship as the great body of highly-paid artisans; and, as they could not be induced to enter those places which were specially set apart for public worship, he thought it was our duty to accommodate ourselves to the circumstances of the case, and to give all encouragement to those who went forth in the spirit of religion and charity to induce such people to attend religious worship in any places where the truth of God was proclaimed, and where prayer was offered. The clergy of the Church of England had adopted a great variety of means in order to obtain access to this portion of the population. They had established lectures in cottages, lectures in schoolrooms, Bible classes, classes conducted by Scripture readers, and services in their own houses. These means had been attended with the most beneficial results. It appeared from the Reports of the Pastoral Aid Society that, through the instrumentality of that society alone, 450 schoolroom and cottage lectures had been established during the last year, which had been the means of evangelising hundreds of thousands of persons; yet these lectures, in nine cases out of ten, had been positively illegal, for they were almost uniformly commenced by singing and praying, and were consequently "religious meetings," under the definition of the Act, and contrary to law. He did not believe any lawyer would venture to say that if a meeting was opened simply with the Lord's Prayer that would not be an act of religious worship which, under the existing law, would render such meeting illegal. He would read to their Lordships the words of the Act now in force—

> "No congregation or assembly for religious worship of Protestants, at which shall be present more than twenty persons, besides the immediate family and servants of the person in whose house or upon whose premises such meeting, congregation, or assembly shall be had, shall be permitted or allowed, unless and until the place of such meeting shall have been, or shall be, certified to the bishop of the diocess, or to the justices of the peace at the general or quarter sessions," &c.

The Act then proceeded to enact that for every such offence a fine not exceeding 20*l.* or less than 20*s.* should be inflicted. In order to give their Lordships an idea of the nature of the services to which he had referred, he would read a statement with which he had been furnished by the clergyman of one of the most benighted districts of a large town. This gentleman said—

> "I opened a room in the very worst part of ——, commonly called 'Pigeon Row,' quite as rough and wretched as any court in London. In that room—originally a large, dirty lumber room, the walls unplastered and unwhitewashed, and the slates unpointed, so that we could see daylight through them—I have service every Sunday night, from seven to eight o'clock. The women attend without bonnets, and the men come in clothes they would be ashamed to appear in at church. A sweep is my head man, and his wife one of my leading singers. There has been a good attendance all along—that is, during the nine months that the room has been in my possession. Our service is as follows:—First, a hymn, then the 'confession'—in which all join—then the absolution, the Lord's Prayer, the collect for the day, the other two collects, the prayer for all conditions of men, the thanksgiving, the concluding prayer, and the 'grace,' &c. After this follows another hymn, next a short prayer, before the sermon, lecture, or exposition—about forty minutes—then another short hymn, prayer, and blessing. All about an hour long, not more. I have reason to take comfort from the result of this service, and to thank God for his blessings upon the endeavours used there."

He (the Earl of Shaftesbury) had thus far referred to the efforts made by the clergy of the Established Church; but he would now draw their Lordships' attention to the exertions of other religious bodies, and, without dwelling upon the great efforts that had been made by the Wesleyan body throughout the length and breadth of the land, he would ask them to consider the operations of the London City Mission in this metropolis. He believed that a more valuable society had never been established; and he rejoiced in having that opportunity of bearing his testimony, founded upon personal experience, to the incalculable extent to which the labours of its agents had promoted the cause of order, decency, and religion in this great city. The society employed at the present moment about 400 agents, who were engaged in diving into the recesses of vice and misery in this metropolis, fearless of toil, of danger, and of disease. He believed that if these city missionaries had not existed, and if their labours had not been unceasing and unsuccessful, the condition of the metropolis would have been too fearful for contemplation. It was clear that the Established Church was unable to provide for the religious instruction of the inhabitants of London; but he was satisfied that the combined efforts of the clergy of the Church of England and of the London City Mission had contributed to the maintenance of order in the metropolis in the eventful year 1848. In that year, when all the Crowns of Europe were in peril, and when anarchy and confusion reigned throughout the Continent, order, decency, and patriotism distinguished the inhabitants of this metropolis; and he believed he was justified in ascribing this result to the united efforts of the clergy of the Church of England and the agents of the London City Mission. During the past year the agents of the City Mission had held no less than 25,318 meetings, of which 1,304 were in the open air. These agents, he might observe, were peculiarly adapted to their position. They came from among the people; they knew the people; they sympathised with the people, and the people sympathised with them; and, as the desire was, in the present day, to have "the right men in the right place," he thought they could not do better than by placing city missionaries in all those neglected districts of this great metropolis where ignorance, vice, and immorality held paramount sway. He believed that 22,000 of these meetings were positively illegal and a direct infringement of the law. If, therefore, the law were enforced, a stop must necessarily be put to the great work of evangelising the city of London, now going on. A stop would also be put to the open-air meetings which were now held, not only by the London City Mission, but by clergymen of the Church of England as well. The practice was at present growing up among the clergy of holding open-air meetings, and a meeting held in Greenwich Park, the other day, was attended by no less than 1,200 persons. By enforcing the law a stop would be put to these meetings, and by so doing the best system ever devised for reaching the masses of the most poor, most destitute, and most ignorant of the population would be extinguished. Thousands upon thousands of persons who never attended any place of worship would attend a meeting in the open air, where they would earnestly join in prayer and listen with pleasure to the exhortations of the minister. Further than this, the enforcement of the law would put a stop to an institution commonly called "the Ragged School," for the Ragged Schools were as much places of worship as they were places of instruction. Every Ragged School opened with a religious service, and concluded in a similar manner. In the great school in Field Lane there were distinct services every Sunday, and three or four times in the course of the week in addition. He had himself seen in that room more than 600 persons from six years of age up to sixty, attending to religious service in the evening, and then going through a course of instruction. But all this must be extinguished if the law were put in force, because the present services in the Ragged Schools were in absolute defiance of the law, and were as complete a system of public worship as could be held in any church or dissenting congregation. Now, would the evil end here? In many parts of London, meetings called technically "mothers' meetings" were held, in connection with the City Mission Society and with some of the clergy of the Church. These meetings were rather singular; the object being to enable many unfortunate women, who had hitherto led most abandoned lives and had totally neglected their children, to attend in the evening in some room where they might be taught to work—to knit and sew—and during that time to be read to by persons appointed for that purpose. Every one of these meetings began with prayer, and was an act of worship. The attendance varied from forty to sixty and 100 at a time; but he could show their Lordships that within a short time no less than from 500 to 600 of these mothers had been reclaimed by the exertions of the City Missionaries, and had become peaceable and orderly, attending to their domestic duties and to the worship of God. The moment, however, that the law was put into operation, "mothers' meetings" must cease, because they were a direct violation of the law. Another form of meeting to which he wished to call attention was of very great importance, and he was anxious to show how harshly and cruelly the law would operate. Recently four great meetings had been held in the Freemason's Hall in reference to the state of the country, and especially in reference to the war in the Crimea; they were attended by a great number of persons deeply anxious about the welfare of relatives and friends in the Crimea, and consisted of clergymen of the Church of England, of Nonconformists, and of many of the laity of various denominations. Nothing could have been more devout, more solemn, more appropriate to the time, and more in harmony with the feelings of the people than these meetings; but, however devoutly and decently they might have been conducted, they were altogether illegal. He would read to the House a statement made to him by a clergyman who had presided at one of the meetings, in order to show their Lordships that the services conducted at them were as complete an act of public and religious worship as was ever maintained in any church or chapel. The gentleman in question wrote as follows—

> "The object of our assembling was to offer up united prayer to Almighty God in reference to the state of the country, with special reference to the war. It consisted of Churchmen and Dissenters. The service was conducted in this way:—After a hymn I began by reading a portion of Scripture and made a few observations. Then I called on a friend to offer up prayer. After this a letter was read from Dr. Blackwood in the East, a hymn was sung, another prayer followed, afterwards a hymn, and I concluded with offering prayer. I do not know whether the proceedings were illegal, but the whole tone was truly devotional, and there appeared to me to be a blessing from God on our meeting."

Yet these meetings were a direct infringement of the Act, and the persons attending them, who met to supplicate Almighty God to extend His sheltering arm over their relatives who were fighting the battles of their country in the East, were liable to heavy panalties. The whole existing state of the law was full of the most absurd contradictions. For instance, a meeting convened for the purpose of hearing a lecture against the evidences of Christianity and for the subversion of the truth of the Bible was perfectly legal; while a meeting convened for the purpose of hearing a lecture in favour of the evidences of Christianity and maintaining the truth of the Bible, if it were opened by singing a hymn and by prayer, was absolutely illegal. Indeed, he believed that that great ceremonial which occurred a short time ago, when Her Majesty went to open the Crystal Palace, was a monstrous violation of the law, a prayer having been offered up at it by the Archbishop of Canterbury. Certainly it was an act of public worship, and the law said there should be no religious worship except in places that had been certified to be places of religious worship. Ought such a state of things to be allowed to exist? Every private house came within the operation of the Act. No person could invite into his house more than twenty persons above his household to join in religious worship without rendering himself liable to a heavy penalty. No doubt many of their Lordships violated the law almost every Sabbath. He believed his noble Friend the Secretary for War violated it last Sunday; and he had no doubt that it was constantly violated by the Secretary of State for the Home Department. Many Peers in that House had informed him that they did violate the law, and, moreover, that they would persist in violating it. Perhaps he might be told that the law was obsolete. It might be obsolete in one sense, but it had great power of revival, and might be enforced at any moment. Indeed, at present, it was constantly used for purposes of intimidation, and he could quote instances in which it had been actually put in force. In 1820 an information was laid against Lord Barham, the present Lord Gainsborough, by Lord Romney, at West Malling, near Maidstone, under the Act, religious meetings having been held in Lord Barham's house while he was unwell instead of in the village schoolroom. Lord Barham was fined 40*l.*—20*l.* for each meeting. The late Mr. Wilberforce, when he resided at Kensington-gore, constantly violated the law, and was often threatened with information, and suffered much disquiet in consequence, yet he determined to persist in the course he had taken. There was another case to which he would refer, and though he was not at liberty to mention names, their Lordships would see that it bore strongly upon the point which he wished to press upon them. He would give the case in the words of his informant :—

> "A gentleman, a county magistrate in a northern county, early in 1854, came to reside on his estate, and found the parish in a most neglected condition. At the gates of his park was a large coal mine and a dense population around it. Finding that nobody would do anything for them, he went one evening in every week, and, in the largest cottage, read a chapter of the Bible and some religious tracts. The meetings were numerously attended; but, after a few months, he was obliged to drop it, and it ceased. And why? It was hinted to him that persons were about to lay an information against him for a breach of the Conventicle Act. He, being an active county magistrate, felt that it was not right in him to set an example of breaking the law, so he gave up his reading."

Thus all the good effects which might have resulted to this large district from the efforts of such a man were entirely prevented by the operation of this law. Here was a forcible instance of the folly and the mischiefs of this Act. The gentleman in question might have had a cockfight, jumping in sacks, or any sort of amusement, and nobody would have objected to it; but the moment this gentleman, commiserating the religious destitution of the people, went to their cottages, read to them a chapter in the Bible, and joined with them in religious worship, the law said, "Mind what you are doing, for if you are caught at this again you will be fined 20*l.*" Their Lordships should bear in mind that the Act had been actively carried into effect up to a recent period. The case to which he would now refer occurred in March, 1850 :—

> "At the petty sessions held at the Court House Malmesbury, on the 7th of March, 1850, before Viscount Andover, Mr. Richard H. Pollen, Mr. T. Luce, Mr. P. A. Lovell, the Rev. G. A. Biedermann, and the Rev. C. A. Moore, Moses Green, of Charlton, in the county of Wilts, labourer, was charged, under the Act of the 52nd of *Geo.* III., c. 155, s. 2, by the Rev. George Henry Hely Hutchinson, vicar of Charlton, with having on the 3rd of March inst., knowingly permitted and suffered a meeting and unlawful assembly of upwards of twenty persons, besides his family and servants, to be held in his cottage, in the parish of Charlton, for the exercise of religious worship of Protestants, such cottage not being certified and registered as a place of religious worship."

Here was the evidence of the curate of the parish, who bore high testimony to the order and piety of the meeting :—

> "Robert Strong, being sworn, said,—'I am a clerk in priest's orders, and am curate to the Rev. G. H. H. Hutchinson. I know the cottage of the defendant at Charlton. I was in it on Sunday last, and there were forty persons present. I counted them. They were singing when I first arrived there. I cannot remember what they were singing; then followed a sermon from the text stated by the last two witnesses. The meeting was not in worship of any heathen deity whatever. It was not a doctrinal sermon. It was a Christian and Protestant sermon. He (the preacher) said nothing inconsistent with the doctrines of the Church of England; such a sermon might consistently be preached in any church. After the sermon another man prayed, and they sang again. The preacher did not read the chapter through, but read several portions of it while preaching. I have attended two of these meetings. The first was not quite orderly, and the preacher called those to order who were making a noise. I have had to do the same in my own church. The mode of conducting the meetings I attended was the same on both occasions. I attended to see what was going on. I did not see Moses Green at the first meeting I went to.'"

The Earl of Shaftesbury

Was there anything indecent here—anything subversive of public morality? Yet mark the result :—

> "The defendant was then fined 20*s.* and expenses, when Mr. Lloyd, a gentleman quite unknown to the society, immediately laid 30*s.* on the table, and exclaimed against the persecuting nature of the Act under which the conviction had taken place."

Could there be a stronger proof than this of the impediments thrown in the way of religious instruction, and of the checks which would be placed upon the evangelisation of the people if this law were enforced? They were sometimes told that any person might obtain a licence; but to do so required time; it was very difficult to obtain one; and when you had obtained it, it would be of very little use, as it was only for a single specified house. Now, considering the vast number of meetings which were held in the metropolis by the clergy and by the city missions, and by the home missionaries in every district of the country, their Lordships would see that in order to make it of the least service, a licence must be allowed for almost every house in certain localities; and even then, so impossible was it to fix upon a place of meeting beforehand, they might discover that the proper place had been omitted. Besides this, many persons were very willing to lend their houses for one or two occasions, who would be very unwilling indeed that their houses should be licensed for religious worship. It was absolutely necessary, if the system now in existence were to continue, that there should be full freedom to worship in any house. But it was said, "Let all your meetings for religious worship be held in a church." Now, what could be more inconvenient than such an arrangement as that? None of the Welsh bishops would think of using such an argument, for the parishes there were of very large extent, and the church was often at one end and the people at the other. He did not know how they were to meet the exigencies of the rural population where they were widely scattered, except by allowing clergymen to go from their church and deliver cottage lectures in distant parts of their parishes. Again, in the church there were the inevitable restrictions as to the liturgy, while it was evident that these services must be conducted in a far more homely way, and with far less of form and circumstance than was required by the use of the liturgy, and which, though necessary in a church, could be dispensed with in a cottage. It was only, too, in private houses that there could be a union between churchmen and dissenters; and if registered houses were to be devoted solely to church services, all the advantages which might be expected to result from efforts in which dissenters were joined with churchmen would be lost. The reasons which once existed for these Acts had altogether passed away. Nobody would wish now to revive the Conventicle Act and the Act of George III., which were wholly unsuited to the temper of the present times. The fact was that there was a far greater tendency in the present day than ever there was at any antecedent period towards religious meetings, and therefore to enforce this law would be to run counter to the whole spirit of the times in which we lived, and seriously to impede the religious instruction of the people. Mr. Horace Mann, in his Census Report, stated—

> "It appears that as many as 5,288,294 persons able to attend are every Sunday absent from religious services, for all of whom there is accommodation for at least one service. That neglect like this, in spite of opportunities for worship, indicates the insufficiency of any mere addition to the number of religious buildings; that the greatest difficulty is to fill the churches when provided; and that this can only be accomplished by a great addition to the number of efficient, earnest, religious teachers, clerical or lay, by whose persuasions the reluctant population might be won."

Nothing could be more forcible than this testimony of Mr. Mann, that the real want was in the number of earnest and religious teachers, and the law which he now proposed to repeal was the very law, which led to there being a scarcity in that class of teachers. He was astonished that any one should, under these circumstances, endeavour to prevent the repeal of this law, instead of rejoicing that an opportunity had arrived by its repeal of employing the piety and zeal of those thousands of persons who would be more than willing to employ themselves in the pious work of evangelising those enormous masses of society who, without such efforts, would never be brought within the pale of Christianity. He maintained that, unless some public end could be shown to be advanced by the present law, or unless it could be shown that its repeal would be subversive of public morality, it was not just or right to place a veto upon a man receiving any number of persons into his house for purposes of religious worship. To do so was to limit religious liberty in this country, and was opposed to the spirit of the age in which we lived. He could not, of course, anticipate what would be the vote at which their Lordships might that night arrive, but he confidently anticipated that two years would not elapse before the present state of things was put an end to, and every man left at liberty to do what he pleased, provided he did nothing subversive of public morality or opposed to public decency. He appealed to the right rev. Prelates opposite, and would ask them if they thought it consistent with their position or their Christian dignity to deprive some of the most useful of their own clergy or of the Nonconformists of the power of doing their best to evangelise their flocks without breaking the law, or to consent to the present system of wholesale connivance? He appealed also to the Government, and he would ask them if, when it was well known that this law was pertinaciously, constantly, and wilfully violated, it was advisable to retain it in its present condition, or whether the more wise and the more just plan would not be to repeal it altogether; or else, if they would not consent to such a course, to enforce its provisions strictly?

Moved, That the Report be now received.

THE BISHOP OF LONDON said, he did not intend to adopt either of the alternatives proposed by the noble Earl. He did not think it necessary to proceed against such of his clergymen as had perhaps acted in violation of the law, nor could he support the Bill of the noble Earl without some modifications. He had great doubts, moreover, whether some of the cases adduced by the noble Earl were quite so illegal as he appeared to consider them—whether, for instance, clergymen who had held religious meetings in their own parishes, under the sanction of their bishop, could be said to have violated the law. Most certainly it was their duty to adopt every means to evangelise the people; but the danger he apprehended from the Bill of the noble Earl was, that it would encourage laymen, who might have a personal dislike to their clergymen, to open their own houses as places of public worship in order to withdraw the people from the parish churches. He was prepared to relieve the clergy of the Church from the necessity of violating the law, if they did violate it; while with respect to Dissenters, if they were exposed to inconvenience, he thought they had at the present moment a Bill in the other House which would afford them complete protection. Should their Lordships see fit to adopt the Bill of the noble Earl, he at least hoped that an Amendment would be introduced to the effect, that nothing contained in the Act should authorise any clergyman to conduct any religious service without the permission of his bishop. Without such a clause as that it was impossible for his right rev. Brethren to consent to the measure before the House.

The Earl of SHAFTESBURY said, that if the right rev. Prelate would prepare a clause to the effect stated, he would be glad to give it his best consideration.

The Bishop of OXFORD said, he would not attempt to answer the speech of the noble Earl. The noble Earl had spoken as if the Bill was to have simply this effect—to prevent the enforcement of obnoxious restrictions against persons who were employed in evangelising the people. It was unpleasant for any one to rise upon such an occasion as this, and thereby to subject himself to the imputations which the noble Earl had thrown out against the opponents of his measure; but in these cases — his and that of his right rev. Brethren—they had so much at stake in respect to religion, that he was bound to rise and to incur the possible imputation, rather than suffer their Lordships to pass a measure which the noble Earl, actuated no doubt by the best possible motives, had introduced with a view to encourage the spread of religion throughout the land; but which in his (the Bishop of Oxford's) opinion would, in fact, tend materially to interfere with the action of the Established Church, to which, after all, their Lordships must look as the main evangeliser of the country. That was not his private opinion alone. The Bill had been considered the day before at a meeting of the Bishops of the province, held at the house of the Archbishop; and at that meeting it was unanimously agreed that they could not support the Bill. The noble Earl, when he brought the Bill forward, unintentionally on his part, materially misstated some of the facts of the case. One unintentional misrepresentation was, when the noble Earl inveighed against the law which tended to prevent meetings on the hill side of the people for the purpose of affording them an opportunity of receiving their first lesson in the Gospel, so that they might be prepared to be gathered to the fold of Christianity. In every word of that he agreed with the noble Earl—he agreed that it was advisable that the clergy should go out into the waste parts of their parishes, and endeavour to draw the attention of the people to the word of God, which they would never succeed in attracting, if they waited until those persons attended their churches; his own clergy went out in that way, and he rejoiced with the noble Earl in the good effects of thus spreading the truths of religion; but this Bill did not touch those matters in the slightest degree. The purport of the law was, to prevent secret and surreptitious meetings; it required that houses should be registered, and no difficulty was thrown in the way of registration; but it did not affect the question of open-air meetings. The noble Earl's interpretation of the law was overstrained, when he argued that every meeting for religious purposes held without a licence was illegal. In that case the prayers in their Lordships' House would be illegal; and it would even be illegal when any of their Lordships gave a great dinner to say grace. The noble Earl had alluded to the cases at Exeter Hall, but those did not constitute assemblages of people for religious worship; the Act simply aimed at places established for religious worship with congregations especially gathered for that purpose. He (the Bishop of Oxford) therefore asked the House to set aside the whole class of these cases, as a class the law did not touch, and on which no penalty was levied. Another large class of cases alluded to by the noble Earl ought also to be set aside—namely, that in which he supposes injury to the consciences of the clergy in officiating in places not duly licensed. The clause in the Act reserved to the parochial clergy all the powers which were confided to bishops, to teach and preach among their parishioners in all places. He (the Bishop of Oxford) believed that in the 16,000 parishes in England no clergyman of the Established Church had ever been proceeded against in his own parish on that ground, or had ever been threatened. The noble Earl had stated that the present system of licensing places of worship did not meet the case; but he (the Bishop of Oxford) contended that it did; but if the noble Earl produced a plan which, while it improved and amended the present system, would not be subject to greater evil, he would willingly support it. The licensing system required on the part of Dissenters only a simple notification of their intention to open a place for religious worship, and upon the payment of a half-crown for registration the licence was issued without further question. The Dissenters felt the system to be no grievance; and that they did not was proved by their bringing in a Bill to alter the mode of registration. As regarded places of worship in connection with the Church of England, the clergyman who wished to obtain a licence had only to apply for the permission of the Bishop, and that permission was his licence —a permission which there was no difficulty in obtaining when the attempt to hold public worship was consistent with the wishes of the clergyman of the parish and of the Bishop. The question, then, to be considered by the House was in reality whether it ought to be in the power of any person calling himself a clergyman of the Church of England to establish, not in concurrence with the Bishop of the diocese or the clergyman of the parish, a place, not for private, but for public worship, which might or might not be in full communion with the Church of England. It was the distinction between public and private worship to which he (the Bishop of Oxford) called the attention of their Lordships; and in doing so he desired to point to the fact of the inevitable necessity of a Church established by law having some such regulations as at present existed for its protection. The Church, in consequence of its connection with the State, gave up a great portion of those natural liberties which, as a religious body, it possessed, and which, if independent of that connection, it might advantageously exercise—amongst others, the right of the clergy and laity to consult together and lay down rules for its government; and the regulation of the licence was the only regulation to prevent the evil that he had alluded to. As the Bill stood, any of the parishioners of one parish might call in the clergyman of another parish, and the spectacle of opposition sermons might be witnessed every Sunday in barns, cottages, and other places. If the most perfect liberty could be combined with a well-regulated system of licence that would certainly be the best state of things; but it was only by compromise that good was attained. This the Church of England had done by yielding up certain liberties, in order to keep out uncontrolled licence. He regretted that the noble Earl had raised the question at issue; he regretted it all the more, as he believed the law, however imperfect it might be deemed by the noble Earl, was working well, even in the direction which the noble Earl desired as well as in the direction for which it was intended. He believed that there had been no practical limitation of evangelising by its means, as the noble Earl had insisted. Indeed, the noble Earl destroyed his own case in that respect, when he stated that the London City Missions had held 20,000 meetings. If the law, as it stood, was repealed, an impression would be created that there existed a desire on the part of the Legislature to invade the whole parochial system. The noble Earl had spoken of the temper of the present times, and certainly that was a consideration to which no one could shut his eyes; but that very temper ought to make the Legislature all the more cautious how it altered the existing law on this subject. For instance, it had been proposed to found in certain parishes what was to be called "the Free Church of England"—that was, a Church in opposition to the parish church, where the people were to be gathered together and told that they as much belonged to the Church of England as if they belonged to the national church. Well, under the existing Acts there was a necessity for those Free Churches to be licensed, and that constituted just the sort of intimation to the people that those churches did not belong to the true Church of England, which would induce the people to hesitate and deliberate before they joined them. If the Bill were passed the means of making such distinction would be broken down, and a most serious injury would be inflicted on the religious peace and unity of the Church in this country. The noble Earl spoke of the time and trouble it cost Dissenters to obtain a licence. There was, however, nothing in the Bill referring to Dissenters; the word Protestants was the word used. In point of fact, however, there was no difficulty whatever in the way of Dissenters obtaining licences. The licence was very often in his own case sent back by return of post, and within three hours or less after the application the place licensed might be opened for religious worship, and the whole expense amounted to half-a-crown for the registration. The great time and trouble alluded to by the noble Earl were, therefore, no valid argument for legislation on such a delicate and difficult subject, affecting, as it did, the existing arrangements of the 16,000 parishes of England. He (the Bishop of Oxford) felt bound to advert to the haste with which the Bill of the noble Earl had been hurried through the other House. Within ten days after its introduction it had been brought into their Lordships' House, and by the singular good management of its promoters it had passed through all its stages in the other House without a single discussion being raised upon it. How it came to pass he did not, of course, know; but he had been told by some of the Members who voted for it that they knew nothing at all about it; and a high legal authority, whom he had spoken to on the point, said that he had been informed by one of the promoters of the Bill that it was a measure merely to enable prayers to be read in families when they were more than twenty in number. The Bill was an ill-considered one. He (the Bishop of Oxford) wished to see any evil which existed remedied; but he was not prepared to pass a Bill which altered the whole system of parochial arrangements of England on a statement which had been so scantily supported. On his own part, and on that of his right rev. Brethren, he (the Bishop of Oxford) could say that they felt the spiritual destitution of the people of this country as much, at least, as the noble Earl, if not more, and that they desired, by every lawful means, according to the law of Christ's Church committed in this land to their Government, to supply that spiritual destitution, and to gather into the fold of Christ, in truth and sincerity, all those unhappy wanderers who, by reason of their unbelief, were now excluded from it. But all that the noble Earl had stated with respect to the greatness of that spiritual want went for nothing in favour of this particular Bill, because, as he (the Bishop of Oxford) had shown, it would interfere with the parochial institutions of the Church of England, upon which, after all, the country must most depend for evangelising the people. He therefore asked their Lordships to declare that it was an ill-considered, ineffective measure, by agreeing to his Motion that the Amendments should be recommitted that day six months.

Amendment *moved* to leave out "now" and insert "this day six months."

THE EARL OF HARROWBY was understood to speak in favour of the Bill; but his Lordship was inaudible.

THE EARL OF CARNARVON said, he thought that if this Bill became law it would be productive of consequences which it required no spirit of prophecy to foresee. At present dissent was known and acknowledged in a way that was recognised by every one. Those who dissented from the Established Church were clearly and distinctly marked out, and had full liberty to assemble in their certified places of worship; but by this Bill all the lines of demarcation that now existed between the Established Church and dissent would be swept away; all the visible and external distinctions that now separated them would be removed, and temptations would be opened to the people to attach themselves to no particular religion or creed. This Bill, moreover, would facilitate the secession from the Church of many of its members, who would hesitate avowedly to leave the Church, but who would not hesitate to take up the ambiguous position which this Bill would enable them to occupy, neither wholly connected with, nor yet entirely separated from the establishment, yet altogether liberated from its discipline; would enable any person who took an objection to a particular clergyman or doctrine, and who might wish to act upon the basis of the Prayer Book, to set up a congregation of his own; and in this way the whole of our parochial system in time might be destroyed. When the line of demarcation between the Established Church and Dissent was obliterated there would remain only a tangled wilderness of shadowy and vague Christianity, professed by those who belonged, in fact, to no church or sect. He hoped their Lordships would not exert their influence to augment the discord which now prevailed in the Church. He believed that the Established Church was founded on the most comprehensive principles at the time of the Reformation, though differences soon grew up in her bosom; and he deprecated any measure by which those differences would be embittered. By this Bill the various sections within the Church would find themselves put in possession of weapons far stronger than any they had ever before possessed. Whatever room there had hitherto been for a division of opinion, there had always been a neutral ground on which men of all parties within the pale of the Church had met, and that was the Prayer Book; but the essence and intention of this Bill was the mutilation of the Prayer Book. Modifications and alterations, perhaps slight in themselves, would at first be made, but by degrees new prayers would be introduced and old ones expunged—changes of the most vital importance would be made, and the result would be that we should see many not merely with their own places of worship, but with their separate forms. The Prayer Book, which was the pledge of the continuity of the Church and its bond of unity, would retain its name; but for that reason it would be all the more dangerous, and their Lordships would, perhaps, find themselves at last driven to the alteration of the Prayer Book itself. He would therefore oppose the Bill, because he was satisfied that, while it would infringe on the rights and privileges of the Church, it would give no additional liberty to Dissent.

THE DUKE OF ARGYLL said, he had entered the House in the belief that the main objections to the Bill would be objections having reference to the discipline of the Church of England rather than to the great principle of religious liberty. He should most decidedly object to any measure that would relax the discipline of the Church of England, because, instead of the power of the Bishops being too great in matters of discipline, he was of opinion that it was by far too weak. But he had listened to the arguments of his right rev. Friend, who, with his usual ability, and with more than his usual dexterity, had addressod the House against this measure, and he must say he had not heard from him one argument of the slightest value. There was not one of their Lordships who would not admit that it was an evil to have on the statute book a law which they could not and dared not enforce; and that was the case with the law in this instance, and on that ground alone, there was good cause for alteration. But his objections were materially strengthened when that law was one which invaded that religious liberty which of natural right belonged to every man and to every family in the kingdom; and it was upon this ground principally that he maintained it was desirable to repeal the present law. It had been said that the noble Earl who introduced this measure had exaggerated the evils that existed. It was quite possible that he might have somewhat overstrained the interpretation of the particular clause in the Act to which he referred; but that did not affect the great point in debate. The question was, whether it was right to impose these restrictions upon meetings for religious purposes? The first clause of the statute now in force recited another Act which related to Nonconformists and conventicles, so that apparently the intention of the statute had no reference to the Church of England, but only to Dissenters. The statute, however, in subsequent clauses applied to "all meetings for the religious worship of Protestants,"—very large words, which certainly might be interpreted to include members of the Church of England. The right rev. Prelate (the Bishop of London) had expressed his opinion that the clergy of his diocese, when they called together more than twenty persons for religious worship in an unlicensed house, with his permission, did not violate the law. It was quite clear, however, if the statute referred to the Church of England, that all members of that Church worshipping under an unlicensed roof did violate the law. If, on the other hand, this Bill did not refer to the Church of England, but only to Dissenters, the argument of the right rev. Prelate fell to the ground, for they had rested their opposition to the the measure, not upon the increased liberty which it would give to Dissenters, but upon the increased licence which would be afforded to members of the Church of England. It appeared from the speeches of the right rev. Prelates that the evil they dreaded from this measure was that a layman in any parish might, from feelings of hostility to his clergyman, or from disapproving his doctrine, call together persons for religious worship in his own house, and so establish what a right rev. Prelate had called "an order of his own." There was, however, nothing in the present state of the law to prevent a man from adopting such a course, for he might go, not to the bishop of the diocese, but the justices of the peace, and obtain a licence for his own house, or for any other house, where he might collect persons and read to them any religious service he pleased. It appeared to him that the only practical effect of the existing law was to prevent clergymen and laymen of the Church of England, as well as Dissenters, from calling together persons for religious worship in unlicensed houses. He had heard no argument which convinced him that the existing law either ought to be or could be enforced, and he hoped, therefore, that their Lordships would give their assent to the Bill of his noble Friend.

THE BISHOP OF LONDON observed that, he had not stated that clergymen who collected persons for religious service in unlicensed houses acted legally; but that there was great doubt whether they acted illegally.

THE EARL OF CHICHESTER said, this Bill involved a question of very considerable importance, and in its present shape he could not vote in its favour. He was not prepared to say that the Act of William III., with respect to the registration of places of worship, ought to be repealed, without the adoption of some other regulation on the subject. He agreed, however, in the statement of his noble Friend (The Earl of Shaftesbury) that, though considerable improvement might be necessary with respect to the discipline of the Church of England, it was also requisite that a much greater degree of liberty should be given for the exercise of those Christian duties which it was the object of his noble Friend's Bill to enable clergymen and laymen to perform. On that account he regretted the course the right rev. Prelates had taken in opposing this measure, without making any attempt to modify it in a manner which might have rendered it beneficial to the Church. If such modifications had been effected, he believed the Bill might have been safely adopted, and he was satisfied it would have been accepted with deep gratitude by many members of the Established Church.

THE BISHOP OF OXFORD, in explanation, said, that if a judicious and well weighed measure had been prepared, and the intention to propose it had been communicated privately to his right rev. Brethren and himself, he was satisfied they would readily have given their most earnest attention to the subject; but he must complain that this Bill had been introduced without any such notice, and that he and his right rev. Brethren were attacked because they did not at once suggest such modifications as in their opinion would render the measure unobjectionable. The Bill professed only to affect the Church of England. [The Duke of ARGYLL, No, no!] Well, the noble Earl who introduced the Bill told me so himself. [The Earl of SHAFTESBURY: No.] He asked the noble Earl whether the Bill was intended for Dissenters, or for members of the Church of England, and the noble Earl said at once, with the frankness which distinguished him—"For the Church of England, and we will have our liberty."

THE EARL OF SHAFTESBURY said, the right rev. Prelate spoke to him some time ago on the subject, and asked whether the Bill was intended to affect the Church of England? He (The Earl of Shaftesbury) said that undoubtedly it was intended for the Church of England. The right rev. Prelate was then walking away, when he (the Earl of Shaftesbury) called him back and said—"Recollect it is for Dissenters too, and especially for the London City Mission." The right rev. Prelate had very much misrepresented what he (the Earl of Shaftesbury) had stated. He had never made any allusion to Exeter-hall, but what he said was, that four great meetings had been held at Freemasons'-hall for religious worship, especially in reference to the state of the war in the Crimea, and that they were constituted in a great measure of those who had relations at the field of battle, who attended to supplicate the goodness of Almighty God in protecting their relatives from the sword or bullet of the enemy.

THE LORD CHANCELLOR said, that after reading the Bill with care, and listening to the objections urged by his two right rev. Friends against it, he must confess that they had wholly failed to satisfy him that there was anything in the Bill that was dangerous to the Established Church or the religious institutions of the country; and he could not but think that if their Lordships looked calmly and dispassionately at its provisions they would see that they were as remote from anything which would tend to create the evils described by the right rev. Prelates as could well be imagined. There were two enactments in it—the first relating to a provision contained in the celebrated Toleration Act. The effect of the Toleration Act was to relieve their Majesties' Protestant subjects dissenting from the Church of England from the penalties of certain statutes which had been passed in the reign of Charles II., and in preceding reigns; but in its last section it was stated that the Act should not authorise any person to attend assemblies for religious worship, unless the places in which they met should have been previously registered. Now, the first section of the Bill before their Lordships enacted that this provision in the Toleration Act should be repealed, and that the other provisions of the Act should be extended to persons who met for worship either in registered places or in private houses. The next Act which the Bill was intended to repeal was the Act of 1812; and what was the nature of that Act? Although the Toleration Act had repealed many of the offensive statutes of Charles II., it did not repeal them all; and in 1812 an Act was passed repealing *in toto* the Five Mile Act, as it was termed, which prevented any Dissenter from residing within five miles of a corporate town; and another Act, termed the Conventicle Act, but by way of rider to that Act, its second section provided nevertheless that no persons should assemble in private houses for religious worship in a larger number than twenty persons besides the family. That provision, he believed, was intended to apply only to Dissenters; but he assumed that, in point of fact, and contrary to what was intended, it did apply to the parochial clergy also. If this provision were repealed the law would be left in precisely the same state as it existed from 1689 to 1812. Nothing could be further from his wish than to impair the beneficial influence exercised by the clergy of the Church of England under the parochial system; and it was only because he was convinced that the Bill contained nothing calculated to impair it that he was ready to give it his support. He was satisfied that the Bill would not have a tendency to injure the Established Church, and should therefore give it his support.

THE BISHOP OF ST. ASAPH said, that as the law now stood, no members of the Church of England could open new places of worship without the consent of the parochial clergyman. He feared that the effect of the change would be to enable members of the Church to act as Dissenters in this respect.

LORD LYTTELTON thought the state of things could not be satisfactory which left it in doubt whether the clergyman could hold cottage meetings, which had been found of great use in the parochial ministrations. This was a point which ought to be cleared up.

THE EARL OF RODEN could not help expressing his sincere regret that the opposition to this Bill should have originated with the bench of Bishops. He regretted it the more, inasmuch as a right rev. Prelate had stated, that the opinion he expressed was that of the whole episcopal bench; but if their Lordships came to a division, he trusted it would be seen that the whole of the right rev. Bench did not entertain that opinion. In considering the measure they must inquire what was best calculated to produce the great end which, as Christians, they all had in view. To his mind the question was, whether the continuance of fines upon certain individuals for allowing persons to assemble in their houses to a number above twenty for the purposes of religious worship was likely to forward the knowledge of the truth among the people. He conceived that the law, as at present existing, was a blot upon the Statute-book that ought to be immediately removed, and he trusted that the decision of the House that night, in spite of what had fallen from the right rev. Prelate (the Bishop of Oxford), who had, in his mind, given no answer whatever to the arguments of his noble Friend (the Earl of Shaftesbury), would be in favour of adopting the Bill. He could not help expressing his sincere regret, also, at the effect which would be produced in the country by what had fallen from the right rev. Bench, and by the line of conduct which they had determined upon taking on this occasion. He believed that a strong feeling would arise amongst a majority of the people, members of the Church of England, at finding that in the attempt to repeal such a law as this, which was directly opposed to the propagation of religious truth, the foremost supporters of that law were the members of the right rev. Bench. As an individual sincerely attached to the Church of England, he (the Earl of Roden) regretted extremely that this should be the case; for one of the great benefits of holding such meetings in private houses was, that by their means Dissenters and members of the Church of England were associated together, and that the good feeling which ought to exist amongst all classes of people in this country was thereby greatly promoted. He hoped his noble Friend would persevere in taking their Lordships' opinions as to the measure; and, for one, he felt extremely obliged to him for the course he had pursued on the question.

On Question, that "now" stand part of the Motion, their Lordships *divided*:—Content 31; Not Content 30: Majority 1.

List of the Not Content.

DUKE.
Cleveland

MARQUESSES.
Salisbury
Bath
Exeter

EARLS.
Derby
Hardwicke
Delawarr
Carnarvon
Malmesbury
Romney
Powis
Nelson
Harewood
Beauchamp
Bantry

BISHOPS.
London
Gloucester
Ripon
Chichester
Oxford
St. Asaph
Lincoln
Kilmore

LORDS.
Berners
Lyttelton
Redesdale
Churchill
Feversham
Abinger
De L'Isle

Resolved in the *Affirmative:* Amendments reported accordingly: Further Amendments made: Bill to be *recommitted* to a Committee of the whole House on *Friday* next.

EDUCATION OF POOR CHILDREN BILL.

On the Motion for going into Committee on this Bill,

Lord REDESDALE said, that he intended to propose an Amendment, the effect of which would be to enable the boards of guardians to extend the benefit of education not merely to the pauper children, but to those poor persons who were on the verge of pauperism. But of course, as he could not move such an Amendment himself when in the chair, he must only leave it to the noble Earl and to the House to deal with it.

The Earl of BURLINGTON said, he should not object to such an Amendment himself; but as it would alter the character of the Bill, and might endanger its passing elsewhere, he thought it better not to adopt it.

House in Committee: Bill *reported* without further Amendment; and to be read 3^a on *Friday* next.

ROMAN CATHOLIC CHARITIES BILL.

Order of the Day for the Third Reading read.

The LORD CHANCELLOR moved, That the Bill be now read 3^a.

Lord ABINGER said, that he thought the Bill was one of too extensive an operation and involved a question of too much importance to be passed in the hasty manner proposed. The measure could only be properly understood by those who had studied the statutes connected with the subject. The measure was well calculated to excite the apprehensions of Protestants that it would legalise certain Roman Catholic charities, which by former statutes were declared illegal. He thought that a system of registration in respect to those charities should be adopted, in order that the nature of them should be publicly known before the title became absolute. He moved that the Bill be referred to a Select Committee.

Amendment *moved*, to leave out from "Bill" to the end of the Motion, and insert "be referred to a Select Committee."

The LORD CHANCELLOR said, that the object of the Bill was simply to remove the doubts at present existing as to the legality of Roman Catholic charities created prior to the passing of the Roman Catholic Relief Act, and to place those charities upon the same footing as those of Protestant Dissenters.

Lord CAMPBELL said, there was naturally much anxiety abroad, lest the measure should be perverted to the relaxation of the provisions of the Relief Act, for the purpose of setting up convents, or similar religious houses, within the United Kingdom. Now, when we saw so strong a desire manifested to put down convents and monasteries, even in Italy itself, it was not to be wondered at that the people of this country should feel alarmed at the announcement of any measure which they believed would encourage the establishment of such institutions within this kingdom.

Motion (by leave of the House) *withdrawn;* then the original Motion was *agreed to;* Bill read 3^a accordingly, and *passed*, and sent to the Commons.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 12, 1855.

Minute.] Public Bill.—2° Validity of Proceedings (House of Commons).

METROPOLIS LOCAL MANAGEMENT BILL.

Order for Committee read,

House in Committee.

Clause 69 to 75 *agreed to,* with verbal amendments.

In Clause 76 an Amendment was introduced on the Motion of Sir Benjamin Hall, requiring the owners of property or the builders, in laying out new streets, to bear the expense of paving them in the first instance, instead of leaving the charge to be borne by the parish. When the streets were once paved, the keeping in repair would be transferred to the hands of the local authorities, and the expense defrayed from the rates in the ordinary way.

Mr. LLOYD DAVIES suggested that it would be unjust when an owner expended a large sum in paving a new street, and when, consequently, no charge for repairs would be incurred probably for eight or ten years, to make him liable by charging the whole of the houses in the street with the repair of the paving in the other parts of the parish.

Sir WILLIAM CLAY made a remark to the same effect.

Mr. CHARLES BUTLER said, that in some parishes arrangements existed whereby exemptions were allowed from the paving rates in such cases as had been referred to.

Sir BENJAMIN HALL said, he would introduce words to define the meaning of the word "paving" in this clause which would meet the objection.

Clause as amended *agreed to.*

Clauses 77 and 78 *agreed to.*

On Clause 79, which gives power to vestries to regulate the taking up pavements for laying down water pipes or gas pipes.

Mr. HENLEY expressed an opinion that the gas companies were subjected by the clause to restrictions which he did not consider just.

Sir BENJAMIN HALL said, that the gas companies obtained Parliamentary powers to light whole parishes, but they were in the habit of picking out certain portions of a parish the lighting of which would pay them well, and of refusing to light other portions of the parish which would not yield them any profit. For instance, take the thoroughfare of Piccadilly, they would lay down pipes to light that street and the shops that were in Piccadilly, but they would not light the streets running out of Piccadilly. This clause would enable the local authorities to say to the gas companies, "You shall not pick out any particular part of the district to light; but you shall be required to extend your pipes to all the streets in the district."

Mr. W. WILLIAMS said, a case had occurred in the parish of Marylebone similar to the one supposed by the right hon. Baronet. There was a gas company, and parties wishing to compete with it established another gas company, but that company wished to select particular streets for lighting. The vestry opposed them and said, "If you will carry your pipes through the adjacent streets, we will allow you to break up the pavement, otherwise not." The company refused, and the consequence was that they were deprived of the power of supplying gas to the streets they had selected.

Clause *agreed to.* Clause 80 *struck out.*

Clauses from 81 to 86 were *agreed to.*

Clauses 87 and 88 *struck out.*

Clauses 89 to 96 *agreed to.*

On Clause 97, which imposes a penalty on persons interfering with the scavengers in the execution of their duty,

Mr. CHARLES BUTLER thought that penalties ought also to be imposed on the scavengers themselves for neglecting their duty, as was very often the case.

Mr. HENLEY said, that the scavengers were only the servants of the vestry, who were bound to see that they did their duty, and the defect in the law was that the public had no remedy against the vestries. There was no remedy against vestries or local boards for neglect of duty in removing nuisances—a duty which they undertook voluntarily to perform.

Sir BENJAMIN HALL said, that he was always in favour of giving local authorities great powers, and thought that where persons voluntarily undertook duties they should be compelled to perform them. In the Nuisances Removal Bill he had introduced a very stringent clause, which had been unanimously carried in the Select Committee, which compelled local authorities, under a penalty of 5*l.*, to perform their duties; and, in addition to this clause, he would most willingly, if it was thought necessary, introduce a clause imposing a further penalty on the local authorities if they did not perform their duties.

Clause *agreed to,* as were also Clauses to 102 inclusive.

Clause 103 *struck out.*

Clauses 104 to 111 *agreed to.*

On clause 112, which relates to the powers of the Metropolitan Board of Works,

Mr. B. BARING objected to the clause, because the powers given under it were too large, as they empowered the commissioners to make and widen streets, to throw down any number of houses, and to purchase property to any amount, and, if they deemed further powers necessary, they might appeal to Parliament for them at the expense of the ratepayers.

Sir HENRY WILLOUGHBY said, he thought that a Board that exercised such great powers, ought to be under the control of some executive officer of high authority.

Mr. HENLEY concurred in that opinion. Under the operation of the clause as it stood the Commissioners might without check lay out money to any amount, and might, therefore, mortgage the local rates to any extent. He did not think it advisable when the Central Board wished to expend some 300*l.* or 400*l.*, that they should be compelled to go before the Board of Works; but would rather suggest that when the cost of the works did not exceed 5,000*l.*, or even a larger sum, the Metropolitan Board should be allowed to proceed on their own responsibility.

Sir BENJAMIN HALL intimated that in order to obviate that objection he was ready to introduce words into the clause, by which it should be provided that before the Metropolitan Commissioners should proceed with the construction of any work, the expense of which was estimated at over 20,000*l.*, they should submit the plan of the intended work, as well as its probable cost, to the consideration of Her Majesty's Commissioners of Works and Public Buildings, whose approval of it should be obtained before it could be proceeded with. His object in suggesting this was, that the opinions of the best engineering talent might be obtained by the Chief Commissioner, before improvements of great importance were undertaken. In those cases in which the cost of the contemplated works was estimated at over 50,000*l.* he should propose that the sanction of Parliament should be obtained for their construction. If, however, the cost were under the sum of 20,000*l.* the Metropolitan Commissioners might proceed with them upon their own responsibility.

Mr. CHARLES BUTLER objected to placing the control in the hands of the Board of Works.

Viscount EBRINGTON proposed that the sanction of the Metropolitan Board of Works should only be required where the amount to be expended exceeded 50,000*l.*

Mr. W. WILLIAMS moved as an Amendment that the Central Board should be allowed on their own responsibility to undertake works the cost of which did not exceed 50,000*l.*; that when they exceeded that amount they should be obliged to receive the sanction of the Commissioners of Works; and that when the sum exceeded 100,000*l.* the sanction of Parliament should also be required.

Clause as amended *agreed to.*

Clauses 113 to 123 *agreed to.*

On Clause 124, relating to the collection of the rates under this Bill,

Sir HENRY WILLOUGHBY said, that by this clause all the rates that were charged on the occupant of a house were thrown into one mass, and made payable altogether. This would operate most oppressively on many tenants. A man might be able to pay 20*l.* if divided into four or five sums; whereas if demanded in one single payment he might be wholly unable to pay it; and the consequences might be very serious to him. He objected to mixing up the poor rates with the rates to be paid under this Bill.

Mr. W. WILLIAMS said, that there was a further objection to this clause. By the law a man must pay his poor rates before a certain date, in order to be placed on the register. Now, if those rates were to be mixed up with other rates the elector in many instances might be unable to pay the whole sum, and thus he would be disfranchised.

Mr. CHARLES BUTLER was of opinion that the poor rates should not be levied with the other rates.

Sir BENJAMIN HALL did not think that the clause would interfere with the elective franchise. The parochial authorities had the power of levying the rates at any time in the year they pleased, and they might levy them, therefore, after that period of the year at which it was required that all rates due should be paid to entitle the voter to have his name placed upon the register. With regard to the collection of the rates in one sum, though in some cases it might occasion inconvenience, he saw no means of avoiding it, unless they incurred an additional expense in collecting the rates separately.

Mr. HENLEY considered that the collection of all these local rates with the poor rates in one lumped sum would inflict great hardship upon the poorer class of ratepayers.

After some discussion,

Sir BENJAMIN HALL consented to introduce an amendment providing that, while adhering to the principle of consolidating the rates, in levying the amount the collection might be divided.

Clause *agreed to.*

The House resumed; Committee report progress.

ROYAL ENGINEER OFFICERS—QUESTION.

CAPTAIN **LEICESTER VERNON**, adverting to the intention of placing the Ordnance Military Corps under the Commander in Chief, to the pressing necessity for keeping up the effective strength of the corps of Royal Engineers, and to the present half-pay list of that corps, wished to ask the Under Secretary for War, whether it was the intention of the Government to make any arrangements whereby officers of the corps of Royal Engineers on half-pay, who were able and willing to serve, but who, from its being a seniority corps, were debarred from returning to its effective strength, might equally, with other half-pay and unattached officers, be employed on the staff of the army, or be appointed to such civil positions under Government as were now held by officers of Royal Engineers on full pay, who would then be enabled to return to the duty-roster of the corps, whereby the State would have the services of every available officer of Royal Engineers, whether on full pay or on half-pay?

MR. **FREDERICK PEEL** said, it did not appear that it would be necessary to make any arrangement to carry out the object to which the hon. and gallant Gentleman referred. There was nothing in the shape of a regulation in existence to prevent officers of Engineers on half-pay from being employed in the manner which the hon. Gentleman proposed. The number of such officers was very limited, and no intimation of a wish for active service had been made.

ADMINISTRATIVE REFORM—QUESTION.

SIR **BULWER LYTTON**: Sir, I wish to ask the noble Lord at the head of Her Majesty's Government a question with respect to the business of this House for Friday next. On that day I believe the hon. Member for Aylesbury (Mr. Layard) intends to bring forward his Motion on the subject of administrative reform on the Order of the day for going into Committee of Supply. According to the rules of the House, no Amendment to a Motion thus made can be entertained. Yet, Sir, there are hon. Gentlemen on both sides of this House who are favourable to administrative reform, but who cannot accept the precise wording of the hon. Member's Motion; and it is obviously unfair towards the House, and towards hon. Gentlemen in connection with their constituents, that they should be compelled either to appear in hostility to a principle which they in reality advocate, or else to accept with that principle propositions contained in the hon. Member's Motion which they may believe to be inaccurate and unsound. I would therefore respectfully submit to the noble Lord, that if the hon. Gentleman has no objection, he should permit the question to come on as a substantive Motion; in which case, I should place before the House an Amendment, which, I believe, would embody the views that many other hon. Gentlemen entertain, and which might possibly also meet with the general acquiesence of the House.

VISCOUNT **PALMERSTON**: I have already stated that the Motion of the hon. Member for Aylesbury would have precedence on Friday on going into a Committee of Supply, and that, if other hon. Gentlemen who had notices of Motion did not consent to waive them, I should move that the Orders of the Day be postponed until after the Motion of the hon. Member for Aylesbury should have been disposed of. I can assure the hon. Baronet and the House, that the Government have no wish except that the question should receive the fullest discussion in the manner most calculated to enable every man to express his opinion as he may think fit; and if the House should prefer, and the hon. Gentleman the Member for Aylesbury should himself prefer, instead of his Motion being brought on as an Amendment to the Motion that the Speaker leave the Chair in order that the House may go into Committee of Supply, to make it a substantive Motion, I shall have no objection to make an arrangement to enable him to bring it forward in that shape.

MR. **LAYARD**: I am quite willing to leave myself in the hands of the House,—either to bring my Motion forward as a substantive Motion, or on going into Committee of Supply, provided that I can bring it forward on Friday or on some early day.

MR. **DISRAELI**: It seems to be the general feeling of the House that the Motion should be a substantive one, and I conclude therefore, that it is understood that it will be brought forward as such on

Friday night, and that the Orders of the Day will be postponed until after it is disposed of.

Mr. V. SCULLY: I stated on a former evening that I considered the Motion of the hon. Member for Aylesbury to be objectionable in its terms, as it merely expresses a censure of past mismanagement; and I have, therefore, given notice that I shall move an Amendment to that Motion, which, without blaming any persons for former occurrences, will set forth the necessity of a substantial administrative reform for the future.

Viscount PALMERSTON: All I can state is, that if the hon. Gentleman the Member for Aylesbury, who can shape his Motion as he likes, will give notice this evening of a substantive Motion for Friday, I will engage to move on that day that the Orders of the Day be postponed until after that Motion shall have been disposed of. I take it for granted that in that case notice of any Amendments to be proposed to the Motion will be placed upon the paper in sufficient time to allow of their being considered by hon. Members beforehand.

Mr. LAYARD: I will at once give notice that I will bring the subject before the House in the shape of a substantive Motion on Friday.

DECIMAL COINAGE.

Mr. W. BROWN said, I cannot understand why the war in which we are so unhappily engaged should prevent our making social progress. I, consequently, deemed it right to bring before the House a subject which I consider of much national importance, the decimalising of our coins, weights, and measures; and hope I may have the ear of the House in the discussion of an abstract question, on which you cannot expect to excite much enthusiasm. I am, however, in this fortunate position, that I hear of no dissentients from the principle—the only question is how best to accomplish the end. Probably I will be better understood if I speak of new farthings, which are 1-25 or 4 per cent less value than the present farthing. I will, therefore, proceed to bring before the House evidence which I think cannot be resisted, in favour of adopting the Report of the Decimal Coinage Committee, confining myself to the coinage; as I consider that weights and measures must follow, as a matter of course. The decimal question was introduced into the House by Sir John Wrottesley, in 1824: the father of the present Lord Wrottesley. This was followed by the support of Mr. Babbage, in his work on the *Economy of Manufactures:* a gentleman whose high reputation is too well known for anything I could say to add to it. Much light has been thrown upon the subject by Lieutenant General Sir Charles Pasley, who, in 1834, published a work, showing, after much research and inquiry, the incongruity and discrepancy that exist throughout the United Kingdom in our coins, weights, and measures. By the destruction of the old House of Commons, our standards of weights and measures were lost, and a Commission was appointed by Mr. Spring Rice, now Lord Monteagle, for their restoration. That Commission consisted of G. B. Airy, Astronomer Royal; Francis Baily, Esq., V.P.R.S., and R.A.S.; J. E. D. Bethune, Esq.; Davies Gilbert, Esq.; Sir John F. W. Herschel, Bart.; J. G. S. Lefevre, Esq.; J. W. Lubbock, Esq., V.P.R.S.; Very Rev. George Peacock, D.D., F.R.S., Dean of Ely, and Lowndian Professor of Astronomy; Rev. R. Sheepshanks, F.R.S., F.R.A.S.; men of the greatest eminence in the kingdom; profound thinkers, who do not arrive at conclusions without great reflection and consideration. Their instructions were merely to restore our standards of weights and measures. Passing over this part of their inquiry, let us hear what they say about our currency—

"Having inspected the state of the standards recovered from the ruins of the Houses of Parliament; having collected the evidence of many persons from various classes, upon different points relating to the general question of standards; having examined the most important publications upon it; having made themselves acquainted with the state of the law in several foreign countries; and having attentively considered the subject in all its bearings; have the honour to submit the following Report:—'V. The first point which has called for our special notice is the general question of decimal scale. In introducing this subject, we beg leave to invite the attention of the Government to the advantage and the facility of establishing in this country a decimal system of coinage. In our opinion, no single change which it is in the power of a Government to effect in our monetary system, would be felt by all classes as equally beneficial with this, when the temporary inconvenience attending the change had passed away. The facility consists in the ease of interposing between the sovereign (or pound) and the shilling, a new coin equivalent to two shillings (to be called by a distinctive name); of considering the farthing (which now passes as the 1-960th of the pound) as the 1-1000th part of that unit; of establishing a coin of value equal to 1-100th part of the pound; and of circulating besides these principal members of a decimal coinage, other coins of values bearing a simple relation to them, including coins of the same value as the present shilling and sixpence. We do not feel ourselves at liberty further to enter into this subject; but we have felt it imperative on us to advert to it, because no circumstance whatever would contribute so much to the introduction of decimal scale in weights and measures, in those respects in which it is really useful, as the establishment of a Decimal Coinage."

Upon this report the *Edinburgh Review* remarks—

> "That little doubt can be entertained of the expediency of employing all the powers of the Government for the purpose of hastening the completion of the changes."

The subject was then taken up by Professor De Morgan, one of the first mathematicians in the kingdom, a teacher of youth who stands pre-eminently high for the soundness of his opinions on every subject which he handles. Various papers from him will be found in the British Almanack from 1841 to 1853. No man is more capable of judging of the advantages that would arise in teaching arithmetic by the adoption of the decimal system. What does he say? "That it would relieve the master and scholar from much drudgery, and save one-fourth in point of time, with one-twentieth of the complexity in teaching it." Sir John Bowring, in 1847, brought this subject before the House of Commons, in which he was ably supported by our lamented friend the late Mr. Hume. Some correspondence had taken place between the Master of the Mint and the then Chancellor of the Exchequer the right hon. Sir C. Wood, Bart., which induced Mr. Shiel to read an extract of a letter from him—

> "I have no objection to the system of a decimal currency; but you must not, as your proposal does, take the penny as the basis, and make your coins multiples of a penny. The unit of British currency, the basis upon which everything else depends, and by reference to which the value of every other coin is determined, is the pound sterling. We should get into inextricable confusion if we departed from this."

Then the issue of the florin was authorised as the 10th of the pound; this was the first practical step to a decimal coinage. A Parliamentary Committee was appointed in 1853 to examine into this question and report. They called before them twenty-seven witnesses, many of them recommended by Government as parties most likely to give us good information on the subject. The result of this inquiry the House is quite aware was a unanimous vote in favour of adopting the sovereign as the unit, divided into 1,000 mils or farthings, in place of 960; the florin as the tenth of a sovereign, a cent as the tenth of a florin, and a mil or new farthing, as the tenth of a cent. They recommended that 1, 2, 5, and 10 mil pieces should be coined. These four denominations of coin, the pound, florin, cent, and mil, are all that are necessary to give us a complete decimal system. They do not necessarily displace any of our gold or silver coins, our half-sovereign would represent 500 farthings, the crown 250, the half-crown 125, the shilling 50, and the sixpence 25; and the committee further reported that any other coins that suited public convenience might be adopted. Now, the House will see that from the simplicity of counting by tens, there is nothing to learn or nothing to unlearn, every man who has ten fingers has the decimal book constantly before him. The evidence of Messrs. Kirkman and Lindsay, who take in their respective pursuits about 1,000 farthings each per week, said that it would very soon be understood by the poor, and be satisfactory to them, when they found they could obtain 25 farthings for their sixpence, and 50 for their shilling. Mr. Gregory, an engineer of eminence, stated that two days at the pay counter would make the change perfectly understood. Some parties have attempted to mystify the tenly system, by stating that strings of decimal fractions would be necessary in calculations. The very object of decimals is to get clear of decimal fractions in the ordinary calculations of life. No alteration is necessary in our account-books, they may be kept in three columns as they are now. No derangement would take place in our Exchanges with the rest of the world, who pay in the coin of their respective countries their own coin for sterling bills. A second commission was appointed in 1853, for the construction of the weights and measures as determined on by the first Commission, and they wound up their Report with the following letter to the right hon. the Member for the University of Oxford (Mr. Gladstone), then Chancellor of the Exchequer; it is signed by some of the former Commissioners, and others, men of equal distinction and celebrity:—

> "Royal Observatory, Greenwich,
> 26th March, 1853.
>
> "Sir,—By a letter which the chairman of this committee had the honour of addressing to you, under date of March 18th, you will have per-

ceived that the committee are at this time preparing a Report on the subject of standards, and that, in connection with this subject, they have felt it to be their duty to represent that they are strongly impressed with the advantages of a decimal system of coinage. The members of the committee have since learnt that Her Majesty's Government have in contemplation an immediate coinage of copper, to a considerable amount. The committee have the honour to lay before you their urgent request that, before specific steps are taken in reference to the proposed coinage, the decimal system may be carefully considered. They trust that the result of such consideration would be, that the Government would decide on issuing coins related to the millesimal subdivision of the pound, and in respect to the one-thousandth part of a pound (by whatever name it may be called). They request permission to suggest that coins of the values of 1-1000, 2-1000, and 4-1000 of a pound (differing little from the farthing, halfpenny, and penny) might be extensively used by the public without present inconvenience, while the inscription of their values, as estimated in the decimal scale, would afford the means of shortly introducing that scale throughout the entire system. The committee have, &c.,

"G. B. Airy (chairman), Rosse,
Wrottesley, G. Peacock,
J. W. Lubbock, J. G. S. Lefevre,
R. Sheepshanks, W. H. Miller."

I was favoured with the perusal of the summary of letters from various bankers in the kingdom, in answer to queries addressed to them by Sir John Herschel, asking their opinions as to the convenience of using the half-crown or the florin. The great majority of opinions were in favour of the florin, as a step towards a decimal coinage. Much has been said about the difficulty that would arise from making those changes. None occurred in Ireland when the Irish shilling, 13*d*., was changed into the English shilling, 12*d*. Although the poor man might think himself cheated out of a penny, he soon found the English shilling had as much purchasing power as the Irish 13*d*. We had very clear evidence on this point from the Duke of Leinster. Nor did any difficulty arise in 1809, when the linen merchants in the north of Ireland induced the weavers to accept bank-notes in place of gold and silver for their linens. I was present when that changed mode of payment took place. When weavers found they could obtain gold and silver for their notes they were soon perfectly satisfied. I was in the United States when they were changing their pounds, shillings, and pence into a decimal currency. They almost imperceptibly passed from one to the other without the least disturbance. Holland, in 1811, changed all her currency. It is altogether a mistake to suppose that the change proposed would with the humbler classes create any serious difficulty. The petitions which have been presented are:—Corporations, 31; inhabitants of towns, 26; Chambers of Commerce, 16; Scientific and Literary Institutions, 11; Mechanics' Institutions, 15; schoolmasters, 3; actuaries, 1; merchants, clerks, and operatives, 22; Sandhurst College, 1; merchants, &c., 5; Benefit Societies, 1; Insurance Companies, 1; total petitions, 133; signatures, 15,379; but 56 which were signed officially represented some very large bodies. There are two or three that require especial notice. That from the city of London is signed by 59 bankers, stock-brokers, and money-dealers; 38 merchants, foreign and general; 28 merchants, tea, sugar, spice, coffee, grocery, tobacco, &c.; 22 merchants, wine and spirit; 39 warehousemen, silk, linen, cotton, woollen, lace, ribbons, hosiery, straw plait, &c.; 13 shipowners, brokers, wharfingers, &c.; 5 miscellaneous; 45 assurance offices; 944 signatures. It commences with the Governor and Deputy Governor of the Bank of England, and other banks; the Chairman and Deputy Chairman of the Stock Exchange, and many leading houses of great importance (none of their clerks were asked to sign), who, if trouble was apprehended in the change, would not petition for it. Forty-five Insurance offices are amongst the number, all of whom have actuaries attached to them who can appreciate the advantages of a decimal system, and who could not be influenced by the views of others. The Bank of England buys and sells gold decimally. They formerly counted their notes by dozens, but they now adopt the tenly system. And the hon. Member for Westbury brought in a Bill this Session to legalise the troy ounce. The goldsmiths make their assays decimally, and the Mint wish to adopt a decimal system as soon as authorised. The Committee of Council have instructed their inspectors of schools to see that decimals are taught. One of those gentlemen called my attention to the Industrial school at Kirkdale, Liverpool, where there are 1,400 children. I examined a class, and found them perfect masters of the subject. Mr. Hagger, their teacher, informed me if he had the coins to place before the children they would understand them in half-an-hour. What we want are the decimal coins, marked with the value in mils or farthings, to make the change understood at once. It is estimated that about 400,000,000 people use decimals. The following countries have adopted them:—Holland, Belgium, Lombardy, United States, France, Portugal, Madeira, Bermuda, China, Japan, Russia, Zolverein (in weights and measures), Poland, Sardinian States, Rome, Switzerland, Two Sicilies, Modena, Naples, Greece, Tuscany, Brazil, New Granada, Chili, Mexico, and Columbia. Sweden and Canada have or are about doing so. Every step that we take in abridging labour enables us to meet all nations who are our competitors in the markets of the world, and does not necessarily throw hands out of employment. The labour-saving machines increase the demand for hands, as is well known by the operatives in Lancashire. Fifty years ago they destroyed machinery. In the late strikes they only pulled the plugs out of the boilers, that nothing might be injured when they again went to work. Permit me to read an extract from Dr. Bowring's work, in which he alludes to the Chinese:—

> "Wonderful are the ease and accuracy with which all calculations are made and recorded. In my own person I have had to settle a great variety of accounts with various classes of people in China, and I never remember to have detected an error; and, in cases where my reckoning has disagreed with that of the Chinese, I have invariably found that their amount was correct, and my own erroneous. In China it might almost be laid down as an axiom, that a mistake in an account is in itself strong evidence of fraudulent intention. I have compared my observations with those of persons of the longest and most extensive experience as to the general correctness of Chinese accountancy, and my opinion has been fully confirmed, that, among Chinamen intending to be honest, an error in reckoning is almost unknown."

Mr. Miller, one of the cashiers of the Bank of England, who is well acquainted with the system of keeping accounts in the Custom House, shows the process that three butts of currants weighing 59 cwt. 1 qr. 16 lbs. go through at 15*s.* per cwt., to ascertain the amount of duty. Hon. Members have been furnished with the statement. It requires 172 figures by that process, and only twenty-one in decimals. These figures have to go through five or six hands to check them. This change it is estimated would save 200 clerks in the Custom House, and a vast number in keeping our national accounts. The decimal system is truly a labour-saving machine. Permit me to read to you an extract from Sir John Herschel's evidence, and what the right hon. the late Chancellor of the Exchequer said to a deputation which had the honour of waiting on him:—

> "The decimal system being once introduced, the rules of 'compound arithmetic,' 'reduction,' and 'practice,' would no longer require to be taught in schools. The relief thus afforded, both to teacher and scholar would be immense. The four essential rules of arithmetic would be better acquired, and the drudgery spared, and the time saved for the acquisition of real knowledge would tell upon the education of every individual in every class of society."—*Herschel.*
>
> "I have the greatest respect for the opinions of the deputation. I shall, therefore, not fail to give them my serious consideration; and I hope the association will persevere in their efforts to make the subject well understood by the people." —*Gladstone.*

I can assure the House we have persevered, by discussions through the press, and by the distribution of 10,000 pamphlets—volunteer lecturers have sprung up in various parts of the country in support of our views—and we feel that we are now in such a position that we ought to make a further step in advance. I have already stated the importance of coins as books of education, and I hope and trust that the right hon. Baronet the Chancellor of the Exchequer, will do himself the honour of giving to his country the advantage of a decimal system. It has not been the custom of enlightened Governments to wait until every individual in the country understood Acts of Parliament that were passed for their benefit. I therefore do hope and expect that this Government will not retard, but encourage useful progress. As an Amendment has been placed on the notice paper, I will state my objections to it. I think it is as impossible to have international coinage, weights, and measures, as international language. It has been attempted to make a general currency for the Zolverein, where they speak one language and pay the same Custom duties. Deputies met at Frankfort on the Maine about six years ago, but separated without doing anything. They met again at Vienna last year, and came to no result. When we consider that about the time of William the Conqueror, the pound of fine gold was coined into 9*l.*, now into 46*l.* 14*s.* 6*d.*, and the pound of fine silver at the same time coined into 24*s.* 6*d.*, now into 66*s.*, when in various reigns we have made such debasements and mutilations, what security have we that other States will not in their exigencies decrease the value of their coinage. Look at the blue rubles of Russia, the assignats of France, and the continental paper money of the United States. When the latter were our colonies they used our pound sterling, calculating the dollar at 4*s.* 6*d.* But before they decimalised their currency, in different sections of the Union, the dollar was taken at 4*s.* 8*d.*, 6*s.*, 7*s.* 6*d.*, and 8*s.* The United States may be said to have an international currency at this moment, for by law the coins of most nations are taken at a fixed value, but their present master of the Mint, in his report to Congress, now lying on the table before me, recommends that this law should be abolished and their own coinage alone taken, for he finds great debasement of coins in many other countries, particularly in some of the South American States, where their dollars are passing in the United States at one-fourth less value than they ought to be. Within my recollection, the English sovereign in the United States has been depreciated and was taken at 4·44 dollars, again at 4·67 dollars, and now at 4·84 dollars, and they have lately depreciated the value of their silver, making it mere tokens. There is another disturbing cause to international money. Trade is continually making the balance of account to be in favour of one party or the other. Now, if we had a sovereign of 113 grains of fine gold adopted by France, England, the United States, and Germany, to pay the creditor when we cannot get good bills of exchange to remit, we would send gold—that at once destroys its universal circulation without cost, for it is clear that this intended international money is more valuable, and has more purchasing power in the creditor country than in the debtor, otherwise the debtor would not go to the expense of freight, insurance, loss of interest, and charges in sending it to pay his debt or buy goods. If we are right to-day, there is no security that we will not be wrong to-morrow. The Bank of England has ingots of gold, the Chinese a shoe, and the United States disks of gold, of one, two, or three ounces, &c., &c., stamped with their weight and fineness, but they cannot get clear of them in any way but as bullion, and they find their way into the melting pot. Two eminent American Statesmen, who are here, agree with me, that it is useless to attempt to have an international currency, and that seems to be the view of Mr. Adams, who was here as Minister from the United States, as appears by an extract from his report on this subject to his Government. John Quincy Adams says:—

> "To this the wishes of their philanthropists, the hopes of their patriots, the researches of their philosophers, and the energy of their legislators, have been aiming with efforts so stupendous and with perseverance so untiring, that, to any person who shall examine them, it may well be a subject of astonishment to find that they are both yet entangled in the pursuit at this hour, and that it may be doubted whether all their latest and greatest exertions have not hitherto tended to increase diversity instead of producing uniformity."

Such evidence against a congress of nations is conclusive in my mind against any attempt to form one. Permit me also to read an extract from a letter of Mr. J. E. D. Bethune on the same subject to the Chancellor of the Exchequer, dated 21st December, 1841—

> "Many persons are desirous that if any change be attempted, our weights and measures should be made identical with those of the French scale. I believe this to be impossible."

Difficulty has been suggested in dealing with tolls; when they or any sums are cumulative and rise to 6*d.* there is no change whatever by the proposed system. If the change is under 6*d.* and averages 2½*d.* there is neither a loss or gain of half a new farthing on the transaction. If they are penny tolls only, taking five new farthings for a time would indemnify the parties for taking four afterwards. In many cases taking four will be the interest of the parties to increase custom. In other cases of turnpike gates an adjustment may take place, neither to gain nor lose, by making some pay a little more and another less. The press need not be disturbed at all; you can give them a discount on their using five farthing stamps; that will leave them just where they are. Mr. Hill gave it as his opinion that four mils, or new farthings, would soon bring up the revenue to what it now is. Why longer delay a measure that would confer lasting benefits on the working classes, the landowner, the banker, the merchant, the tradesman, the scholar, the schoolmaster, men of science, and the nation at large from the great simplification of their accounts. I now beg to move the following Resolutions—

> "That, in the opinion of this House, the initiation of the Decimal system of Coinage, by the issue of the Florin, has been eminently successful and satisfactory."

"That a further extension of such system will be of great public advantage."

"That an humble Address be presented to Her Majesty, praying that she will be graciously pleased to complete the decimal scale with the pound and the florin, as suggested by two Commissions and a Committee of the House of Commons, by authorising the issue of silver coins to represent the value of the one-hundredth part of a pound, and copper coins to represent the one-thousandth part of a pound, to be called cents and mils respectively, or to bear such other names as to Her Majesty may seem advisable."

Lord STANLEY said, he rose to second the Motion; and in doing so wished to say, in the first place, that being well aware that the subject, although very important, was not so generally interesting as to excite much Parliamentary or popular enthusiasm, and also because his hon. Friend had gone through the principal points of the subject, he should compress into a short space what he had to state. He had complied with his hon. Friend's request to second his Motion, partly beause he had been a member of the Committee which sat two years ago on the subject, and partly because, however little acquainted with commercial matters, he felt himself competent to say that a great preponderance of opinion existed among the commercial classes in mercantile and manufacturing towns in favour of the change recommended by the hon. Gentleman. There might still be, as there certainly was at one time, an idea prevalent that any scheme for adopting a decimal system of coinage must be a vague indefinite idea, entertained by a few theorists, but not recommended by any great scientific authorities, or felt to be of any great practical necessity. If such an opinion now existed, he (Lord Stanley) would be content to oppose the authorities of Babbage, of De Morgan, of General Pasley, of Herschel, and many others who had been cited by his hon. Friend. There was also the favourable opinion of the Commission which sat upon weights and measures in 1848, and reported in 1851; of another Commission upon the same subject, which sat at a later period; and also of the Committee appointed by that House in 1853, which, he ventured to say, had approached the subject in a fair and impartial spirit, and which called before it a great mass and variety of evidence. In addition to those authorities, the change had the support of between 200 and 300 Members of both Houses of Parliament, not merely as favourable to a consideration of the subject, but as avowed partisans of the proposition embodied in the Report of the Committee he had just referred to. He might also add that most of the Chambers of Commerce, of the great mercantile bodies, of the banks and other commercial establishments were favourable not only to a decimal system of coinage in general, but to that particular form of it which was embodied in the Report of the Committee. With regard to the abstract question of the advantages to be derived from a change from the present system of coinage to a decimal system, there was no room for much argument; for he believed that the great mass of practical and scientific testimony in its favour was so overwhelming as to amount virtually almost to unanimity. There were advantages to be expected from a decimal system in any case. Even if we had now a system of coinage which proceeded by regular multiples of any other number than ten, the substitution of a decimal coinage would be a great advantage in all matters of calculation. But as it happened, we in England not only had not the advantage of a decimal system, but we had not even a system which proceeded in regular gradations by regular multiples of any number. In this country, therefore, the proposed alteration would be attended with a double benefit—first, the transition from a non-decimal to a decimal system, and, secondly, the transition from an irregular to a regular system. There were two practical questions to be considered—the first, and the most material was the unit or basis on which the proposed system should rest; and next whether any temporary or partial inconvenience would arise from that change which would counterbalance in any material degree the ultimate advantages which might be expected. With regard to the first and most important point, of what should be the basis of the coinage, three different plans had been suggested. The first, and one which had met with a certain amount of support, was that which he would call the uniform penny system; that was, the penny was taken as the basis of the coinage, the value of the next coin being ten-pence, and the next 100-pence, or eight shillings and fourpence. No doubt that proposition had some advantages to recommend it. It left undisturbed that particular coin in which the smaller transactions of business were carried on. It was, as far as it went, a perfectly simple and consistent plan; but there was a serious, and, in his opinion, a fatal objection to its adoption;—it could not be put in force without destroying every coin which at present existed, with the single exception of the penny unit, and consequently, by very far the larger part of the coin of the country must be withdrawn from circulation. They must destroy the sovereign, the half-sovereign, the crown, the half-crown, the florin, and the shilling, for these coins could no longer be used, either for the purposes of account or of circulation. Such a change would be most sweeping and revolutionary, and would entail a vast amount of labour, both on the Executive which had to introduce it and on those who had to make the first trial of it. There was another objection to that plan, and a not immaterial one—the largest coin in the system, being that which must necessarily be employed in all large transactions would be much smaller in value than that now used. Taking the penny as the basis, the next coin would be ten-pence, and then 100-pence, as the highest coin. Beyond that they could not go; for in the next step 1,000-pence would bring them to an amount exceeding 4*l.*, an amount larger than could be conveniently embodied in any coin intended for general use. The highest coin, then, in which accounts must be kept would not be more than 8*s.* 4*d.*, instead of the 1*l.* now in use, and the change would involve additional labour in keeping accounts, and require double the number of figures to be used. There would also be a certain actual material loss by such a coinage, for, as was well known, the expense of the coinage of small coins was proportionally larger than that of the larger coins. Thus the plan would increase the trouble of calculation, and would entail a considerable expense on the country. The decimal notation on this scale, moreover, must end with the penny; for a coin equal to $\frac{1}{10}$th of a penny would be too small for practical use. Thus the scale would neither mount high enough for large operations, nor descend low enough for small ones. Those were the main objections which were raised against a decimal system with a penny unit for a basis. But there had been a modification of that system proposed, which had been supported with a considerable amount of talent, as a sort of compromise between the two opposing theories. It was proposed by that compromise to retain both the penny and the pound, taking the penny as the basis, making the next coin a ten-penny piece, the next coin of the value of 100 pence, and dividing the present pound into twenty-four ten-penny pieces instead of into twenty shillings. That system, it was true, would substitute a decimal piece for the shilling, but above the shilling it would retain in use the present clumsy and inconvenient method, nay, the existing inconvenience would be increased; for if there was any respect in which the change to a decimal system would produce inconvenience it would be in dealing with small amounts and with persons not conversant with commercial transactions, but here the supporters of the compromise proposed to introduce a decimal notation; while, where a decimal system was really advantageous—namely, in transactions involving large sums, and calculations requiring many figures, there the authors of this scheme did not propose to extend it, so that their plan ingeniously combined the faults of both the old and new systems. There being, therefore, these objections against the introduction of a decimal system founded on the basis of the penny, and against the compromise which would retain both the penny and the pound, he would come to the consideration of the only other alternative which remained; he meant that plan embodied in the report of the Committee, and which had to a certain extent been acted on by the Government. There had been very great exaggeration as to the amount of interference with the existing currency which would be necessary in introducing a decimal system founded on the basis of the pound. It had been supposed that it would be necessary in such case to totally destroy the whole copper coinage of the country, and it was alleged that a very high authority had stated that such a change would take a period of twenty years to establish. But the language held by the Master of the Mint had been misunderstood; all that he had said being that when a new coin was struck it would not come into circulation all at once, but that it would take twenty years before all the old coin would be absorbed and the new coin brought into exclusive use. Now what was the system of coinage proposed by the Committee? They proposed to retain the pound as the basis, and the halfsovereign, the crown, the shilling, and sixpence as decimal parts of the pound; and, if possible, to retain the half-crown also. It was true the half-crown had been objected to, but whatever inconvenience was found in its use arose from its being confounded with the florin, a coin now in circulation, so that this inconvenience, if it were one, was not owing to, and would not be increased by, the decimalisation of the coinage. As to the copper coinage, all that was proposed in the plan of the Committee was to modify it by adopting the mil (for which he should have preferred to retain the old name of "farthing")—and the cent of ten mils, and making the penny 1-25th less in value, so as to create a decimal proportion between it and the florin. This would not require any alteration in the penny, for the difference between the conventional value of the penny and the value of the copper of which it was composed, was so large as to render the proposed alteration of value inappreciable in comparison. No doubt, by changing the value of the penny they might inflict some slight loss on the holders of copper coin; but he apprehended that no person would have so large a quantity of copper coin in hand as to be seriously damaged thereby; and those who objected to the system need make no change in keeping their accounts, but might go on, if they pleased, with the old scale, and the old method of accounting, on the simple understanding that the shilling would be 12½*d.* in value instead of 12*d.* He thought that there could be no doubt that a system which would cause the least possible derangement of the present one would be preferable; and, although it was said the penny was the poor man's coin, and that any change in it would cause a loss to him, he denied that assertion, because the change proposed would be of the simplest possible character—only this, that 12½*d.*, instead of 12*d.*, would go to a shilling. Once impress that fact on the public mind and the difficulty was surmounted. Then it had been said that in cases of payment in the army and navy and to persons employed in the Government service some confusion must ensue. This was an assertion that could not be supported by any evidence, because in fact the payments were not made in copper. The only case in which inconvenience would result from it was with respect to the postage stamps on letters and the tolls on bridges, and in other cases authorised by act of Parliament. With respect to the Post Office, he thought that notwithstanding the loss to the revenue it would be expedient that the postage stamp should be reduced to the value of the new penny—the loss would be quite insignificant—and with regard to tolls, it might be convenient to raise them by a fifth for five years, and then to reduce them to the penny at its new value. Then, with regard to the alleged inconvenience that might arise as to the prices of articles, it was well known that all articles varied from time to time in price, and an alteration in our coinage would, therefore, merely add, once for all, one artificial cause of fluctuation to the many natural causes which already existed. The objections to the change were mostly, therefore, either illusory or unimportant; and there was no reason why the Government should not persevere in the system which it had already commenced—for the introduction of the florin was, in fact, the first step towards the adoption of a decimal coinage. We had already a decimal coinage so far as two coins were concerned, and we only wanted a third to fit into them. With respect to the amendment which was to be proposed to the House by the hon. Member for Stockport (Mr. J. B. Smith), for inviting a congress of all nations to consider the expediency of establishing a uniform standard of moneys, weights, and measures, such an experiment had been tried under much more favourable circumstances a few years ago, its application being limited to the States of Germany alone; but an agreement on the subject was found to be quite unattainable, even among those allied and friendly States, in all of which the same language was spoken. Besides, even if several States were willing to enter into such an arrangement, there would be no sufficient security that the same nominal coins would be of equal weight and fineness in different countries; but, even assuming that difficulty to be got over, the fluctuation of the exchanges would prevent a perfect equality. Again, in the event of a congress of all nations determining, as it probably would, that our coins of 1*d.* and 1*l.* were not those which would be best adapted for the rest of Europe, neither the Legislature nor the people of this country would consent to abide by a decision which would substitute for that which we had, a coinage entirely new and foreign. For these reasons he must oppose the amendment, and could only express a hope that the Government would take in hand and carry through the proposition embodied in the report of the Committee.

Mr. J. B. SMITH said, he quite agreed

with his hon. Friend the Member for South Lancashire and the noble Lord (Lord Stanley), as to the importance of a decimal system of coinage. He did not think they overrated its advantages; he only condemned the principle which they were desirous of adopting; he thought the principle they advocated ought not to be adopted, at least without much further consideration. The question had certainly already been referred to a Select Committee of the House of Commons, of which he was himself a member; but that Committee appeared to have been appointed for the mere purpose of reporting on a foregone conclusion. Every member of it, with but one exception, was of the same opinion, and it was very remarkable that every witness who was summoned by the Committee was in favour of the pound sterling as the unit of account. The fact was, that they heard evidence on one side of the question only, and their Report therefore could not be taken as a safe or sufficient guide for decision upon so important a question. Now, what would be the effect of adopting the pound unit? It would be equivalent to asking Her Majesty to coin a piece of money representing the one-hundredth part of a pound and another the one-thousandth part of a pound. These coins would be utterly useless, inasmuch as they could not be used to pay any exact sum under sixpence. We could not pay a halfpenny or penny toll or a penny stamp with them. Before they could be used, all the duties on imports, and excise duties, and, in fact, every other tax, would have to be altered by Act of Parliament, and provision made to alter and legalise all contracts entered into under the old system of moneys. Then, supposing the Motion before the House was carried, they would have a decimal system of coinage and a duodecimal system of weights and measures, and that would entail very serious loss on the working classes in all their small transactions. In America they had adopted a decimal coinage, but they retained the English system of weights and measures; and the consequence was that in order to make the two systems harmonise they were obliged to resort to two coins which were absolutely illegal, namely the one-eighth and the one-sixteenth of a Spanish dollar. Great bankers and dealers in millions might not object to such a measure, which would not affect them, but a loss of four per cent. on every small purchase, which would be the result of adopting the proposed new coins, was very

material to the working classes. He apprehended his hon. Friend (Mr. Brown) did not propose that we should be always without a decimal system of weights and measures. He was of opinion that the coinage of a country should be adapted to harmonise with its system of weights and measures, and if we adopted a decimal system of coinage, we ought simultaneously to adopt a decimal system of weights and measures. But if the Motion of his hon. Friend were adopted for a decimal coinage only, we should introduce such a state of confusion into the country, as would go far to render a decimal system not only unpopular, but odious, because no sooner was the country recovering from the inconvenience of altering all our laws relating to payments for the purpose of accommodating them to the proposed decimal coinage than we should be compelled to undergo the confusion of a second alteration of the laws whenever we decimalised our weights and measures. The public would, doubtless, experience considerable temporary inconvenience in any change of the existing system, and it would therefore be desirable to endeavour to obtain the greatest amount of advantages to compensate for it. He could conceive no advantage to this country, as well as to all other nations, so great as the adoption of a common international standard of moneys, weights, and measures, and he was of opinion that, before we decided on the adoption of any change whatever in our present system, the Government should invite the different nations of the world to consider the practicability of agreeing upon a common system; and if we failed in this great object of facilitating the intercourse of nations, then let us adopt a system of our own, combining, as far as possible, simplicity, with the least amount of inconvenience in changing from our existing standards. His hon. Friend (Mr. Brown) said it would be as absurd to attempt the adoption of an international coinage as an international language. He had never heard that it had been proposed to adopt an international language; but he would remind the House that an international system of coinage had been attempted, and had been carried out with partial success. The first idea of that kind originated in France. In 1790 Talleyrand moved in the National Assembly that the King of Great Britain and the Sovereigns of the other nations of Europe should be invited to send representatives to a congress of nations to consider the practicability of adopting an international system of moneys, weights, and measures. At that time French notions were not very favourably received in this country, and we sent no representative to that congress; but the Netherlands and Switzerland sent two learned men, and they agreed on the system which was now in use in France and in those two countries. That was not, however, the only instance, for Holland had changed her coinage, and had adopted the same system as prevailed in southern Germany, and at the present time an uniform system of coinage was in use in Frankfort, Bavaria, Wurtemberg, Baden, Hesse, Nassau, and in other minor German States. He denied that the recent congress for considering a uniform coinage for Germany had been unsuccessful, as stated by the noble Lord. It had merely been adjourned, but not dissolved, and it separated for this reason—that as the circulating medium of Austria at present consisted of inconvertible paper money of no use out of the Austrian Empire, it was impossible for her, until she resumed specie payments, to assimilate her coinage to that of other countries. He hoped the Government would not adopt any one-sided view of this question. England had been the first to proclaim free-trade with all the world; and he thought it was peculiarly fitting that she should now invite the nations of the world to facilitate their mutual intercourse by sending representatives to a congress to consider the practicability of adopting a common system of moneys, weights, and measures; and he knew nothing that would tend more to produce feelings of goodwill among them than a course of that kind. The hon. Member concluded by moving as an Amendment—"That an humble Address be presented to Her Majesty, praying that Her Majesty would be pleased to invite a congress of representatives of all nations, at some convenient place, with the view of considering the practicability of adopting a common standard of moneys, weights, and measures."

Mr. LOWE said, he had made it his business to look into this question, and he had formed a strong opinion upon it; but an opinion quite different from that of the hon. Member for South Lancashire (Mr. W. Brown). He thought that the authorities which had been cited by the hon. Member for South Lancashire in favour of his Resolution had in some degree been perverted from their original intention. The greater number of those gentlemen whose opinions the hon. Gentleman had read only meant to express their preference in favour of a system of decimal coinage—a question about which there could be little difference of opinion; but it did not follow from that that they were in favour of the particular plan advocated by the hon. Gentleman. To do away with the compound rules of arithmetic in the reckoning of money was an object well worthy their attention; but the question at issue was the *modus decimandi,* and he was far from thinking that the hon. Gentleman's plan was the best. The money subscribed to promote the introduction of a change generally had been devoted to forwarding a particular change by the circulation of able works, and had, therefore, thrown great weight into the scale in favour of that change. He would now briefly state his objections to the system proposed by his hon. Friend. They must remember, in the first place, that they were very well able to carry on their affairs with the system now in existence—although no doubt it had many faults—and before giving it up they ought to be satisfied that the system to be substituted for it was better both in theory and practice, because a change such as was proposed was in itself an enormous evil. His first objection was, that the unit it was proposed to take was too high. A unit was not given them by nature, but was chosen by themselves, and ought to be adapted to the convenience of the greatest number. It was proposed that the unit should be so high that all other coins would be arrived at by division—instead of by addition, as in other countries where the decimal system had been adopted. By taking a large unit they would be guided by a decimal scale, instead of by the convenience of mankind, and would be obliged to adopt a coinage inconvenient in itself and ill adapted to their wants. If they wished for an improved system for the mensuration of distance, an hon. Gentleman said, "The mile must be preserved—the British mind was wedded to the mile—it was connected with our history, our poetry, our literature—we obtained it from the Romans, and we would not part from it"—what would be done? They would have to divide the mile by ten, to reduce it from 1760 to 176 yards, then to seventeen six-tenths yards, and so on to inches, decimalising most beautifully, but arriving at measures that would never be wanted to measure anything. The florin had been forced into existence as the tenth of a pound, and its success as a coin had been vaunted:—but what merit of any kind had the florin, except that it was the decimal of a pound? Did they calculate in florins? He was glad that some hon. Gentlemen had derived benefit from the issue of florins; his only experience of their convenience was, that when he ought to have received half-a-crown he had generally received a florin, and when he ought to have paid a florin he had generally paid half-a-crown. From a florin they got to two two-fifths of a penny, but who ever bought anything—who ever reckoned or wished to reckon in such a coin as that? Such a coin could never come into general circulation, because it represented nothing which corresponded with any of the wants of the people. They then arrived a step further—at the mil, which had no other recommendation than that of being the 1,000th part of a pound. His objection to the mil was, that it was either too large or too small. It was too large if they wished for a coinage that would give the people the benefit of the fluctuations of price in articles of general consumption; and they certainly wanted some small coinage for that purpose, because several articles of manufacture were sold as low as the sixty-fourth part of a penny; but a mil, which was little less than a farthing, was too large. In another point of view the mil was too small. If the proposed system were adopted, they would all be condemned to live in decimals for ever; if a man dined at a publichouse he would have to pay for his dinner in decimal fractions. He objected to that, for he thought a man ought to be able to pay for his dinner in integers. It was proposed that the integer should be taken so high that they would have to add a fourth column to the present three columns of £ s. d., and they all knew what an addition an extra row of figures would make to the labours of book-keeping. Farthings were now neglected in keeping accounts, because it was supposed that those which were gained would counterbalance those which were lost, but such a sum as two two-fifths of a penny could not be neglected. Wherever the decimal system had been adopted the mean coins were obliterated in the keeping of accounts, the largest and smallest only being reckoned. In America accounts were not kept in dollars, dimes, and cents, but only in dollars and cents; and in China accounts were kept in only two out of four coins, taels and cash. Then, in France there was the decimal division of the two sous piece, the tenth part of a franc, but only the 100th part of a franc was used in accounts. He thought this plan of reckoning in the smallest and the largest coins was a very serious evil, because it would tend to put coins in circulation which would never be used in accounts. He had hitherto been arguing on the supposition, unfavourable to himself, that the decimal system had already been introduced. He admitted its scientific accuracy, but he contended that its introduction would be difficult, and he denied that it had the perfection attributed to it, because the integer and the unit were taken too high. To prove that wherever there was a decimal system it was the tendency of mankind to take a low integer, he might refer to the fact that in France no one kept his accounts in half-Napoleons or ten francs, but in francs and centimes. Looking at the experience of other nations, he thought they would be unwise to introduce a system which involved a complicated subdivision. This subject had not yet been satisfactorily dealt with, and the difficulties in it had not been grappled with. They ought to go upon the principle of getting as scientific a decimal coinage as possible, and they must comply with the condition of taking as a unit something which would divide the pound without a remainder. But he did not see the necessity for taking a pound, or the decimal part of a pound. The present system, however, had not yet been changed into the decimal system. That change might appear very easy to accomplished mathematicians and men of science, but it was one which it would be very difficult to carry out. What would have to be done? Every sum would have to be reduced into a vulgar fraction of a pound, and then divided by the decimal of a pound—a pleasant sum for an old applewoman to work out! It would not be an agreeable task, even for some members of that House, to reduce $4\frac{1}{2}d.$, or nine halfpence, to mils. The main objection was, if they went below 6*d.*, that the new scale of coins would not be commensurate in any finite ratio with anything in this new currency of mils. No less than five of our present coins must be called in, or else—which would be worse—new values must be given to them. If a poor man put a penny into his pocket, it would come out a coin of different value, which he would not understand. Suppose he owed another man a penny; how was he to pay him? Was he to pay him in mils? Four mils would be too little and five mils would be too much. The hon. Gentleman said, there would be only a mil between them. That was exactly it. He believed there would be a "mill" between them. What would be the present expression for fourpence? Why, ·0166 with 6es *ad infinitum;* for threepence? ·0125; for a penny? ·004166, with 6es *ad infinitum* (a laugh) for a halfpenny? ·002083, and 3s *ad infinitum.* What would be the present expression for a farthing? Why, ·0010416, and 6es *ad infinitum.* And this was the system which was to cause such a saving in figures, and these were the quantities into which the poor would have to reduce the current coin of the realm. With every respect for decimal fractions, of which he boasted no profound knowledge, he doubted whether the poor were equal to mental arithmetic of this kind, and he hoped the adoption of the system would be deferred until there was some proof that they would be able to understand it; for, after all, this was the question of the poor, and the whole weight of the change would fall upon them. Let the rich by all means have permission to perplex themselves by any division of a pound they pleased, but do not let them, by an experiment like this, impose difficulties upon the poor, and compel men to carry ready-reckoners in their pocket to give them all these fractional quantities. Another objectionable feature of the proposed system was, that it would interfere with the vested interests of companies which had invested their money on the faith of receiving tolls and charges which the proposed system would not give them. Parliament would have no power to give them help in such a case. They had power, no doubt, to alter tolls and taxes, but he firmly believed there were cases in which it would be impossible to do justice. The last remark he had to make was, that the proposed coins would be incommensurable with foreign money. Take French money, which would have to be multiplied over and over again. The same process must be repeated as in the reduction of 4½*d.* The French money must be reduced, making allowance for the exchange of the day, into vulgar fractions of a pound, and then back from vulgar fractions to decimals, and that process must be gone through with all accounts in foreign money. But if they had a coin of 10*d.* (upon the propriety of which he expressed no opinion), then, by adding a percentage for the exchange, they might easily calculate the difference. It would be found that, under the proposed system, when you came to very small quantities you would come to very large numbers. In invoices where there was a number of yards or ells, or pounds of goods of small value, it would be necessary to increase the figures at the right hand of the decimal, and although those figures on the extreme right might be neglected in adding up the total, yet the parties could not afford to leave them out in multiplying, and the labour of calculation would therefore be greatly increased. He doubted whether the new machinery, in the form in which it was now presented to the House, would save labour at all. He was no friend to a congress on this point, for, if different countries should adopt the same coins, the variations in the rate of exchange would render them of different value. Although men of science had petitioned in favour of the change, and though it had been supported by 280 Members of that House, he entreated the House to pause before they introduced a system which, if it gave relief to the ledger, would make serious inroads in the daybook, and which would infallibly disturb the comfort of the poor. Let the House, if they would, examine gentlemen who might point out some means of avoiding the objections to which the proposed change was liable; but let them not rashly rush into a system which would in many cases multiply trouble, and which would occasion serious error and confusion to the labouring classes, who were least able to give their time to any new combinations such as the new saytem would render necessary.

MR. JOHN MACGREGOR said, the humorous speech they had just heard had left him more than ever convinced of the desirability of adopting the proposed plan. In the first place he denied every one of the hon. Gentleman's assertions. In every foreign country in which the decimal system had been adopted a uniform advantage had been derived from it by the poorer classes. Let any hon. Member go to the market at Brussels, and he would find how easy it was to purchase fruit and vegetables under a system in which the franc was divided into 100 parts, and the centime into ten. The labouring classes there were able to make their purchases under advantages which the same class in this country did not possess. No inconvenience had been felt by the adoption of the decimal system in France, except that which arose from the depreciation of paper. No accounts in the world, whether finance accounts or the accounts of public departments, were kept more correctly or with so much ease as in France. There were never more than three figures on the right hand, and when the sum was under 100 there were only two. This system had been adopted with great advantage in France, Belgium, and Holland, and he was certain that no practical inconvenience could result from the adoption of the system here. With regard to the Amendment, he was very much afraid they would never get a congress of nations to consider the subject fairly — every deputy would probably insist upon his own views. In his opinion, they ought to have a decimal system of weights and measures as well as a decimal system of coinage. The French system of weights and measures was founded on a scientific basis, and he thought we could not do better than adopt it. He believed no inconvenience would result from the change, and that the labouring classes would be greatly benefited by it. The inconvenience spoken of by the hon. Member for Kidderminster was purely imaginary; even applewomen would experience none of the difficulty he had anticipated. The discussion would be of advantage, and, under present circumstances, he did not advise the hon. Member for South Lancashire to press his Motion to a division.

Mr. THOMSON HANKEY considered it was perfectly competent for them to act upon the information they possessed, and adopt a decimal system, without regard to any congress of nations. It would be only consistent with the general progress and intelligence of which Englishmen were in the habit of boasting, to take some means to put an end to the present system, which appeared to him to be a disgrace and a discredit to this great commercial country. The hon. Member for South Lancashire was reproached for not proposing a decimal system of weights and measures as well as of money; but he presumed the hon. Member thought it was better to proceed by steps, and that he intended, if he convinced the House of the expediency of a decimal coinage, to follow it up with a similar system of weights and measures. Our present system of avoirdupois and other weights was most complex and unintelligible to strangers. If a merchant were asked by a foreigner to explain the system of avoirdupois weight, he would perhaps say the smallest weight was a grain, and the largest a ton; but if he were pressed to explain more than the maximum and minimum, he would have to say there were 27 grains and 34·375-thousandth parts of a grain to a drachm, 16 drachms to an ounce, 16 ounces to a pound, 14 pounds to a stone, 2 stones to a quarter, 4 quarters to a cwt., and 20 cwt. to a ton. The answer of the foreigner would probably be the same as was given to a friend of his, "Ah, this is part of your English constitution which is 1,000 years old, but it is perfectly unintelligible to us foreigners." Now, if the system had continued through all the changes of 1,000 years, that might be something in its favour; but the fact was, that until within recent times, the whole system of weights, measures, and money rested upon an intelligible basis, and there was an intelligible relation between the pound of each; and it had been abrogated and complicated only by modern legislation. It was well known that the hundredweight was the foundation of all calculations in commercial transactions; but the greatest inconvenience arose from our hundredweight consisting of 112lbs. He had been told, on good authority, that if 100lbs. were substituted for 112lbs., the saving in keeping accounts in the Custom-house alone would be 10,000*l.* a year; if such would be the result in one department, what must the saving be if universally adopted? There was plenty of evidence to justify his expressing an opinion in consonance with that of the hon. Member for South Lancashire; and, although the hon. Member for Kidderminster had endeavoured to show by some humorous remarks how complicated would be the system if the pound sterling were divided decimally, he doubted if the hon. Gentleman could persuade any merchant's clerk in the city of London or the town of Liverpool of the correctness of his views. He might convince some old applewomen that the change would be difficult, and that they would suffer by it; but he defied the hon. Member to convince any banker's clerk or Liverpool merchant that such would be the consequences of adopting the decimal system. Recently the Bank of England had adopted the ounce troy of 480 grains, and divided it decimally, and that system had been found to work so well that they asked the Government to allow them to bring in a Bill to enable them to buy and sell gold by that system. The Bank had, however, been waiting for a long time for the Government to legalise those weights, but in vain; and therefore it was very satisfactory to find that an independent Member had brought the subject before the House. He thought the House and the country were deeply indebted to the hon. Member for South Lancashire for the trouble he had taken and for giving them the benefit of his great commercial experience upon this important subject.

MR. J. L. RICARDO regretted that some member of the Government had not risen to express any opinion upon a question of such considerable and consummate importance. He had not yet heard a single argument against the proposition of his hon. Friend the Member for South Lancashire, notwithstanding the facetious speech of the hon. and learned Member for Kidderminster. The hon. and learned Gentleman had stated that those who had subscribed for the support of a decimal system had done so without a knowledge of the particular system proposed by what was called the Decimal Association, which, after all, was only the plan proposed by the Parliamentary Committee, and made patent to the world. Among the subscribers to the Decimal Association he found the Bank of England for 100*l.*, the Union Bank 20*l.*, the London and Westminster Bank 20*l.*, and the names of Sir J. Lubbock, the Duke of Leinster, Mr. Travers, and many others, including the highest members of the commercial body. He thought the opinion of those most interested in facilitating the keeping of accounts was fully expressed by the names he had quoted. The hon. and learned Gentleman the Member for Kidderminster had found fault with the plan proposed by his hon. Friend and the Parliamentary Committee, but had wisely abstained from proposing any plan of his own; he had admitted the importance of a decimal coinage, but, without propounding any scheme of his own, he had confined himself to picking holes in the plan of his hon. Friend. He (Mr. Ricardo) thought the system proposed by the hon. Member for South Lancashire possessed less disadvantages than any other. No reforms could be made without some derangement, and the same remark applied to any alteration of the coinage; but a system which retained nearly all the present coins—the pound, the florin, the shilling, and the sixpence—and only made a change when it came to the penny, was as unobjectionable as could be framed. His hon. Friend said that the unit was too high. He (Mr. Ricardo) could not see the meaning of this. Why should we not choose our own unit? Those who thought a pound too high might divide it, and reckon and talk upon it so divided. The statement of the hon. Gentleman about four columns was a fiction altogether; as was the difficulty about the decimal point. If persons did not choose they need not employ columns at all; thus 9 7 3 6 would express 9 pounds, 7 florins, 3 cents, and 6 mils; at present it required six figures to express 3*l.* 17*s.* 10½*d.*, but under the decimal system in no case would more than four figures be required. The hon. Gentleman was very facetious on the abstruseness of the calculations which the adoption of this system would render necessary among the common people, and the ludicrous effects which would ensue; he instanced the fictitious case of an old applewoman, and amused the House with a statement of how she would puzzle her brains. But he (Mr. Ricardo) did not think the common people would have any such difficulty, and, at all events, that was not quite the way in which to argue the case. It would be no more necessary to put two or three noughts and a decimal point before the mil than it was to put two or three dots before the farthing at present. His hon. Friend who moved the Amendment (Mr. J. B. Smith) wished for further inquiry. Surely the investigation the subject had already had was sufficient to satisfy the most prudent man. There had been two Commissions and one Committee of that House, and that Committee, after examining the most eminent men, had hit upon this very plan. It had been alleged that the inquiry of this Committee was quite one-sided; but why was it one-sided? Because the evidence was all one way and went entirely to prove the proposition. No greater reason could be given why they should carry the measure. If other testimony was to be found, why was it not produced? His hon. Friend (Mr. J. B. Smith) was himself a Member of that Committee, and did not summon one witness to contradict the evidence. He had no doubt that his hon. Friend would have had great difficulty in bringing witnesses forward to contradict such a self-evident proposition as that now before the House, and, therefore, he acted wisely in refraining from the attempt. The hon. Member suggested there should be a congress of nations called to decide this point. Such an idea was Utopian; and if, in endeavouring to obtain a decimal system of coinage for this nation alone, such difficulties were to be encountered, they would have similar difficulties not only with respect to the penny, but every other coin, in endeavouring to frame an international system. The great argument against the adoption of the system no doubt arose out of the numerous transactions in which the penny was an element, and the numberless duties which that coin performed. He did not, however, think that the inconvenience which would arise in dealing with that coin was so great as to induce them to reject the advantages detailed by the noble Lord (Lord Stanley) that would result from the introduction of a decimal system based on the pound. Some inconvenience, of course, must arise in effecting changes in the currency, however beneficial they might be, but he did not think the inconvenience in this case would be great, the values of goods would naturally adjust themselves to the new denomination and the inconveniences would be merely temporary. He had often gone to other countries where the denomination of money was quite different, but, after being a little while there, he had no difficulty in arranging his ideas accordingly. When his hon. Friend said he did not like to dine off decimals, he (Mr. Ricardo) could only say that if his hon. Friend went to France, to Holland, or to America, he must either adopt that system of payment or starve. Englishmen of the labouring class were often employed abroad on railway or other works. They easily adapted themselves to the coinage of the country; and he had seen them bargaining as briskly with schellings as with English coins. His belief was, that if a decimal system of coinage were introduced into this country tomorrow, in less than a month the labouring classes would adapt themselves to it, while he believed its adoption would immensely simplify the mode of calculation. Sir John Herschel in his evidence before the Committee, spoke most strongly in favour of the decimal system, and said that it would abolish the use of rules of compound addition, &c., in schools. There could be no more decided step in education than to do away with unecessary forms, the difficulties interposed by which had been felt by all, and of which he had a very lively recollection. The noble Lord had told them that his Government was to be a liberal Government, that would support all measures of reform. He had looked in vain for those measures of reform, but here was an opportunity which he hoped the Chancellor of the Exchequer would not let slip, and he trusted that he would now rise and say so to the House.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think the House is under great obligations to my hon. Friend opposite for having, for the first time, brought this subject under its consideration. The first occasion on which the plan of decimal coinage, which he has detailed to the House, was proposed by any public body in an authentic form was by a Commission appointed in 1838 to investigate the subject of measures, in consequence of the yard measure and other longitudinal measures having been destroyed in the conflagration of the Houses of Parliament. That Commission was composed of scientific persons; and, in the course of their report, they expressed a strong opinion in favour of a system of decimal coinage, and sketched out in clear terms the precise plan which the hon. Gentleman has to-night laid before the House. In 1853 a Committee of this House was appointed to investigate the subject, and they examined many witnesses upon the plan in favour of which they reported—that plan being precisely the one proposed by the Commission. Last year a further Commission was appointed to report on the best mode of constructing measures, and that Commission added their testimony to that of the previous one in favour of the decimal plan of coinage now under our consideration. It is impossible for any one who has heard the speech of my hon. Friend to doubt the earnestness of his convictions, or of his being actuated by public motives alone in bringing forward this question. It is evident that he has devoted much time and thought to the subject, and is impressed with its importance, and it certainly deserves from the House their very best consideration, being a subject in which the whole community, from the greatest merchant and most wealthy banker down to the poorest day labourer, has a concern. But, doing full justice to the motives of my hon. Friend, it is necessary that we should look closely to the nature of his motion in order to form a judgment as to its practical operation, should it be adopted by the House. The first circumstance which strikes one in examining the motion is, that it assumes that the pound is to be maintained as the standard of currency, and that the coin next to be taken is the florin. We have now the florin in circulation as a coin, but it is not money of account; we do not reckon in florins; though in extended circulation, we do not buy and sell with the florin. The proposition of my hon. Friend is to convert the florin into money of account. He then proposes to introduce two new coins to be put in currency, which he also proposes to constitute moneys of account, one being the one-hundredth part, and the other the one-thousandth part of a pound sterling, and these he calls cents and mils. That is the outline of his system; and if the Address to the Crown which he proposes should be agreed to, the House will declare for the adoption of that system. It will be necessary, in building up this decimal system, that we should shape the existing currency into the form of the pound, the florin, the cent, and the mil, being four denominations of moneys of account, instead of three as at present. The cent would be a coin of the value of twopence and two-fifths of a penny, and the mil would be 24-25ths of a farthing. The House cannot be in ignorance that this subject has been considered by many persons besides the Committee and the Commissions to which I have referred, and that some scientific and mercantile persons have come to different conclusions as to the construction of the currency on a decimal basis. I shall lay before the House some of the plans that have come under my observation. The first is that which has been explained very clearly by the noble Lord opposite, as proposed by Mr. Rathbone, and which, instead of descending from the pound, ascends from the penny. His opinion is supported by very plausible arguments. The coinage he proposes to retain is the penny at its existing value and denomination; to have a new coin, which he calls an Albion, at tenpence; and a gold coin, called an imperial, at 100*d.* This plan would abolish the pound, but retain the penny. There is another gentleman, Mr. Davidson, who starts from the farthing. He proposes a mil, of the value of a farthing; a cent, of the value of 2½*d.*; a dime, valued at 2*s.* 1*d.*; and a prime, equal to 1*l.* 0*s.* 10*d.*—one cent being equal to ten mils, one dime to 100 mils, and one prime to 1000 mils. Sir John Herschel, an authority on this subject, and who was examined before the Committee of 1853, an astronomer and mathematician of first-rate excellence, and who was lately Master of the Mint, does not agree with the plan proposed by my hon. Friend, but he suggests that the mil should be equal to a farthing, ten mils to 2½*d.*, one florin to 2*s.* 1*d.*, and a Victoria he proposes as equal to 1*l.* 0*s.* 10*d.* There is another plan by Mr. S. A. Good, who takes as his smallest coin what he calls a cash—making one cash equal to a farthing, five cash equal to a penny, fifty cash to 1*s.*, 100 cash to one cent, and 1000 cash to one mil. That would also be a decimal coinage constructed on a plan different from the one proposed by my hon. Friend. Another scheme is that proposed by Mr. Munro, of Glasgow, on what he calls the octagal system, and in which he would divide by twos, fours, and eights. He suggests that one mil should be equal to 24-25ths of a farthing; four mils to one cent, or 321-25ths of a farthing; forty mils to ten cents or one decim, and 400 mils to ten decims or one imperial, the imperial being equal to 8*s.* The only other plan I shall mention is that of Mr. Oliphant, a barrister, who proceeds on a different principle. He says we ought to adopt the principle of the coinage of foreign countries, and he starts on the French system. He proposes that one farthing shall be equal to two centimes; one lion to ten farthings; one florin to ten lions; and one queen to ten florins. I do not wish to go into the details of these plans, but I have thought it right to mention them to show that several systems have been suggested, and that a number of persons who have applied their minds to the subject have arrived at results differing very widely from the proposition of my hon. Friend in the Motion he has submitted to the House. I will not trouble the House with any analysis of these plans, but I will merely confine myself to an examination of the plan which my hon. Friend himself proposes. In the first place there is, in my opinion, an objection to the cent and the mil as coins. The cent, as it is described in the Resolution, would be a silver coin of the value of 2 2-5*d.* Now, a silver coin of that value, unless it were mixed with some alloy, would be so minute as to be extremely inconvenient; it would not maintain its ground in circulation; and I think I may confidently assert that any attempt to establish a silver coin of the value of 2 2·5*d.* would be a signal failure. On the other hand, if, to avoid the inconvenience of so small a silver coin, an attempt were made to circulate a copper coin of the same value, it would be so large and bulky that it could not maintain its place in the currency. The same is the case with regard to the mil, which is something less than a farthing. Now, a farthing is no doubt used to a certain extent among the labouring classes, but it is a coin with which a very large portion of the community are practically unacquainted, and great inconvenience would arise if the penny were abolished, and all computations now made by the use of the penny were made by multiples of a mil, which is the necessity to which my hon. Friend would drive us. Instead of saying, for instance, that the interest on Exchequer bills was 2*d.*, or that the duty on a certain article was 4*d.*, we should say it was so many mils, a mil being a coin less than a farthing. There is this further objection to the two new coins which my hon. Friend seeks to introduce—that neither the cent nor the mil is a multiple of the existing coinage; and in reducing the new coins he proposes to the existing denominations it would be necessary, as my hon. Friend (Mr. Lowe) explained to the House, to resort to a long series of decimals. I will just state to the House the number of figures in which the Mint and Bank prices of gold would, under this system, have to be described. The Mint price of gold is 3*l.* 17*s.* 10½*d.*, and this amount must be thus expressed according to the mode of reckoning proposed by my hon. Friend—3*l.*, eight florins, nine cents, and 3·075 mils. The Bank price of gold is 3*l.* 17*s.* 9*d.*, which would have to be thus described—3*l.* eight florins, eight cents, and 7·005 mils. These reductions would lead, in practice, to considerable inconvenience at the time when the transition from the one system to the other took place. Thus in adjusting the new rates of duties or payments it would be necessary to fix upon sums either greater or less than the present sums. I agree with my hon Friend below the gangway (Mr. J. L. Ricardo), that when once the new currency had been introduced an arrangement would soon be adopted in the markets between buyers and sellers; but with regard to prices fixed by act of Parliament, such as tolls, and payments in any denomination less than a florin, a most intricate and troublesome process, involving several figures of decimals, would have to be gone through, and it would then be necessary to take a sum either greater or less than the present amount, inasmuch as the cent and the mil are not exact multiples of 1*d.* If this process of adjustment were undertaken by Parliament the trouble would be endless, and such as would exhaust the patience of any legislative assembly. If, instead of adopting that course, a discretion was left to the executive Government—which would be the only way in which the adjustment could be made—a very inconvenient duty would be devolved upon the Government, and one which it would be impossible for them to discharge without exciting universal dissatisfaction. But there are other serious difficulties in the way of the practical adoption of my hon. Friend's plan, which I observe differs most materially from that suggested by Sir John Herschel in his very elaborate evidence before the Committee. [The right hon. Gentleman proceeded to quote several passages from the evidence of Sir J. Herschel, who, when asked in what way he would introduce the decimal system to practical use, said, that the introduction of the system would divide itself into three scales, spreading over a considerable period of time. The first would be simply and entirely anticipatory, and would be directed towords familiarising the public with the new denominations on coin,—florins, half-florins, and quarter-florins being issued by the Mint. When the public mind had thus been prepared for the adoption of the new system for some time, it might be expected that some decisive indication would be afforded, by petitions or otherwise, of an impression having been made upon the mass of the population favourable to ulterior steps.] I think that we can hardly be said to have reached the point at which a number of petitions indicates any decided feeling on the part of the people upon this question. The hon. Gentleman who proposed the address has stated that the number of petitions hitherto presented amounts to 133, and surely that number can hardly be regarded as indicating any general or wide-spread feeling on the subject. [The CHANCELLOR of the EXCHEQUER then read some further extracts from the evidence of Sir J. Herschel, who said, that when the people had shown themselves favourable to ulterior steps, a legislative enactment might be passed, fixing the period at which the public accounts, the Bank books, and the accounts of public bodies and institutions should be kept and public contracts entered into upon the decimal system; and providing that after some definite time no action for the recovery of money at law should lie unless the amount sued for was described in that denomination.] Sir J. Herschel proposed that a copious supply of twenty mil and thirty mil pieces should then be issued, and that the existing copper coinage should be called in; and he calculated that about twenty years from the commencement of the system would probably elapse before the process was completed and a totally new coinage was adopted. My hon. Friend has not held out to us a prospect of any legislative measure by which his new system is to be introduced, and I must call his attention and that of the House to the fact that, as the law now stands, no effectual change can be made in the denomination of the currency. We cannot introduce new moneys, we cannot attempt to supersede the shilling and the penny as legal denominations of coin in this country without a legislative enactment. Although the prerogatives of the Crown with respect to the coinage are ample, yet those prerogatives have been limited and contracted by Acts of Parliament, and I think I can satisfy the House, by referring them to the provisions of two or three statutes, that it would be impossible, by an Address to the Crown, or by an order of the Crown, or by the simple issue of new coin, to carry into effect the very extensive change which my hon. Friend contemplates. The Act of 56 *Geo.* III., c. 68, section 9, provides that silver should be coined at the rate of sixty-six shillings to the pound troy "in crowns, halfcrowns, shillings, or sixpences, or pieces of a lower denomination." That Act was amended by the 12 & 13 *Vict.*, c. 41, which authorises silver to be coined after the rate of sixty-six shillings to the pound troy "in crowns or any pieces of a lower denomination." The 6 *Geo.* IV., c. 79, assimilates the currency of Great Britain and Ireland, and section 11 defines the rate in pence at which the gold and silver coins of the realm shall pass current in Ireland. The 56 *Geo.* III., c. 68, section 11, enacts that the gold coin shall hold the weight and fineness prescribed by the then existing Mint indenture—that is, at the rate of 3*l.* 17*s.* 10½*d.* per ounce of standard gold. The 7 & 8 *Vict.*, c. 32, section 4, enacts that all persons may demand notes from the Bank of England at the rate of 3*l.* 17*s.* 9*d.* per ounce of standard gold. These enactments will satisfy the House that in order to proceed effectually in the matter, it is necessary that a Bill should be brought under the consideration of the House, and not a mere Address to the Crown, calling upon the Crown to issue two new denominations of coins—namely, cents and mils. Such an issue would not be effectual for the purpose my hon. Friend has in view, and, if it were adopted, it would only create confusion and uncertainty as to the denomination of coins and as to the stringency of contracts. In fact, the House would only exhibit itself in the unfavourable position of taking a precipitate step, and at the same time of not giving legal and effectual operation to its intention. Now, what would be the effect of the adoption of the address of my hon. Friend? Its adoption would lead simply to this, that if the Crown were advised to comply with the Address of the House of Commons, and if the House should think fit hereafter to vote an additional sum of money for the coinage of cents and mils, a new coinage of these two denominations would be issued, and at the same time there would be no Act of Parliament that would constitute them moneys of account. The same moneys of account that now exist would still continue to exist; all contracts would be made, as at present, in pounds, shillings, and pence; the statute-book would remain unaltered; all duties of the customs, excise duties, rates of interest, tolls on turnpike roads and bridges would be taken, as at present, in pounds, shillings, and pence; but the Crown would issue from the Mint a certain supply of a coin called a cent, and of a coin less than a farthing called a mil. Now, what inducement could there be to place these coins in circulation? Would the smallest practical convenience be derived from the circulation of a minute piece of silver of about the value of 2½*d.*, and a copper coin differing by an infinitesimal sum from the farthing now in circulation? I feel convinced that, if the resolution of my hon. Friend were adopted, and these coins were struck at the Mint, they would not pass into general circulation. A few of them might find their way into the cabinets of numismatic collectors, but, as a practical mode of improving the currency and providing for the convenience of the public, the Resolution would be utterly without effect. That, I think, must be the conclusion of the House upon considering the plan proposed by my hon. Friend. It is certainly the result at which I have arrived after having given to the subject my best attention. I believe that the object my hon. Friend had in view was to bring this matter under the consideration of the House in order to obtain a discussion upon it; but I do not think he will be desirous of committing himself finally or asking the House to commit themselves irrevocably to the adoption of the details which have been brought under our notice. I freely admit all that has been said as to the theoretical advantages of having a decimal computation of our coinage, and I should rejoice in the realisation of any idea by which a scheme combining a scientific division of the coinage with the convenience of the public could be carried into effect. But though I acknowledge that the subject is one that is worthy of further consideration, I cannot think that the House will be prepared at this moment to record any definite resolution upon so intricate a subject. It must be remembered that this is not a mere abstract question, and that we are not legislating for an Utopia, in which there are no existing habits to fetter our discretion. We are making laws, not *in Republica Platonis*, but *in fæce Romuli*. We must not conceal from ourselves the difficulty of reconciling the established habits of the country with the desire to obtain scientific arithmetical perfection. Under all the circumstances of the case, I hope my hon. Friend will not object to withdraw his Motion, and I am quite willing to give him an assurance that the subject shall receive the most careful consideration possible from Her Majesty's Government.

Mr. CARDWELL said, he was not surprised that his right hon. Friend, the Chancellor of the Exchequer, was not prepared at once to take a step to alter the coinage, because there could be no doubt that, whatever were the scientific merits of the question, the practical view of the subject was to consider whether the time had arrived in which the people were prepared to submit to a change. He wished the House, however, to bear in mind this important fact, that they were not dealing with a variety of plans, but with a plan recommended by the Commission of 1838, consisting of the most eminent men in the country, and afterwards confirmed by a Committee of the House of Commons, in 1853. The hon. Member for Stockport (Mr. J. B. Smith), said the Committee was one-sided; but his hon. Friend having been himself a member of the Committee, if he had thought that it was one-sided, ought to have taken some means for providing that both sides of the question should be entered into. Certainly the Committee had come to an unanimous conclusion in favour of the decimal plan of coinage. To that plan Sir John Herschel gave his entire concurrence, as might be seen from his evidence; and his right hon. Friend, the Chancellor of the Exchequer, was in error when he said that the opinion of Sir J. Herschel was not in favour of the Report of the Committee. Sir J. Herschel, when asked what he would make the principle, supposing a decimal scale was introduced, stated that, beyond a doubt, it ought to be the pound sterling.

The CHANCELLOR OF THE EXCHEQUER was here understood to say that he had, by mistake, quoted Sir J. Herschel's evidence erroneously.

Mr. CARDWELL:—It was most important that the opinion of this eminent authority should not be misunderstood. Sir J. Herschel had also been supposed to have stated that he thought it would require a period of twenty years to enable them to effect a transition to a decimal system of accounting; but what he had really said was, that if they attempted to call in all their present coin, and substitute for it coin having on the back of it imprints containing the precise fraction of a pound (which was one part of the scheme for general convenience), they could not expect to accomplish that process within less than twenty years. That, however, was a totally different statement from the other, and had nothing to do with the possibility of introducing to-morrow a system of decimal coinage and decimal accounts. It had been argued that a silver coin to be called a "cent," would be of an inconvenient size for minting purposes, being only of the value of twopence and two-fifths of a penny; but they were already all familiar with threepenny pieces, which were very little larger. Again, as to the mil to be coined in copper, it would be only 4 per cent. less than our present farthing, and the difference between the two as to size would be totally inappreciable. It was said that the poorer classes desired a greater subdivision of money than the mil for making their small purchases; but the failure of the attempt to circulate the half-farthing showed that a coin of about the value of a mil was the *minimum* which we should adopt. The country had been favoured with a complete deluge of schemes for establishing a decimal coinage, and indeed it was marvellous with how much perverted ingenuity some people had perplexed themselves by suggesting the most gratuitous and almost unimaginable changes in our currency; and it was, therefore, remarkable that no other plan than the one proposed by this Motion had been recommended to the House that evening. Even his bold and fearless friend, the hon. Member for Kidderminster (Mr. Lowe), although he was convinced of the excellence of the decimal system, yet considered that the proposition of the Committee was so absurd as only to need examination to be laughed out of the House, had refrained from committing himself to the advocacy of any other scheme of decimal coinage. Therefore, they had surely achieved one stage of this controversy when it was seen that, in a full discussion of that House, the only question really lay between this scheme or no scheme. The subject, no doubt, was one of great complexity. It was, of course, very difficult to alter the whole habits of a people in regard to their pecuniary dealings. They would have to revise the postage and other stamp duties, and also their mode of keeping the public accounts; while the schedules of rates of charge incorporated in numerous Acts of Parliament must likewise be dealt with. They must further declare that, from a certain day, a penny should not be reckoned precisely what it was, and that all contracts in pence should be subject to a difference of 4 per cent.; but then the whole of these difficulties had been carefully examined *seriatim* by men like Professor Airy, Sir J. Herschel, and Professor De Morgan, who had shown that they were not insuperable; and, in fact, had pointed out how they were to be met if they were really to be grappled with at all. The testimony, therefore, of these eminent witnesses furnished the practical answer to almost every difficulty that could be suggested. He remembered saying to his hon. Friend (Mr. Brown), when he came to him at the Board of Trade on the subject, that he would co-operate heartily with him on condition that the public mind was prepared for the understanding of the subject—that being in his (Mr. Cardwell's) opinion essential to a new scientific arrangement of the coinage. His hon. Friend agreed with him, and moved for a Committee of the House, and had done all he could to get the subject considered. In so doing, his hon. Friend had done great service to the public on this question, and had reason to be satisfied with the progress which it had made. But he (Mr. Cardwell) did not himself think that the time had yet arrived when the change which he contemplated could be safely carried out. The wisest nations, in former days, had exercised the greatest caution in dealing with their coinage, even where no alteration in value was involved. It was always hazardous to make such changes until the public mind was sufficiently prepared to receive them without alarm or distrust. The coinage of the commercial community of ancient Athens, while they were most elaborate in their works of art, did not exhibit that perfection of skill which might have been expected to proceed from their Mint, and was, in fact, far behind the currency of less civilised countries in beauty of execution. And what was the reason assigned for this by the historian? Eckhel stated that the ancient coinage of the Athenians recommended itself so strongly by its purity, and was so universally known among the Greeks and barbarians by its primitive emblems, that it would have been impossible to make any considerable change in its form or workmanship (even when no alteration of its value was contemplated) without exciting great suspicion against it, and eventually contracting its circulation. The same thing happened at Venice when it was the great centre of commerce, and where the ancient form of the coinage was preserved for fear of confidence being shaken in it. A depreciation in our own coinage took place in Ireland when King James II. was engaged in war in that country, but it was redressed again in George IV.'s reign without difficulty. But those who were familiar with the "Drapier's Letters," knew that it was not always so, and that there was great excitement produced on the subject of the currency in Ireland by those Letters; and, strange to say, precisely the same scenes happened in Ireland in Dean Swift's time as occurred in Athens 2000 years before. The moral he drew from this was, that you could not disregard public opinion, and the preparation of public opinion in dealing with the question of currency, and this appeared to him to be a maxim as worthy the attention of the House of Commons, as were those great scientific doctrines which had been brought before them in the Report of this Committee. The House had before them cumulative authority of the highest kind, and a decimal plan of great scientific value, which might be adapted to our currency with the least practical inconvenience at home, and the least disarrangement of the exchanges abroad. But, although something had been done to prepare the minds of the intelligent with regard to the change, the great mass of the people were supremely ignorant on the subject, and had not had the means of preparing themselves for the change, so that if a sudden alteration were now made by Act of Parliament in the coinage with which they were familiar, it would be difficult to estimate the inconvenience which would result. He came, therefore, to the conclusion that, while his hon. Friend the Member for South Lancashire had rendered great service in the course he had pursued, he would do wisely to abstain from pressing his Motion to a division; for if the House were called upon now to record their opinions, his hon. Friend would lose the support of many persons who, like himself, cordially concurred in desiring the ultimate attainment of the object in view, but who thought the question as yet was hardly ripe for legislation.

Mr. W. BROWN, in reply, said that his motive in moving the Address to the Crown was not to embarrass the Government, but if it were thought that any such embarrassment would ensue, he had no objection to leave out that part of the Resolution, and simply to move "that in the opinion of this House, the initiation of the decimal system of coinage, by the issue of the florin, has been eminently successful and satisfactory, and that a further extension of such system will be of great public advantage."

Mr. HEADLAM objected to this alteration in the Motion.

Viscount PALMERSTON hoped his hon. Friend would be induced to follow the recommendations of his right hon. Friend the Chancellor of the Exchequer, backed, as it had been, by the opinion of his right hon. Friend the Member for Oxford (Mr. Cardwell), and would be content with the discussion to which his Motion had given rise, and not press the House to a division.

Even among those who thought a decimal coinage necessary, there was such differences of opinion as to the particular way in which that object should be attained, that the House could hardly be expected to concur in a Resolution which appeared to affirm that one particular mode of carrying this object into effect ought to be adopted. For his own part, if he were called upon to carry the decimal system into effect, he could not say he should differ from the opinion of the hon. Member—that the pound should be taken as the starting-point, and the coinage decimalised in the lower denominations. His own opinion, as far as it was formed, would go that way; but there were many gentlemen who, thinking decimal coinage desirable, would begin at the other end, and would take for their unit the lowest denomination of coin. Now, the hon. Member, if his Motion were agreed to, would not only pledge this House to one particular system, but would lead the country to suppose that the thing was, so far, matured, and that the change would be effected at an early period upon that system. Considering the vast importance of this alteration in all the money transactions of the poorer classes, and the inexpediency of making a change which would so deeply affect their interests without much more investigation than had been yet given to it, he thought sufficient ground existed why his hon. Friend should content himself with this discussion, and not ask the House to come to any decision on the subject. If his hon. Friend persisted in dividing the House, he should certainly vote against the Motion, because he thought that, if the present proposal for a decimal coinage were not to be carried into effect, they would be exciting groundless apprehensions; and if it were to be adopted, it would at present cause great confusion, and would be attended with incalculable evils to large classes of the poor. It was evident, too, that no change could be effected by the mere exercise of the prerogative of the Crown; so that, unless the hon. Member was prepared to bring in a Bill on the subject, his Resolution, even if carried, would be a dead letter.

Mr. WARNER hoped that the hon. Member for South Lancashire would not consent to withdraw any part of his Resolutions.

Motion made, and Question put—

"That, in the opinion of this House, the initiation of the Decimal system of Coinage, by the issue of the Florin, has been eminently successful and satisfactory."

The House *divided*:—Ayes 135; Noes 56; Majority 79.

Resolved—

"That a further extension of such system will be of great public advantage."

EDUCATION (IRELAND) MOTION FOR ADDRESS.

Mr. T. KENNEDY moved an Address to Her Majesty, praying that a Commission may be issued, to inquire into the arrangements most desirable for rendering National Education in Ireland more comprehensive and complete—first, by means of industrial instruction adapted to the wants and circumstances of the several districts of Ireland; secondly, by securing the most efficient teachers by an adequate scale of salaries commensurate with their important and engrossing duties. The hon. Member said that his object was to increase the industrial system of education which had been for some time adopted in Ireland. There were 5023 national schools which were attended by 550,000 children; but a million children ought to be attending school in Ireland, to secure the proper education of the people. The reason why the full proportion of children did not attend the schools was mainly this, that the sort of education which the schools afforded was not adapted to the wants of the people; there was ample provision for literary education, but not that industrial education which the people wanted to enable them to earn their livelihood. The principle of industrial education was recognised in the Irish national system as necessary to the people, and a certain amount of aid was given to promote it; but the provision for it should be considerably extended, and should be applied to districts where no such facilities were at present afforded. There were, upon the average, 111 children upon the books of each national school in Ireland; but in forty-three schools where industrial training was afforded, though of the most meagre kind, the average was much greater, being nearly 400. This was a striking proof of what the people desired. One-third of the industrial training was given in the workhouse schools, and out of 69,000 children receiving industrial education 21,486 were in the workhouse schools. In his opinion it would be far better to give these children such instruction as might enable them to keep out of the workhouses and gaols, than to make that instruction, as it were, the reward of pauperism, or even of crime. He admitted that the Irish Board of National Education had made great exertions to promote industrial teaching; but that Board was originally constituted rather to promote literary education, and the industrial branch was a graft on their institutions. It consisted of such personages as the Lord Chancellor, Archbishops and Bishops, and high functionaries of state, and out of fifteen persons, six were of the profession of the law, but the aid of men like Dargan, or Professor Sullivan, would be more efficient in advancing and directing industrial education. He thought a beneficial change might be effected by placing on the Board men who were conversant with the subject, and who had already proved themselves capable of developing the resources and promoting the industry of the country. In speaking of industrial education, it would not be fair to pass over the good which had been done by independent institutions which were unconnected with any board or grant—such as the school at Bonmahon, where, in the course of two years and a half, twenty boys had left a balance in their favour of 500*l*. He believed the system acted upon in Belgium was perfectly applicable to Ireland. In Belgium a grant was made by the State towards education, and another by the district in which the school was situated. The contractor was left free to manage the institution, but the Government reserved the right of inspection, and the result had been most remarkable. In Flanders there were sixty-five establishments of this kind, called workshops, and the result had been that in fifty-three of the districts in which these establishments existed wages had increased, and in twenty-five cases these workshops had led to the establishment of factories and other workshops.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, June 13, 1855.

Minutes.] Public Bills.—1° Consolidated Fund (£10,000,000).

2° Justices of Peace Qualification.

3° Validity of Proceedings (Houseof Commons).

SUNDAY TRADING (METROPOLIS) BILL.

Order for Committee read.

Lord ROBERT GROSVENOR said, that in moving that the House go into step that might induce the working classes to resort to a system of "tick" or running into debt, instead of paying ready-money on the Sunday morning. Their Committee on this Bill he must appeal to the hon. Members for Newport (Mr. Massey), and for Finsbury (Mr. T. Duncombe), who had given notices of Motions—the first, that the Bill be committed that day three months; the second, to extend its operation to Great Britain and Ireland—not to press their Motions. With regard to the first, the Bill had been read a second time at a very early hour in the day, when it was quite competent for any hon. Member to have stated whatever objections he entertained to its principle—as, indeed, the hon. Hember for Lambeth (Mr. Wilkinson), and other hon. Members had done; and the House on that occasion determined that the principle of the Bill was one which it would accept, and, therefore, that its provisions should be considered in Committee. Under those circumstances, he thought the time was gone by for the hon. Gentleman's Motion. With regard to the Motion of the hon. Member for Finsbury, the subject had been frequently discussed in that House, which had always rejected the proposition; and it was, therefore, scarcely worth while to delay the progress of this Bill, which was to affect the metropolis only, by renewing the discussion on the larger question.

Motion made and Question proposed "That Mr. Speaker do now leave the chair."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. MASSEY said, that in moving that the Bill be committed that day three months, he must own that an apology was due to the noble Lord, the Member for Middlesex, for not having brought forward this Motion at a former stage, but he had been unavoidably absent on that occasion, otherwise he should certainly have done so; and, as his objections to the Bill continued in full force, he felt bound to state them now. His objections did not arise from any hostility to the objects of the Bill, for he was as desirous as any man could be to see the Sabbath decently and religiously observed. The various Acts of Parliament which had been passed since the time of Edward III., including the Act of Charles II., for the purpose of enforcing a stricter observance of the Sabbath, had generally a twofold object—to compel religious worship on the part of the people, and to insure an abstinence on that day from labour and from all worldly trades and callings; but one remarkable feature of this Bill was that the promoters of it disavowed that part of the case which contemplated a better religious observance of the Sunday. Indeed, Mr. Hayman, a gentleman who had taken a zealous part in promoting the measure, expressly stated in a circular which he had issued, that "it was absurd to attempt to make the people religious by an Act of Parliament." This point ought to be strictly borne in mind. This was purely a secular measure; it relinquished altogether any attempt at what was called Sabbatarian legislation, and it professed to have for its object simply to secure to the tradesmen and working-classes of London a day of rest from their ordinary labours. Whether they spent that day in innocent recreation, in attending religious worship, or in any less desirable manner was a perfect matter of indifference, so far as this Bill was concerned. [Hear, hear!] From the cheers of the hon. Gentlemen who supported the Bill he understood that this was a proper definition of the objects which they had in view. The first thing, then, which must strike every one was the partial character of the Bill. It affected the metropolis alone, without touching any of the immense hives of industry in the manufacturing districts, but he must say that if Parliament assented to this measure for the metropolis, it was a logical and necessary inference that it must soon be extended to the rest of the country. No doubt, however, if the Bill were meant merely as an experiment of a certain policy, the metropolis might be a very fit subject on which to try it, but if it were meant to stand on its own abstract expediency and necessity in reference to the metropolis, it was a most singular thing that the evils which it sought to remedy only existed in a very few districts of the town. In the great main thoroughfares there was no Sunday trading whatever, and it was only in certain districts, even according to the promoters of the Bill—in Whitecross-street, for example, in some parts of the boroughs of Lambeth, Westminster, Marylebone, and St. Pancras—that Sunday trading did prevail to a limited extent. Before asking the House to arrest the further progress of the Bill, he had made it his business to visit some of these districts — Marylebone, in particular—on a Sunday, and he had found that the shops which were open were mostly of a very humble order—such as milkshops, lollypop shops, to which to apply the term trading was almost a ridiculous exaggeration. Their condition belonged to a degree of poverty little above the condition of a day labourer. Last Sunday he saw a tradesman sitting in his back parlour pursuing with his family the usual peaceful avocations of the day, but ready to come into his shop to earn a penny if a customer came in. Such were the shocking scenes of which they had heard so much. It was stated that several attempts had been made to stop Sunday trading by means of a combination among the shopkeepers themselves, but that the refusal of three or four individuals, who persisted in opening their shops, prevented such an arrangement being carried into effect; and, therefore, that Parliament ought now to interfere to secure to certain tradesmen a day of rest, and grant them a Bill of indemnity against the losses they would sustain from abstaining from business on one day in seven. Legislation of that character, however, was unsuited to the genius of the present day, which discountenanced the principle of giving crutches and artificial helps to persons in the exercise of their callings. Tradesmen ought to be left entirely to their own individual guidance in such matters; and, if a man felt that he required recreation on Sunday, or had religious scruples to carrying on his business on that day, he ought not to object to make any little sacrifice that might be incidental to his pursuit of health or pleasure, or that might be involved in obedience to the dictates of his conscience. It was said that this Bill would inflict no hardship on the working classes, because they could easily make their purchases, if they chose, on Saturday night. But it was not a fair or accurate representation of the case to say that the labouring population unnecessarily persisted in making their purchases on Sunday in selfish disregard of the comfort of those with whom they dealt. It would not do, in discussing this question, merely to refer to the practice of the Messrs. Maudslay and Co. and other large firms in paying their workpeople on Friday or early on Saturday; they must rather take the rough with the smooth, and it would be found that many small employers and middle-men, who did not obtain their money till late on the Saturday, could not pay their workmen till an hour so advanced that in their jaded condition at the end of the week's labour they could not make their purchases that night, but must wait until Sunday morning. This was the effect of the testimony adduced over and over again before Select Committees; and, besides the case of the regular workmen, there was a numerous class of costermongers similarly circumstanced, who probably had not a meal in their wretched dwellings on Saturday night, and who would, therefore, be left to starve if they could not buy food on the Lord's day. It was all very well for those who had larders in which to place their provisions, to lay in a stock of meat, bread, vegetables, &c., on Saturday for their sustenance on Sunday; but there were hundreds and thousands of honest, hard-working, and sober men in that metropolis who had only one room, or at most two, in which to lodge themselves and their families; and these poor persons would be obliged, if this Bill passed, to keep their food in the apartments in which they lived and slept, the tainted atmosphere of which would render it unwholesome by Sunday. The inconvenience of such a measure, therefore, would be greater to the buyer than it could be to the seller; especially seeing that it was not true that the traffic went on during the whole of the Sunday, because in the limited localities to which it was at present confined, the greater portion of it was practically over by eleven or twelve o'clock in the day. It was said that if they adopted this Bill the relations of master and servant would soon adjust themselves to its provisions; but there was no guarantee that anything of this kind would occur; and, if under such a measure the wages of the poor man should unfortunately continue to be paid late on Saturday night, nobody could deny that he would suffer a very serious hardship. Moreover, the present Sunday business was a ready-money business, and the House should be careful how it took any legislation that might have the effect of causing the publichouse to intervene and intercept that part of the working man's gains which ought to go to the legitimate trader; while, on the other hand, it might lead to the introduction of the truck principle, which had proved so objectionable in the manufacturing districts. When examined before the Committee of the House of Lords, Sir Richard Mayne, the Commissioner of Metropolitan Police, gave important and valuable testimony on the subject to which this Bill related. He stated that the reports of his force showed that Sunday trading was decreasing, and that there was now an improved observance of the Sabbath in London; and, while admitting that the Act of Charles II. was inoperative to repress Sunday trading, Sir Richard Mayne also said that he should look with apprehension on any attempt by law to effect that object, compulsory measures especially being, in his opinion, likely to aggravate the very evil they were intended to remedy. At one time he (Mr. Massey) was favourable to a Bill like that now before the House, but having more maturely considered the subject, he had come to the opposite conclusion, and was satisfied that it would be most unsafe and impolitic to pass a Bill so one-sided, so full of anomalies, and founded upon so many contradictions. Those tradesmen who had had the courage to shut their shops on Sunday, from a conviction that such was their duty, had not actually suffered pecuniarily in consequence; and, certainly, for a man to come to Parliament and ask it to help him to act in accordance with the dictates of his conscience, was neither very manly nor very English, and much resembled the conduct of those voters who complained of intimidation at elections. Again, legislative attempts to alter the habits of a people by direct enactment had invariably failed in their design. The rapid strides which society had made during the last one hundred years, gave the only real hope of improvement in that respect. The population of London, a century ago, was described by historians as being in a state of the most revolting depravity. The ignorance and debauchery of the lower classes were then such that the tradesmen pandered to their grovelling vices in the most barefaced and flagitious manner, posting on their shops placards, stating that people could there be made drunk for 1*d.*, and that for 2*d.* they could get dead drunk, and be allowed to sleep upon clean straw for nothing; and, in fact, in most of the temples of debauchery straw was provided for those who were beastly intoxicated to lie upon until they had sufficiently recovered to be able to walk away again. In the latter part of Sir Robert Walpole's Administration, Parliament attempted to repress this profligate state of things by the strong hand, and in 1736, it imposed a prohibitory duty on gin, exacting also a sum of 50*l.* from the retail dealer for his licence, and forbidding a less quantity than two gallons of spirits to be sold. When this stringent law passed, the consumption of spirits in this country was 13,500,000 gallons per annum; but four years after its adoption it had increased to 15,250,000 gallons; and in 1742, when the Legislature at last saw that the [illegible]asure was totally inoperative, and the[illegible]re determined to repeal it, the consumption had risen to the enormous quantity of 19,000,000 gallons. Parliament then went to the other extreme, and passed an enactment of a mere revenue character, together with a licence duty, only nomial in amount; but this new law was just as inoperative as the prohibitory Act which preceded it; and so it would be to the end of time. Legislative experiments to reform morals and manners never had succeeded and never would succeed. In conclusion, then, he objected to this Bill, because it would be distasteful to the majority of the working classes whom it would affect; because it belonged to a category of enactments which had been long obsolete, and ought now to be repudiated; because it would not accomplish the object which its promoters had in view; and because it was wholly uncalled for, the evil against which it was directed, if any really existed, being so extremely partial and limited in its operation that it would be better to leave it to be corrected by those causes which had been silently at work during the last hundred years, increasing the spread of knowledge and self-respect among the working classes, and inspiring them with a wholesome desire to win more and more the good opinion and confidence of those who were accidentally placed above them in the social scale.

Lord STANLEY said, he was confirmed in his approval of the Bill of his noble Friend by seeing that the hon. Gentleman who had just addressed the House, and who had evidently devoted some care and attention to the subject, had not been able to make out a stronger case in support of his opinions than he had done. The hon. Gentleman entertained a decided and very natural opinion in favour of voluntary agencies, and against compulsion of any kind; and he had quoted, in favour of that opinion, an instance of what he (Lord Stanley) believed to be a very unwise interference on the part of Parliament, for the suppression of a popular vice, about 100 years ago. Now, that recital might be quite in place in a discussion on the Maine law; but as regarded the present question, it only showed—what, he supposed, none of them were inclined to dispute—that it was possible to legislate, with the best intentions, in a very injudicious manner. The hon. Gentleman had referred to the improvement which had taken place in the habits of the people of this metropolis, and inferred that that improvement was to be attributed entirely to voluntary and moral agencies. But he (Lord Stanley) apprehended that the hon. Gentleman had forgotten some agencies which were not of a moral or voluntary character, but which were very material in their nature—that he had forgotten, for instance, the effect of an improved police, of better lighted streets, and other material improvements introduced among us of late years. There was one objection raised by the hon. Gentleman to the Bill which was founded simply on a misconception. He had drawn a very pathetic picture of a labouring man, having but one room for himself and his family, and compelled to buy his provisions on the Saturday, and to keep them in that room until the Sunday. But had the hon. Gentleman read the Bill? Because the third clause of the measure made a careful exception in favour of all necessary articles of food, which were allowed to be sold before the hour of nine o'clock on the Sunday morning. That was a direct mode of guarding against that very evil which the hon. Gentleman wished to advert. When the hon. Gentleman quoted the high authority of Sir Richard Mayne, as a witness for the impossibility of carrying such a Bill as that into effect, he (Lord Stanley) had only to observe that he had great respect for the authority of Sir Richard Mayne, but that, before he accepted it upon such a question, he should like to know a little more specifically and definitely what the particular provision was which Sir Richard Mayne said it would be impossible to enforce. Violation of the law in some cases there, no doubt, might be, through the neglect of the police; all laws were occasionally violated; but certainly the hawking of goods about the streets, and the keeping open shops on Sunday—the particular offences against which this Bill was directed—were offences which could not be carried on in secret, and the detection of which was therefore easy. The hon. Gentleman had told them that purchases must be made by the labouring classes on the Sunday, because they were not paid their week's wages until the Saturday night. Now, in the first place, he (Lord Stanley) would repeat that necessary purchases on the Sunday morning before nine o'clock were not prohibited by the Bill; and in the next place he should observe, that he saw no reason to think that the masters would object to accommodate themselves to the proposed change of the law, and to make their payments to their workmen on the Friday night. What possible advantage could a master have in paying on the Saturday instead of the Friday? The only reason, he believed, why wages had been hitherto paid on the Saturday was, that the working classes thought — perhaps erroneously — that it was their interest to receive them on the eve of their only holiday. The hon. Gentleman seemed to apprehend that the Bill would tend to introduce a system of credit among the working classes in their dealings with shopkeepers; and he (Lord Stanley) readily admitted that such a system would be productive to them of the greatest evil. But he did not understand why that evil should arise. The hon. Gentleman had spoken of the public-house interfering between the labouring classes and their employers, swallowing up their earnings as soon as these were received: but the fact was, that the public-house did so interfere at present, and that one of the great objects of the Bill was to remove that inconvenience. As far as the Bill would affect that matter at all, it would affect it in an opposite manner to that stated by the hon. Member, and would tend to decrease and not to increase the evil to which he referred. Another objection of the hon. Gentleman was, that the Bill was confined to the metropolis, and would not extend to the whole empire; but such a measure seemed necessarily to apply to great towns, rather than to a country district; but all that he (Lord Stanley) could say upon that point was, that he would be perfectly prepared to extend that experiment to the other towns of the kingdom, if it should be found to operate beneficially in London. There was nothing new in the practice of legislating in an exceptional manner for the metropolis, and they had at present on the notice paper of the House a Bill for applying a different system of local government to the metropolis from that which was adopted in other towns. He thought it was not unreasonable that when they were trying an experiment of that kind—for an experiment it was—they should be anxious to try it in the first instance in the locality in which the evil which they were seeking to suppress was most severely felt. Another argument used by the hon. Gentleman, in opposition to the measure, was that the number of people at present employed against their will on a Sunday was so small as to be hardly deserving of becoming the subject of legislation. But he (Lord Stanley) believed it was stated in the Report of one of the Committees which had inquired into that subject, that the number of persons so employed on the Sundays against their will exceeded 50,000—and this was not a number so insignificant as to be undeserving the consideration of the House. The hon. Gentleman further contended that the business transacted was so trifling as not to impose any considerable amount of labour; but it seemed to him (Lord Stanley) that such a circumstance could only serve as an argument in favour of the measure, because if the trade were in itself inconsiderable there was the less reason to think that it could not be dispatched on six out of the seven days of the week. Let the House observe that there was a difference between interfering with the opening of shops at a certain period, and interfering with labour. If they were to enact that the producing classes should not work on any day on which they had been accustomed to work, then the interference with industry would be to that extent an actual and positive diminution of the capital of the country; but when they declared that certain persons having to carry on a certain amount of trade should carry it on during six days and a limited portion of the seventh only, they would not diminish the amount of the traffic; they would merely limit the time within which the sales were to be made. The hon. Gentleman had in one respect done justice to the promoters of the measure; he had said that it was not conceived in a Sabbatarian spirit. That was, he (Lord Stanley) believed, a fact; and if he thought otherwise he would not support the Bill. He was opposed to any compulsory enforcement of what was called the sanctity of the Sabbath-day; but in the present case they were asked, not to enforce any religious observance, but to protect a national right—they were asked to protect ninety-nine men in a 100 who were anxious to close their shops on the Sunday, against one man in a 100 who wished to open his shop on the Sunday. In a large town where shops were contiguous to one another the pressure of competition was so urgent on the shopkeeper that it became practically impossible for one tradesman to close his shop on Sunday, except at a great loss, when his neighbour in the same line of business kept his open. He was confident that if it were possible to ascertain the feelings of the London shopkeepers upon that subject, it would be found that a very large majority of them were in favour of the Bill. His only fear was, that the measure, being reasonable and moderate, would be encountered by a hostility arising in opposite quarters. Some, like the hon. Gentleman, thought it went too far; others complained that it did not go far enough, and he held in his hand a paper, in which it was energetically denounced, not because it prohibited trading on the Sunday, but because it virtually legalised a certain amount of trading on that day. Now, that was not the view which he took of the matter. He thought they had combined all the advantages that could be attained by the measure; and while it proceeded on a renunciation of the Sabbatarian spirit, he believed it would give a fair reasonable protection to the tradesman, without inflicting an injury on the working classes; but that, on the contrary, the interests and character of the persons affected by the Bill would be benefited by the change.

Mr. W. J. FOX said, it was his conviction that a great change had been going on during the last fifty years in the manners and habits of the people of the metropolis, and he was fully satisfied that the progress of civilising influences might be safely left to work out its own results without interfering by legislative enactments to put down Sunday trading. It was true, as the noble Lord (Lord Stanley) had stated, that this Bill was not satisfactory to a certain class of the religious world, and hon. Members must take care that in propitiating one class they did not offend another. The Sabbatarians were already remonstrating against this Bill as not being of a sufficiently restrictive character. They considered it a Bill of profanation and desecration, and said that it would positively legalise Sunday trading to an extent truly extraordinary, relaxing on the one hand what it professed to strengthen on the other, so that the ill effects of the law would be greater than its benefits. It would be well for those who insisted so strongly on the observance of the Sabbath to remember that the Mosaic Sabbath as a matter of public convenience, as well as a provision for public rest and instruction, had a great superiority over the present observance of our Sabbath. Taking the Sabbath from twelve o'clock on Saturday night to twelve o'clock on Sunday night put a complete stop to many things which were indispensable to the enjoyment and comfort of the people. The real original Sabbath commenced at sunset on the evening of one day, and terminated at sunset on the evening of the next day, and thus afforded the opportunity for a variety of operations which were most important to the well-being and comfort of society. If we would substitute our modern reckoning for the ancient computation, let us at least have some counterbalance either in the morning or evening for the necessary requirements of the day thus set apart. He did not believe, with the noble Lord, that conscientious persons would suffer from competition if they shut up their shops on Sunday, because, if a man were believed to be in earnest and to act from religious motives, what he lost in one direction he would gain in another. He would join himself to some Church, or sect, or congregation; and it was notorious that in many professions there were strong inducements to persons to connect themselves with religious bodies, finding, in so doing, profits in this life, as well as in the life to come. But whether they were repaid for their spiritual sacrifices or not, he did not think they had any right to call upon the Legislature to step in for their protection, and he considered the present Bill objectionable, not merely as affecting the interests of the working classes, but on account of the strange selection of topics to legislate upon. The Bill picked out trading exclusively for penalties and prohibitions, and left work, amusement, and occupation out of the question. But the cessation of labour on Sundays was still more important than the prevention of Sunday trading, and ought assuredly to be considered with it in any enactment like the present. The fact was that the promoters of the Bill shrank back from touching the question of labour, because they would then influence a more powerful class of society against them. They would then interfere with the gentry and clergy, with the members of clubs and coteries, with peers, and bishops, and archbishops. The employment of cooks, of footmen, and of grooms, and the use of carriages, were far more point-blank against the original anathema than the exercise of any of those trades which accommodated the poor man with the food and refreshment necessary for his comfort on the Sunday. The public would tolerate no measure on this subject which did not strike manfully, boldly, and conscientiously at Sunday work as well as trading, wherever it was carried on. To stop short of this was only a pitiful and sordid hypocrisy.

MR. KER SEYMER said, that the hon. Gentleman (Mr. Massey), who had moved the Amendment congratulated the House that this had not been made a religious question. But, although he (Mr. Seymer) agreed that the measure could not be regarded as a religious one, he was unwilling to look upon the Sabbath as a mere day of rest. He believed that it would not be for the interest of the working classes that it should be so considered, for he felt convinced that, in order to make that a people's day, it should first be made a Lord's day. They had been told that there were many parts of the metropolis in which such a Bill would not be required. It should, however, be remembered that those districts would not be affected by its provisions; but he believed there were other portions of the town in which it might most usefully be brought into operation. He had himself visited Houndsditch on Sunday last, at about eleven o'clock, for the purpose of seeing what was the character of the Sunday fair which was known to take place in that quarter; and he would tell the House what had been the result of his inquiries. With some difficulty he had entered a very crowded street, which led to the spot in which the principal mart was held. The first thing that struck him in the place was a large placard with the inscription "Liberty of the subject in danger," and containing an announcement that a meeting was to be held in reference to the Bill then under the consideration of the House. But what was that "liberty of the subject?" It was the liberty of buying and selling stolen goods on the Sunday during the hours of Divine service. The next thing that attracted his notice was a man calling in a loud voice upon the crowd around him to sign a petition in favour of Sunday trading. He could not say that he saw many persons complying with that request, and he believed that in point of fact a number of those present would have found it exceedingly inconvenient to sign their names and their places of abode. He had then seen a man addressing another knot of persons, and protesting amidst many disgusting and blasphemous expressions, that he made no distinction between religions, and that he was only anxious to do good for his fellow-men. But, unless that man's countenance greatly belied his character, he (Mr. Seymer) should be extremely sorry to trust to his humane and fraternal feelings. He had afterwards entered a large covered bazaar, crowded with persons selling every article except articles of food. He thought nothing but the pen of Dickens could describe what he saw in these Sunday bazaars. Having on one occasion met a policeman, he asked him if that state of things was to be witnessed every Sunday. The policeman said, "Yes, and I wish Lord Palmerston or Lord John Russell would come and see it." In the course of conversation the policeman asked him to pay a visit to the pick-pockets' exchange, where they sold the handkerchiefs stolen in the course of the week. He accordingly went, and saw wretched-looking men disposing of silk handkerchiefs that they never could have come by honestly. He was informed that many persons frequented the place in order to get cheap bargains. But it invariably happened that a man, on purchasing a handkerchief, was robbed of it by the confederates of the party who sold it to him, even before he left the bazaar. He was bound, however, to say he saw no outrage or violence going on. And, having remarked that to the policeman, his reply was, "Oh, yes, things go on pretty regular, except that there is some thieving." There could not have been less than 15,000 or 16,000 persons present. He knew men could not be made religious by Act of Parliament; but these were scandalous symptoms, and for that reason he should support the measure.

Sir JOHN SHELLEY said, he should support the Bill because he believed the welfare of the working classes of London depended on a Bill of this kind, so that after a certain hour on the Sunday they might get an opportunity of having a holiday. There were certain classes in London—he alluded especially to the barbers, those who shaved the community—who it was perfectly well known had not for years had an opportunity of having their hats on. He denied that this Bill was for the interest of the trading classes; but, on the contrary, he believed it to be a Bill for the interest of the working classes.

Mr. T. DUNCOMBE said, he could not but observe that the promoters of this Bill appeared particularly reluctant to discuss the Bill on its merits. The Bill was brought in without discussion or explanation, and, on the second reading, the noble Lord (Lord Robert Grosvenor) tried to coax the House against discussing it on that occasion, by stating that the House had already, on several previous occasions, affirmed the principle of a Bill for prohibiting Sunday trading. He should certainly take the sense of the House upon the question of going into Committee. The inhabitants of the metropolis objected to have experiments of this kind tried on them; let the case be reversed, and if the measure succeeded in the rest of the kingdom the metropolis would then think, perhaps, about adopting it. A great deal of trading went on in other large towns, and if the Bill were so perfect, why should the metropolis monopolise its benefits? He believed that if his proposition were agreed to, many hon. Members who now supported the Bill would combine to kick it out of the House. Where did the hon. Member for Dorsetshire (Mr. K. Seymer) derive the information that the goods he had seen exposed for sale in Houndsditch were stolen? If they were stolen, it was the hon. Gentleman's duty to inform the policeman of the fact, and give the thieves into custody; but he thought the hon. Gentleman would have been much better employed in attending his parish church than in spending his Sunday in Houndsditch. Having seen the iniquities he had described, the hon. Gentleman ought to have gone at once to the Lord Mayor, within whose jurisdiction they had taken place, and whose duty it was to put a stop to them. Why should the House interfere if the Lord Mayor did not? He objected to the Bill, because it was much more stringent than any which had previously been brought forward, and he thought that if any measure on the subject was necessary it ought to be introduced by the Government. The noble Lord the Member for Marylebone (Viscount Ebrington) had supported the Bill upon sanitary grounds, upon the principles of political economy, and also upon religious grounds; and certainly this was a religious question, or else it was no question at all. The supporters of the Bill resorted to a cowardly evasion upon this point; they told the House that they rested the Bill on purely secular grounds, while they told the Sabbatarian party that their object was to put a stop to the desecration of the Sabbath, at all events, after nine or ten o'clock; and if they could once get in the thin end of the wedge they would soon abolish Sunday trading altogether. The Bill was founded on the 29 of *Charles* II., although it altogether ignored that Act, and was much more stringent in its provisions; for instance, all proceedings under the Act of Charles II. were to be commenced within ten days after the offence had been committed, but by this Bill any proceedings might be commenced within three calendar months. Any person convicted under this Act, if he had no money to pay the fines, might be sent to the House of Correction for fourteen days; by the Act of Charles II. the penalty for non-payment was imprisonment in the stocks, and it applied both to rich and to poor. The Act of Charles II. was still in force, and any one using carriages or servants and not going to church on a Sunday was at this moment liable to be put in the stocks. Why did they not repeal that Act and place the whole subject on an intelligible footing? He certainly thought the Sabbath was needlessly desecrated in the metropolis. He saw no necessity for the Sunday afternoon trading which now took place, and, upon religious grounds, he should be glad to see trading put a stop to, except in some perishable articles, such as milk, after half-past ten or eleven on Sunday morning; but his objection to this measure was, that it would prevent numbers of the poorer classes, who did not receive their wages until late on Saturday night, from providing themselves with the necessaries of life on Sunday morning. No man's trade ought to be allowed to interfere with another man's devotions, but he saw no reason why the poor should not be allowed to supply themselves with necessaries up to half-past ten on the Sunday morning. He should vote for his hon. Friend's Amendment; but if the House went on with the Bill he should try and persuade them to extend its provisions to the whole country.

MR. DRUMMOND said, he disliked the insinuation contained in the title of the Bill, that its object was to prevent unnecessary trading on the Sunday. In point of fact, unnecessary trading on the Sunday could only be trading by the rich. But there was a positive necessity for many of the poor to trade on the Sunday. In addition to the reasons stated by the hon. Member who had just sat down, let the House remember that there were no less than 150,000 families in London who inhabited only single rooms. Those people could not buy anything that was liable to become corrupt in the course of the Saturday night. If they were to bring in a honest Bill to shut up the clubs on Sundays he would not oppose it, but he would not support this Bill, which appeared to him unjust in every way.

MR. BENTINCK said, he had received numerous communications from that part of the country with which he had the honour to be connected, all strenuously opposed to the further progress of this Bill. The whole tenour of their representations was, that they would gladly support any Bill which would prevent unnecessary trading on the Sunday, but they considered that the exceptions in this Bill militated against the principle of the measure. Concurring in this view, he felt it his duty to oppose the further progress of the Bill.

MR. WILKINSON said, many of his constituents were in favour of the Bill, and many were against it. But he had a conscientious objection to the Bill, which he thought was a mistaken piece of legislation. He was as much opposed to Sunday trading as any one, and he believed that it was continued rather in deference to the people, who were accustomed to Sunday trading, than in accordance with the wishes of the shopkeepers who keep their shops open. He considered this to be quite a religious question, and if it was, then he agreed with his hon. Friend the Member for Finsbury (Mr. T. Duncombe) that this measure did not go far enough. The hon. Member for Dorsetshire (Mr. K. Seymer) had spoken of a particular district, but he apprehended that was a district inhabited principally by Jews.

SIR GEORGE GREY said, he had not

taken any part in the discussion, because he had, on a previous occasion, stated his concurrence with the principle of the Bill, and he would now only repeat that he should support the Motion for going into Committee. The objection taken to it by the hon. Member for Finsbury (Mr. T. Duncombe) were objections which ought to be considered in Committee, as they appeared to resolve themselves into a question of whether nine or half-past ten o'clock was the time after which trading should be prohibited. Some of the petitions presented by the hon. Member for West Norfolk (Mr. Bentinck) were not against the Bill itself, but against the exceptions it contained. He thought it would be unwise to omit these exceptions, because the Bill did not rest upon the religious obligation to observe the Sabbath, but must be regarded rather as a police regulation to secure the greater part of the Lord's day as a day of rest for the poor. It ought not to be extended to the whole country, because many towns had police regulations of their own with which it would interfere, and, in his opinion, it had been very properly introduced by a noble Lord who represented a metropolitan county, and who wished to relieve a large number of his constituents from the obligation of sacrificing a day which ought to be a day of rest and recreation, if not of religious observance, to the bulk of the people.

Mr. MAGUIRE said, he should support the Amendment, because he preferred to be guided by the opinion of Sir Richard Mayne, rather than by that of the extraordinary policeman to whom the hon. Member for Dorsetshire had referred, and it was Sir Richard Mayne's opinion that any attempt to deal with the subject by legislation would only aggravate the evil. The hon. Gentleman had referred to the attempt some man was making to obtain signatures to a petition, but was there not in London a regularly organised system of petition mongering? Was there not a paid secretary and a staff for every agitation that was raised, who went about pestering people for signatures to petitions upon subjects they knew nothing about? There were from 30,000 to 50,000 poor people engaged till twelve o'clock every Saturday night in the streets of London in the sale of small articles, and why were they not to be allowed to purchase necessaries upon a Sunday morning? The rich were the greatest violators of the law. Why, there lived not three hundred yards from the Queen's palace a rich fishmonger who employed fifteen persons every Sunday, from early in the morning until sometimes ten o'clock at night, in carrying fish to Peers, Bishops, Judges, Members of that House, and persons of that class.

Mr. BENTINCK said, he must beg to explain, in consequence of the reference made to him by the right hon. Baronet the Home Secretary, that he had stated that the objection taken to the Bill by the petitions he had presented was, that it would increase the present amount of Sunday trading.

Sir JOSHUA WALMSLEY said, he objected to the Bill, because he believed it to be unnecessary, and directed against a particular class. If a similar measure were directed against another class he should think there was some sincerity in the promoters of the Bill. For instance, if the noble Lord who had charge of the Bill, and whose kindly feeling and sincerity none could doubt, would only direct his attention to that class more especially to which he belonged, and correct their errors, rather than those of the working classes, he thought he would act more advisedly. When he went into Hyde Park on the Sunday he found numbers of persons, even Members of that House, advocates of that measure, riding in their carriages with their servants attending them; and he could not go to the Zoological Gardens but he saw the same thing. It appeared to him that that which was wrong in the working classes must surely be wrong in the upper classes, and if he should see the noble Lord legislating against these things, he thought it would be much better. With this view he objected to the Bill as an unnecessary piece of legislation. He believed, firmly and conscientiously, that were the upper classes to set the working classer a better example, much more effect would be produced than any such legislation as that which was now proposed.

Lord ROBERT GROSVENOR said, that he had introduced the Bill, not at the instigation of his own class, but in compliance with the wishes of a number of the inhabitants of this metropolis, principally of the trading and lower classes, whose petitions, signed by upwards of 50,000 persons, had been presented. Anticipating some such observations as those which had just been made by the hon. Member for Leicester (Sir J. Walmsley) he had, in order to see what was the example set by the higher classes in this matter, caused to be ascertained the number of carriages and horses that were in Hyde Park on Saturday and Sunday last, and also the number of omnibuses and cabs that passed a certain point in Piccadilly on the same days. The results were these:—On Saturday there were in Hyde Park 1,936 carriages with one horse, 2,199 carriages with more than one horse, and 1,740 saddle horses; on Sunday there were 1,698 carriages with one horse, 854 with more than one horse, and 413 saddle horses. The two last numbers represented the means of conveyance principally used by the higher classes. As to omnibuses and cabs, the means of conveyance used by the middle and lower classes, the results were — On Saturday, 1,228 omnibuses, and 3,047 cabs; on Sunday, 1,040 omnibuses, and 2,600 cabs. In this respect, therefore, a very good example appeared to be set by the higher classes, and thought it was a sufficient answer to the observations of the hon. Member for Leicester.

Mr. HEYWORTH said, he thought the statistics about omnibuses and cabs went to prove that the middle and upper classes did not observe the Sabbath so well as the lower classes of the population. It had not been shown that all clubs were closed on Sundays. He considered the Bill very injurious, and should therefore support the Amendment.

Mr. BARROW said, the great evil was, that labouring men went to the public-house on Saturday night instead of to the market. If there was no market on Sunday morning, it would be of great advantage to them, and he believed the payment of wages on Sunday morning was the exception and not the rule.

Mr. SPEAKER said, before putting the question, he must inform the hon. Member for Finsbury (Mr. T. Duncombe) that it was not competent for him to move an instruction to the Committee, as the hon. Member for Newport (Mr. Massey) had a previous Amendment on the paper, which must first be taken. In case that Amendment should not be adopted, it would be competent for the hon. Member for Finsbury to move his Amendment, though he might move it on the bringing up of the Report, or on the third reading.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 158; Noes 51: Majority 107.

List of the Ayes.

Acland, Sir T. D.
Adair, R. A. S.
Anderson, Sir J.
Bailey, Sir J.
Bailey, C.
Baird, J.
Barnes, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Baxter, W. E.
Bell, J.
Berkeley, C. L. G.
Bethell, Sir R.
Biddulph, R. M.
Bignold, Sir S.
Blandford, Mar. of
Bouverie, rt. hon. E. P.
Bramley-Moore, J.
Brotherton, J.
Buck, G. S.
Butler, C. S.
Butt, G. M.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Cayley, E. S.
Cecil, Lord R.
Challis, Mr. Ald.
Child, S.
Cholmondeley, Lord H.
Clifford, H. M.
Coles, H. B.
Colvile, C. R.
Coote, Sir C. H.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Davie, Sir H. R. F.
Davies, D. A. S.
Davies, J. L.
Dent, J. D.
Drumlanrig, Visct.
Duncan, G.
Dunlop, A. M.
East, Sir J. B.
Ebrington, Visct.
Egerton, W. T.
Egerton, E. C.
Ewart, W.
Ewart, J. C.
Farnham, E. B.
Farrer, J.
Ferguson, Sir R.
FitzRoy, rt. hon. H.
Floyer, J.
Foley, J. H. H.
Follett, B. S.
Forester rt. hon. Col.
Forster, C.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Gardner, R.
Gaskell, J. M.
Gladstone, Capt.
Goddard, A. L.
Goodman, Sir G.
Greaves, E.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Guinness, R. S.
Gurney, J. H.
Gwyn, H.
Hadfield, G.
Hall, Sir B.
Hamilton, Lord C.
Hastie, A.
Hastie, Arch.
Heathcote, Sir G. J.
Heathcote, G. H.
Heathcote, Sir W.
Hervey, Lord A.
Hindley, C.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hudson, G.
Hughes, W. B.
Ingham, R.
Irton, S.
Jermyn, Earl
Kendall, N.
Kershaw, J.
King, hon. P. J. L.
Langton, H. G.
Laslett, W.
Lee, W.
Leslie, C. P.
Liddell, hon. H. G.
Lisburne, Earl of
Lockhart, W.
Luce, T.
McTaggart, Sir J.
Malins, R.
Mandeville, Visct.
Manners, Lord J.
Miles, W.
Milligan, R.
Michell, W.
Moncreiff, J.
Morris, D.
Mulgrave, Earl of
Naas, Lord
Neeld, John
North, F.
Northcote, Sir S. H.
Oakes, J. H. P.
Packe, C. W.
Pakington, rt. hn. Sir J.
Palk, L.
Palmer, Robert
Peacock, G. M. W.
Pennant. hon. Col.
Percy, hon. J. W.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Ricardo, O.
Robartes, T. J. A.
Robertson, P. F.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sawle, C. B. G.
Seymer, H. K.

Shelley, Sir J. V.
Shirley, E. P.
Smith, A.
Smollett, A.
Spooner, R.
Stafford, A.
Strickland, Sir G.
Stewart, Sir M. R. S.
Stuart, W.
Tollemache, J.
Tudway, R. C.
Verner, Sir W.
Waddington, H. S.
Walpole, rt. hon. S. H.
Waterpark, Lord
West, E. R.
Whitmore, H.
Winnington, Sir T. E.
Woodd, B. T.
Wyndham, Gen.
Wynne, W. W. E.
Wyvill, M.

TELLERS.

Grosvenor, Lord
Stanley, Lord

List of the NOES.

Bentinck, G. W. P.
Berkeley, H. H. F.
Biggs, W.
Bland, L. H.
Bright, J.
Brockman, E. D.
Coffin, W.
Cogan, W. H. F.
De Vere, S. E.
Divett, E.
Drummond, H.
FitzGerald, Sir J.
Forster, J.
Fox, W. J.
Gallwey, Visct.
Goderich, Visct.
Headlam, T. E.
Heard, J. I.
Heyworth, L.
Higgings, G. G. O.
Horsfall, T. B.
Hutt, W.
Lowther, hon. Col.
Lowther, Capt.
Mackie, J.
M'Mahon, P.
Maddock, Sir H.
Maguire, J. F.
Miall, E.
Moody, C. A.
Morgan, O.
O'Brien, P.
Otway, A. J.
Pechell, Sir G. B.
Pilkington, J.
Powlett, Lord W.
Price, W. P.
Ricardo, S.
Scobell, Capt.
Shafto R. D.
Smyth, J. G.
Somerville, rt. hn. Sir W.
Steel, J.
Sullivan, M.
Thompson, G.
Tyler, Sir G.
Walcott, Adm.
Walmsley, Sir J.
Welby, Sir G. E.
Wilkinson, W. A.
Wyndham, H.

TELLERS.

Massey, W. N.
Duncombe, T.

Main Question put, and *agreed to.*

House in Committee.

Clause 1, which provides penalties for selling, offering, or exposing goods for sale.

MR. MASSEY moved to insert the words, "after the hour of ten o'clock in the forenoon."

LORD ROBERT GROSVENOR said, he could not consent to the insertion of words which would destroy the whole principle of the Bill. It was his belief that great numbers of the working classes would never purchase what they wanted on a Saturday evening so long as they knew they could do so on Sunday morning, and this was a Bill to put an end to Sunday trading.

Amendment *negatived.*

MR. W. J. FOX said, he would propose to add at the end of the clause—

"Provided always that no person of the Jewish race and religion shall in any case whatever be liable to any of the penalties inflicted under this Act."

He thought particular indulgence ought to be shown towards a class who were unwarrantably excluded from that House, notwithstanding that their entrance was wished by great numbers of Christians who returned them as representatives. The Jews were the truest and most conscientious Sabbatarians. No class was to be compared with them in the observance of rites and ceremonies. They consequently deserved to have their conscientiousness recognised, and to be freed from penalties which would fall with greater propriety on those who for profits' sake desecrated a day which they pretended to hold sacred. The Jews were the observers of a law which was most distinct and most complete in its evidence. It did not rest, like the Christian law, upon inference, tradition, and the practice of Churches. It was a clear, distinct, positive enactment, and the Jews acted up to it. On some accounts it was very convenient that there should be some persons holding one day sacred, and others another. The operations of society could not be suspended entirely on either day, and there were those of whose services they could avail themselves in the one case and in the other. It was a common benefit that there should be Jews as well as Christians in the population, and an observance of Saturday as a sacred day as well as the observance of Sunday. This clause, without his Amendment, imposed on the Jews penalties for a conscientious adherence to their religion, and was in opposition to all the tolerant legislation of late years and that reverence with which the Jews and their religion ought to be treated. In order to secure something like impartiality, and to prevent the Bill being open to the charge of intolerance, he trusted the Committee would consent to the Amendment.

MR. LLOYD DAVIES said, he objected to the Amendment, on the ground that they were legislating for the better observance of the Christian, and not of the Jewish Sabbath; in other words, that they were legislating for the whole community, and not for any particular class.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 2, which provides that every sale shall be a separate offence,

MR. T. DUNCOMBE said, that it was not in the Bill which the House of Lords considered sufficiently stringent. If the Committee wished to make the Bill more obnoxious, they could do so. He should only call attention to the fact.

Clause *agreed to.*

Clause 3, which provides that the provisions of the Act should not apply to the sale of any medicine, drug, or article for medicinal purposes.

Mr. T. DUNCOMBE moved to insert after the words "medicine, drug, or other article for medicinal purposes," "nor to the exercising of any work of necessity, or charity, or in cases of sickness or sudden emergency." Those words stood in the Bill which the House of Lords sent down, and he could not understand why they were omitted.

Mr. G. BUTT said, the words proposed to be introduced excepted something which did not fall within the Act.

The Marquess of BLANDFORD thought this clause altogether objectionable, as inviting inferentially the infringement of existing Acts of Parliament, by excepting many things the sale of which on Sundays was now prohibited. He recommended that the clause should be left out, and another clause afterwards brought up, specifically legalising the sale of those articles clearly necessary to be sold to the public.

Sir GEORGE GREY said, the hon. Member for Finsbury (Mr. T. Duncombe) was quite right in saying the words he proposed to insert were in the Lords' Bill, but he believed it happened in this way—that Bill prohibited work, and therefore excepted works of charity, but, when the part prohibiting work was struck out, the exception, by an oversight, was allowed to remain.

Mr. MAGUIRE said, he thought it important that the words proposed should be inserted.

Lord ROBERT GROSVENOR said, he made no objection to the proposition, but thought it was undesirable to incumber the Bill with unnecessary provisions.

Mr. MONTAGU CHAMBERS said, he thought the best way would be to read the clause thus—"That the provisions of the Bill should not extend nor apply to the selling, offering, or exposing for sale of any medicines, drugs, or any article for medicinal purposes, or in cases of emergency or of charity."

Mr. MILES said, he would suggest that the addition of the words "charitable or" after the word "article" would meet the difficulty.

Lord ROBERT GROSVENOR said, if the Committee would pass by the clause and allow him to confer with those who had drawn the Bill, if he found the Bill did not really carry out the wishes of the hon. Member for Finsbury he would propose words to that effect upon the Report.

Mr. T. DUNCOMBE said, he was so completely at issue with those who drew the Bill that he would not trust anything to them. He held some of those parties in the highest contempt. It appeared that there had been some 1,400*l.* subscribed in four months—nice pickings for the gentlemen who had got up the greatly exaggerated statements which had been put forth. As for consulting with them, surely the House was competent to decide for itself. As the proposition of the hon. and learned Member for Greenwich (Mr. M. Chambers) would meet his object, he was willing to withdraw his Amendment, and substitute the addition of the words proposed by the hon. and learned Gentleman.

Amendment *withdrawn*, and the words, "or in cases of emergency or of charity" were added to the clause.

On the next provision, that the Act should not extend nor apply to "the selling, hawking, crying, offering, or exposing for sale of any milk or cream before the hour of nine o'clock in the morning, or after the hour of one in the afternoon."

Lord ROBERT GROSVENOR proposed to strike out the words "hawking or crying."

Sir GEORGE PECHELL said, he wished to know whether the Bill would interfere with an Act passed in 1836, whereby bakers were authorised to bake and sell bread up to half-past one in the afternoon of Sunday?

Lord ROBERT GROSVENOR said, the Bill would not interfere with the Act of 1836, although the provisions of that Act were not exactly as the hon. and gallant Member had described them.

Mr. T. DUNCOMBE said, that, under the Act of Charles II., milk and cream were allowed to be sold during the whole day, as also was mackerel.

Lord ROBERT GROSVENOR said, mackerel could be sold till nine o'clock in the morning.

Mr. T. DUNCOMBE said, if the sale of fish was restricted to nine o'clock, all the fish left unsold at that hour, or which might arrive later, would be stinking on Monday.

Sir GEORGE PECHELL said, he must make an appeal to the Committee on behalf of the oyster interest; he hoped there was to be no further restriction imposed upon the trade.

Mr. MAGUIRE said, he thought it would be better to retain the words "hawking or crying."

Lord JOHN MANNERS said, he wished to know why nine o'clock was the limit for the sale of milk, and ten o'clock for newspapers?

Mr. WILKINSON said, he should move that all the words after the word "cream" should be left out."

Amendment proposed, in page 2, line 12, to leave out the words "before the hour of nine in the morning, or after the hour of one in the afternoon."

Sir JOHN SHELLEY said, that milk now came up by railway, and in some cases, might not reach London until after nine o'clock.

Mr. MONTAGU CHAMBERS said, the object of the Bill was to relieve the poorer classes from excessive labour, and if milk was to be allowed to be sold during the whole day, persons would be kept the whole day to carry it out, and other persons would be sent out to fetch it. He could not see that the emergencies were so important as to require alteration in the hour.

Lord JOHN MANNERS said, he could not see why milk and cream should not be sold after nine o'clock.

Question put, "That the words 'before the hour of nine' stand part of the clause."

The Committee *divided:*—Ayes 133; Noes 69: Majority 64.

Mr. CRAUFURD said, he would now propose to extend the hours of sale from nine o'clock until eleven o'clock.

Amendment proposed in page 2, line 13, to leave out the word "nine," and insert the word "eleven."

Question put, "That the word 'nine' stand part of the Clause."

The Committee *divided:*—Ayes 107; Noes 100: Majority 7.

The CHAIRMAN said, the next exception from the operation of the Bill was in these words—"Nor to the selling, offering, or exposing for sale any newspaper or other periodical paper before ten o'clock in the morning."

Mr. T. DUNCOMBE said, he wished to know whether it was intended to make it illegal for a person who was going by a railway at half-past ten o'clock to purchase a newspaper, although if the train started at ten o'clock he might legally do so? Nothing could be more absurd than such a description of legislation; and he should give it his most strenuous opposition.

Mr. CRAUFURD said, he would beg to point out the great inconvenience which might result from the clause as now worded. Supposing a second edition should be published after ten o'clock, announcing some important news from the East, such, for instance, as the successes of the allied squadron in the Sea of Azoff, were the public to be debarred from receiving that intelligence until Monday morning?

Mr. W. J. FOX said, the effect of the clause would be to deprive a vast number of persons of the pleasure and advantage of reading Sunday newspapers altogether, and the clause would in effect amount to a total prohibition of the sale of newspapers on a Sunday.

Sir JOHN SHELLEY said, that Sunday was almost the only leisure day which the working classes had for reading the newspapers, and he should at the proper time move the omission of the words "before ten o'clock in the morning."

Mr. SPOONER said, he had all along intended to propose the rejection of all that part of the clause which referred to newspapers, and as there appeared to be a difficulty in doing so now he should move his Amendment on bringing up the Report. A newspaper was not an article of "necessity," and he considered that the public could well do without it on the Sabbath.

Lord ROBERT GROSVENOR said, that there was not a single newspaper actually published on a Sunday. There were two issued on that day, but they were second editions only.

Mr. T. DUNCOMBE said, he thought that the argument of the noble Lord against the sale of newspapers, if worth anything, would equally apply to the working of railways and to the employment of steamboats on a Sunday. But it was clear to him that the observance of the Sunday was not the primary object of this Bill. Its provisions would still leave the clubs at the West end untouched. The Bill, in fact, was meant to affect only those who were not fairly represented in that House.

Sir GEORGE GREY said, he thought it very undesirable to make the Bill too stringent in its operation. The House must take care what they were doing, otherwise they would most certainly defeat themselves.

Mr. HUTCHINS said, if the suggestion of the hon. Member for North Warwickshire (Mr. Spooner) were adopted, and the paragraph which excepted the sale of newspapers before ten o'clock on a Sunday was left out, the effect would be to prohibit the sale of newspapers on Sunday altogether.

Mr. MAGUIRE said, he assumed that one object which the promoters of this Bill had in view was to prevent the humbler classes from resorting to publichouses on a Sunday. Now, it was a well-known fact that the people went to publichouses chiefly for the purpose of reading the newspapers. The way, then, to prevent their going to publichouses appeared to him to be to afford every facility for the sale of newspapers.

Question put, "That the word 'ten' stand part of the clause."

The Committee *divided:*—Ayes 169; Noes 53: Majority 116.

Mr. T. DUNCOMBE said, that by the division just come to it had been decided that the sale of newspapers should be excepted from the operation of the Bill up to ten o'clock in the morning; he would now beg to move that the words "in the morning be left out, and the words in the afternoon" be substituted.

Amendment proposed, in the same line, to leave out the words "in the morning," and insert the words "in the afternoon."

Question put, "That the words 'in the morning' stand part of the Clause."

The Committee *divided:*—Ayes 154; Noes 61: Majority 93.

Mr. CRAUFURD said, he had a further Amendment to propose, the effect of which would be to enlarge the time during which newspapers might be sold. At a time like the present, when people were going mad after news from the Crimea, he thought it would prove too great a restriction to prohibit the sale of newspapers all day, after ten in the morning. He would move, therefore, that it be permitted to sell newspapers also "after two o'clock in the morning."

Lord ROBERT GROSVENOR said, he must deprecate any further opposition to the clause, after the unequivocal demonstration that had just taken place.

Sir GEORGE GREY said, he would recommend the postponement of all further Amendments until the bringing up of the Report.

Question put "That those words be there inserted."

The Committee *divided:*—Ayes 62; Noes 140: Majority 78.

House resumed; Committee report progress.

OFFICE OF SPEAKER.

Mr. WALPOLE said, he would beg to move that a Select Committee be appointed to consider and Report to the House whether any and what improvement might be made in the providing for the execution of the office of Speaker, in the event of the Speaker's unavoidable absence by reason of illness or other cause.

Lord HOTHAM said, he wished, before acceding to the Motion, to know what was the particular signification to be attached to the words "other cause." He viewed with the greatest apprehension any alteration that might have the effect of diminishing the importance of the office now so satisfactorily filled.

Mr. WALPOLE, in explanation, said, it might refer to absence caused by the death of a near relative, as was the case with Mr. Manners Sutton while occupying the Chair, who lost his father during that time.

Motion *agreed to.*

Select Committee *appointed—*

"To consider and Report to the House whether any and what improvement may be made in the providing for the execution of the Office of Speaker, in the event of the Speaker's unavoidable absence by reason of illness or of other cause."

The House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, June 14, 1855.

Minutes.] Public Bills.—1ª Validity of Proceedings (House of Commons); Measurement of Merchant Steamers.

2ª Gold Finger Rings.

Reported — Administration of Oaths Abroad; County Palatine of Lancaster Trials.

3ª Cambridge University Bill; Brighton Incorporation; Ecclesiastical Courts.

THE RELIGIOUS WORSHIP BILL—QUESTION.

The Earl of DERBY said, that, although the Bill of his noble Friend the Earl of Shaftesbury had been carried at the last stage which it had yet reached by the smallest possible majority, and the only stage at which any discussion had taken place upon it, either in their Lordships' House or in the other House of Parliament, he had no desire to ask the noble Earl to abandon the measure. Still he really thought they were proceeding without due consideration in regard to a measure of the greatest importance, and he must submit to his noble Friend whether it would not be proper to refer the consideration of the question to a Select Committee, that they might inquire into the practical operation of the existing law, and into the expediency of relaxing or repealing the restrictions at present in operation.

The Earl of SHAFTESBURY said, he could not concur in the suggestion of the noble Earl. The Bill involved a very simple proposition, and having regard to the public feeling, and the notions now prevalent on the subject of religious liberty, he did not think it possible to retain on the statute book any law which, if enforced, would impose an intolerable limitation on the free action, not only of members of the Church of England, but of the whole body of Nonconformists. The existing law had been obsolete for a number of years, and had only been revived sufficiently often to show that there existed a power of revival. It had almost been a dead letter, and from that fact nothing but good had resulted; and he could not see the necessity of instituting an inquiry whether the law should be swept from the statute book or brought into daily operation. The only argument urged the other night against the Bill was, that it might interfere with the parochial system, and give one clergyman the power of intruding himself into the parish of another, so as to disturb the ecclesiastical order of things. Now, though neither the existing law nor his Bill had any bearing on that point, yet, to remove all possibility of doubt, he should be prepared to introduce a clause to the effect that nothing in the Bill contained should, in the slightest degree, affect the ecclesiastical submission due by clergymen to their diocesan, or abridge in any way the authority of the diocesan over the clergy; so that, after the Bill passed, the authority of the bishop would remain the same as at present.

The Earl of DERBY said, that the proposal of the noble Earl did not meet his objections; and he, therefore, gave notice that on the next stage of the Bill he should move an Amendment to refer the existing state of the law, and the expediency of relaxing or repealing the statutes bearing on the question to the consideration of a Select Committee.

The Earl of Derby

NEEDLEWOMEN, LIMITATION OF HOURS OF LABOUR BILL.

The Earl of SHAFTESBURY rose to move that the Bill for the Limitation of the Working Hours of Needlewomen be referred to a Select Committee. In doing so, he said he would take the opportunity of addressing a very few observations to their Lordships, when he hoped to be able to satisfy them that the objects of the Bill were among the most helpless and oppressed of Her Majesty's subjects. He was perfectly aware of the ridicule that attached to a Motion of this kind; but could only say he was quite willing to submit to this, provided he received in exchange some modification of the wrongs to which this unfortunate class of persons was exposed. Some of the greatest statesmen of this country had taken up the cause of the black man, and he could not see why an inferior statesman like himself should not also advocate the cause of the white woman. The question of the condition of the needlewomen and dressmakers had repeatedly been discussed and agitated in the public papers, and had been brought under the notice of Parliament; but nothing was done till 1842, when a Commission was appointed to inquire into the trades and employments in which children and young persons were usually employed. That Commission made a Report, but no legislative results followed. The latest evidence was contained in a Report of the Royal Commission of 1843. Since that time a slight improvement of the hours of labour had taken place; but during the last year and a half there had been strong indications of a return to the old state of things, and on that ground he was prepared to advocate the necessity of legislation. The evidence stated, first, that there were two distinct classes employed in the business of millinery and dressmaking—the indoor and outdoor workwomen. The former were the greatest sufferers, and it was to their case alone that he should allude. The same evil prevailed to a great extent in almost all the large towns—in Nottingham, Manchester, Birmingham, Liverpool, Bath, Norwich, &c. —but the Bill was confined to London alone. In 1843 the statement made was, that there were in the metropolis 1,500 employers, who had six, ten, thirty, forty, and even fifty workwomen, but that each employed on an average ten hands, thus giving a total of 15,000 young persons engaged in that employment in the metropolis. The age at which they began to work was usually fourteen; they were then apprenticed for two years, and at the age of sixteen or seventeen they came up to London to complete their education in their respective departments. This was the period of life when the greatest care was required to be taken of the health and constitution, and yet this was the period when they were exposed to the most excessive labour, to insufficiency of food, and an impure atmosphere of sixteen or eighteen hours together, involving an amount of work and labour scarcely endured by our soldiers in the trenches before Sebastopol. The testimony was that, in what were well-regulated firms, the work was from fifteen to eighteen hours a day. "In many," said the Commission, "the hours of work during the season are unlimited—the young women never getting more than six, often not more than four, sometimes only three, and occasionally two, for rest and sleep: frequently they work all night." The work was often carried on till ten and eleven on Sunday morning, and frequently over the whole of Sunday. One witness stated that she had worked without going to bed from four o'clock on Thursday morning till half-past ten on Sunday morning. The meal hours were stinted and irregular; food was taken as quickly as possible—perhaps a quarter of an hour being allowed for dinner; frequently not more than half an hour was allowed for the whole of the meals, and often they were not permitted to sit down. To this rule there were, no doubt, exceptions, but these were not numerous. The result was, according to the evidence of the medical men, that their health was ruined, and they fell victims to consumption, loss of sight, and distortions of every kind. Sir J. Clark, physician to the Queen, said—

> "The mode of life of these poor girls is such as no constitution could long bear. . . . . A mode of life more completely calculated to destroy human health could scarcely be contrived. I have long been most anxious to rescue these unfortunate girls from the slavery to which they are subjected."

Dr. Hamilton Roe and Dr. Hodgkin gave many distressing details, and Mr. Dalrymple, surgeon to the London Ophthalmic Hospital, showed that all forms of ocular disease were induced, from simple irritation to complete blindness. Mr. F. Tyrrell, surgeon to the Ophthalmic Hospital, gave sad accounts to the same effect, and added this illustration—

> "A delicate girl, about seventeen years of age, was brought to witness in consequence of total loss of vision. She had been an apprentice as a dressmaker, and her health, before her vision was affected, was deranged by excessive work. The immediate cause of disease in eyes, continued and excessive application to making mourning. She stated that she had been compelled to remain without changing her dress for nine days and nights consecutively; during this period she had been permitted only occasionally to rest on a mattress; her meals were placed at her side, cut up, so that as little time as possible should be spent in their consumption."

Dr. Devonald, a surgeon, said of these needlewomen, "Their health and strength are gone; many are reduced to permanent debility; many die, especially from consumption." Dr. Shaw and Dr. Johnson stated that these women became unhealthy themselves, and, when married, consigned disease to their offspring. A medical practitioner, long acquainted with the system, said, "No men work so long; it would be impossible for any animal to work so continuously with so little rest." This system prevailed in all large towns, and, indeed, wherever there was sufficient wealth to maintain a regular demand for dress. The communication he had received, said, "It may be stated without exaggeration that, in proportion to the numbers employed, there are no occupations, with one or two exceptions, such as needle-grinding, in which so much disease is produced as in dressmaking." The Royal Commissioners, in summing up their Report, said—

> "Notwithstanding the most unfavourable character of this Report, it is proper to state that we have reason to know that, in some respects, it falls short of the truth. In the course of the inquiry we repeatedly noticed a great disinclination on the part of young persons to state what they knew, and this owing to a feeling of intimidation which was very prevalent."

Many of these young women abstained from making any statements in order that they might not give offence to their employers; and this was no matter of surprise when the position of these poor girls was considered. Many of them were orphans, or the daughters of half-pay officers, poor clergymen, and respectable but needy parents, who were wholly unable to help or defend them; they were at a great distance from their friends, and were completely at the mercy of their employers; they must either do the bidding of their employers, or expose themselves to the fearful alternative of being turned unprotected into the streets, and what would be the fate of such young women if they were reduced to that alternative? In 1844 a

Committee was formed, consisting of many ladies of rank and position, who hoped that they might be enabled, by their remonstrances, to abate many of the evils which existed. Some good was effected for a time; the hours of labour were shortened, and Sunday work was abandoned. In the year 1853 the proprietors of many of the principal dressmaking establishments, to the number of fifty-three, resolved to abide by the rules laid down by the association, to reduce the hours of work, to provide suitable sleeping accommodation, to avoid overcrowding, not to require work on Sunday or all night, and to supply food of the best quality and unlimited in quantity. Since that time, however, he was sorry to say there had been strong indications of an inclination to revert to the old system, and the committee of the association to which he had referred had reported that some of the employers who had entered into a pledge to reduce the hours of labour had exacted sixteen and even seventeen hours' work from the young persons they employed, and that it appeared that, during the past year, many of the worst evils that disgraced the dressmaking business had been revived. There were, no doubt, some honourable exceptions, but he feared that the greater portion of the 15,000 young persons who were engaged in these establishments would be again exposed to all those evils from which it had been the object of the association to rescue them. In the hope of mitigating those evils he had prepared the present Bill, which was a very short one, which did not profess much, and which did not perhaps require enough, and which could be carried out with very simple machinery. He admitted the difficulty of legislating in the matter; but, at the same time, it was a great thing to obtain a decision from the Legislature against the barbarities that were practised and to have them stamped with illegality. He proposed that between the 1st of May and the 1st of August, which included what was called "the London season," work should be prohibited between the hours of ten at night and eight in the morning, and that during the remaining months of the year work should be prohibited between eight at night and eight in the morning. He also proposed that an hour and a half should be allotted to meals in the course of the day out of the working time; and that all proceedings for the enforcement of penalties under the Bill should be taken before magistrates at the police courts, to whom the jurisdiction in these matters was exclusively committed. The noble Earl concluded by moving that the Bill should be referred to a Select Committee.

EARL GRANVILLE did not rise to oppose the Motion, but to express a hope that the Select Committee would seriously consider the effect of the noble Earl's proposition. He was anxious to do full justice to the motives which had induced the noble Earl to bring this subject under their Lordships' notice; but the question was whether, if this Bill were passed into law, it would be possible to carry out its provisions, for it would be an act of the very worst policy to call into operation an Act which would be habitually disregarded. He had very great doubt whether an Act such as the noble Lord proposed could be carried out without all the inspectors and varied machinery required for the supervision of labour in factories. He believed the noble Earl had not exaggerated in the slightest degree the sufferings of these unfortunate needlewomen; but it must be remembered that their labour, being a description of skilled labour, of which there was an enormous supply, the consequence was that very low wages were given, and that these women were obliged to work for many hours in order to earn sufficient to provide adequately for their subsistence. In some of the large millinery establishments a number of women were employed; in some of the smaller establishments not more than two or three were employed, and in other cases piecework was distributed to workwomen to be completed at their own homes. He must say that he thought it would be impossible to carry out the plan proposed by the noble Earl, and if it were carried out he saw no limit to interference with every sort of labour. There was, no doubt, great hardship in many cases in the servants' hall, and if a law were passed enforcing limited labour in milliners' establishments, where sometimes not more than two or three workwomen were employed, their Lordships might be called upon to enact laws to prevent the energies of domestic servants from being overtaxed. He hoped, therefore, that the Committee would give the subject very serious and attentive consideration.

THE EARL OF MALMESBURY said, he must remind the noble Earl that they had already relinquished the principle of not interfering with labour, and had passed laws to protect the poor from overwork;

they had, therefore, to discuss, not the principle of interfering with labour, but the question whether or not it was expedient to apply it in this particular case. He thought he could prove that there was no class which so much required the protection of the Legislature as that class whose interests had just been advocated by the noble Earl. In the first place, their sex, to a certain extent, gave them additional claims to the consideration of the Legislature. The argument of the noble Earl opposite, that the girls employed in millinery, dressmaking, and similar establishments, were not so much in a position to be overlooked as the girls employed in factories, was only another reason, in his opinion, for pressing the duty of investigation upon the Legislature. He should certainly support the Motion of the noble Earl.

LORD CAMPBELL did not deny the power of the State to interfere; but he questioned whether in this case the State could interfere beneficially. He admitted that the State had interfered beneficially in the case of the factories, but what he deprecated was the enactment of a law that would undoubtedly be a dead letter. If the noble Earl could point out any manner in which his Bill could be enforced, he would most heartily support it. Machinery was provided in the Factories Act for the enforcement of that measure; but the present Bill, as the noble Earl had explained it, was entirely devoid of any such machinery. The noble Earl did not propose to appoint inspectors, or to adopt any other means for the purpose of seeing whether the law would be carried into effect or not. Indeed, it would be impossible to send inspectors all over England, to see that needlewomen were not overworked; but unless the noble Earl provided some machinery of that sort, it was quite clear that to pass the Bill would be to enact a law for the very purpose of its being broken. The noble Earl had stated that there was a great reluctance on the part of needlewomen to come forward and state the hardships they endured. Could it be expected, then, that they would come forward and lodge information against their employers? Certainly not. The law, therefore, would be a dead letter, incapable of being enforced, and consequently inadequate to effect any useful purpose whatever.

LORD STANLEY OF ALDERLEY denied that the principle of the Bill had been conceded by the Legislature. The principle which had been adopted was, that Parliament had a right to interfere with the labour of persons under a certain age, and not with regard to adult persons. With regard to the present measure, he concurred in all that had been stated by the Lord Chief Justice, believing that it would be almost impossible to enforce such a law. In fact, the Bill as it stood at present would interfere with numerous private families throughout the country; for it would be difficult to separate the case of a lady employing her own maid at needlework after ten o'clock at night from that of a milliner or dressmaker employing a large number of hands.

THE EARL OF SHAFTESBURY said, it was a mistake to suppose that the principle of this Bill had not received the sanction of the Legislature, for three great measures had already been passed by their Lordships — the Factories Act, the Act restricting labour in mines, and the Hours of Labour Act — in which adult women had protection given to them, and he could not see why adult women should not receive protection in this case. A great proportion of the persons who would be affected by the Bill were girls of tender years, principally under twenty years of age. His noble Friend the President of the Council seemed to have fallen into some confusion upon the subject, and spoke of milliners, and dressmakers, and needlewomen as though they were of the same class. That was a mistake, for the needlewomen formed a totally distinct class, being principally what were called "slop women," and they were a class who were helpless and friendless, and who were subject to the greatest oppression. It was not intended, however, that this Bill should apply to the needlewomen properly so called, who lived in their own houses, and worked for great establishments elsewhere, but to milliners and dressmakers who lived in the houses of their employers, chiefly in the fashionable districts of the metropolis. The noble Earl admitted the enormity of the evil, but said that nothing could be done. But, to admit the evils by which these unfortunate women were surrounded, and then to say that nothing should be done to remedy them, was, he thought, a declaration on the part of the Government which showed that they were prepared entirely to repudiate the duties intrusted to them. He must certainly say that it reflected no credit upon Members of the

Government and Cabinet Ministers to admit the enormity of an evil that was disgraceful to the country and to humanity, and then, rather than make an effort to remedy it, to declare that they were content to allow things to remain as they were.

LORD OVERSTONE thought that the noble Earl had entirely misunderstood the remarks of the noble Earl the President of the Council. All the noble Earl had said was, that in referring this measure to a Select Committee he felt it his duty, as the head of the Government in that House, earnestly to remind the Committee that they would have to deal with an exceedingly delicate and dangerous matter, and that it would be necessary for them to examine most carefully the provisions of the Bill, in order to see that all the good which the noble Earl proposed to effect would be really effected. Further, the noble Earl (Earl Granville) impressed upon the Committee the necessity of guarding against inflicting an indirect injury where they intended to effect a positive advantage. In interfering with the freedom of labour it would be very easy to impose restrictions which, though appearing to produce considerable benefit, would in reality be highly mischievous. He (Lord Overstone) therefore thought that it would be impossible to attend too carefully to the admonition of the noble Earl the President of the Council.

THE DUKE OF ARGYLL said, the censure passed by the noble Earl opposite upon his noble Friend the President of the Council rested entirely upon a misconception of what his noble Friend had stated. Not one word had fallen from his noble Friend against the abstract principle of those measures which had already received the sanction of the Legislature, but he had merely pointed out the practical difficulty of enforcing such a law as that proposed by the noble Earl opposite. He understood from his noble Friend opposite (the Earl of Shaftesbury) that up to this year he had seen very great difficulties in the way of such a measure. Now, his noble Friend must not be surprised if the difficulties felt by him in former years, and which he had only just now overcome, should press severely on the minds of others. For his own part, considering the nature of the employment, and that it was carried on chiefly in private houses, he (the Duke of Argyll) saw great practical difficulties in the way of enforcing such a law; and the noble Earl would himself admit that it was not desirable to have upon the statute book laws which could not be enforced.

EARL TALBOT said, that, though there was no law without some defect, the laws already passed for regulating the hours of labour had, he believed, proved very beneficial, and he saw no reason to doubt that further legislation in the same direction would be attended with equal advantage. He thought their Lordships, and the community at large, owed a deep debt of gratitude to his noble Friend for bringing forward this and other measures of the kind.

Motion *agreed to;* Bill *referred* to a Select Committee under Standing Order No. 175, relative to Bills for regulating Trade.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 14, 1855.

MINUTES.] PUBLIC BILLS.—1° Court of Exchequer (Ireland).

2° Victoria Government; New South Wales Government; Waste Lands (Australia) Acts Repeal; Consolidation Fund (£10,000,000).

3° National Gallery, &c. (Dublin); Public Libraries and Museums (Ireland); Places of Religious Worship Registration; Insurance on Lives Abatement of Income Tax Continuance; Cinque Ports; Stamp Duties Repeal on Matriculation and Degrees (Oxford).

EDUCATION (SCOTLAND) BILL.

Order for Committee read; House in Committee.

On the question that the Preamble should be postponed,

LORD ELCHO said, he was anxious, at that early stage of the proceedings, to put a question to the noble Lord at the head of the Government with reference to a subject on which much misapprehension had existed in the public mind. The question he wished to put was, if the Bill passed into law, was it the intention of the Government to distribute, as heretofore, the Privy Council grants among Roman Catholics, Episcopalians, and Presbyterians?

VISCOUNT PALMERSTON said, if the Bill came into effect, he apprehended that it would make provision for certain schools by rates. There were also certain schools, Episcopalian and Roman Catholic, for which no provison was made in the Bill. Their object was to diffuse education, and there was not the slightest intention to deprive any body of any assistance hitherto given by the Privy Council, which would participate in the benefits of the Bill. With respect to the Episcopalian and Roman Catholic schools, there would not only be no diminution of the grant hitherto made to these bodies, but Her Majesty's Government and the Privy Council were disposed to give the most favourable consideration to the claims of those communities to which such schools belonged. If there were any schools, whether in the towns or the country, not in so flourishing a condition as could be wished, they would rather increase than diminish the aid previously given to schools of this class.

Mr. HADFIELD said, he thought, in common consistency, the same assistance should be afforded to the Wesleyans and all other denominations who would be excluded from the benefis of this Bill by the clause which required that the Assembly's Shorter Catechism should be used in the schools, as was to be extended to the two sects named by the noble Lord. He also wished to know if this rule would extend not only to the two bodies mentioned by the noble Lord, but to all classes of Christians, or even without any profession of Christianity, under the secular system?

The LORD ADVOCATE said, he thought he could satisfy the hon. Member that he would have no cause of complaint. It was proposed to deal with the Episcopalians and Catholics as exceptional cases; for, as he believed, in many instances they would not be able to take advantage of the present system. No denominational body would be excluded from any participation in the grant.

Mr. CUMMING BRUCE said, he would suggest that the consideration of the Preamble should be taken at once.

The LORD ADVOCATE said, he had no objection to the Preamble being at once proceeded with.

Mr. HADFIELD said, he should now beg to beg to introduce the Amendment of which he had given notice. He objected to taxing persons for a system of education of which they might disapprove from conscientious scruples, and he should take the sense of the Committee on that vital point.

Mr. HEYWORTH said, he should willingly second the Amendment, for he considered that it was contrary to the principles of justice to tax the whole community for the benefit of any one class.

Amendment proposed, in page 1, line 16, to leave out from the words "Holy Scriptures," to the word "And," in line 20, in order to insert the words "ought not to be conducted at the expense of any of Her Majesty's subjects who conscientiously object to the principles taught, or to compulsory Taxation for the teaching Religion, or to the reading of the Scriptures, in any Public School."

The LORD ADVOCATE said, he believed the hon. Gentleman misunderstood the clause, in supposing that it would exclude Wesleyans; but whether or not, the Government would not, he presumed, exclude the schools of any denomination which might not come within the benefits of the Bill from assistance from the grants of the Committee of Privy Council.

Mr. E. BALL said, he should give his most decided opposition to the Amendment. Its effect would be to abolish religious teaching in the schools throughout the country; and, in his opinion, the time had come when they were bound to do everything in their power to promote the spread of religious education among the community.

The LORD ADVOCATE said, he did not concur with those who thought that taxes should be levied for the purposes of religious education; and, therefore, though he believed the opinion of the hon. Member was shared by a large number of persons, he felt bound to oppose the Amendment.

Mr. APSLEY PELLATT said, he thought that the denominations for whose benefit this Bill was introduced ought not to be allowed to tax the whole community for their own benefit. It was, in fact, coming before the House in *forma pauperis*, and was unworthy of a body of persons who had formerly declared their objections to all State endowments for the benefit of any religious sect. As it happened, he was of this particular faith, but he did not wish to force all people to help to support the education of that faith. He apprehended this was only the small end of the wedge, in order to introduce the principle generally.

Mr. F. SCOTT said, he hoped the Amendment would be withdrawn, but, at the same time, he must express his concurrence with the view taken by the hon. Member for Southwark (Mr. A. Pellatt) in reference to the inconsistency of the Free Church party. His wishing that the Preamble be taken first was that he was anxious that the religious principles of the Bill should be adopted, and that having been done his purpose was attained.

Mr. ALEXANDER HASTIE said, that the hon. Member must have been deeply ignorant of the feeling of the people of Scotland if he supposed that they would take exception to the statement in the Preamble of the Bill in reference to scriptural education.

Mr. MAGUIRE said, he wished to say a few words on behalf of the Roman Catholics of Scotland. The Roman Catholics of the country generally were as much in favour of education as any other denomination; but they objected to being taxed for the advantage of other denominations while they themselves derived no benefit from such taxation. There were 250,000 Irish Roman Catholics in Scotland, and of these 100,000 were resident in Glasgow. These had a claim to education from the State as well as the rest of the community; and if provision for that purpose was not made in the Bill, they had a right to that assistance from the grants of the Committee of Privy Council, which the noble Lord now admitted they had. That admission on the part of the noble Lord perfectly satisfied him, and he should, therefore, offer no opposition to the Bill.

Mr. HADFIELD, in reply, said, he was as much the friend of religious education as any one; but he would not come to the State or tax others for the purpose of extending his religion. The right hon. and learned Lord Advocate might now return to his country and tell the pitiful tale that by bribing the Roman Catholic Members, the Government had succeeded in passing the Bill and taxing Dissenters for the religious education of Presbyterians.

Mr. CUMMING BRUCE said, that the Preamble was all they could cling to for the religious principle, and he intended to move certain words to give that principle more effect.

Mr. DE VERE said, that after the explanation given by the noble Lord (Viscount Palmerston), which removed the ambiguity previously existing as to the intentions of Government in reference to the Roman Catholic schools in Scotland, he should give his support to the measure.

Question put, "That the words 'as heretofore in use in the parochial,' stand part of the Preamble."

The Committee *divided*:—Ayes 167; Noes 7: Majority 160.

Mr. CUMMING BRUCE said, he would now move to introduce words declaring that the Christian religion should be taught in the schools as the only sound basis of education, and as consonant with the belief of the great majority of the people of this country.

Amendment proposed, in line 17, after the word "Country," to insert the words "ought to be maintained as the basis of Education and."

The LORD ADVOCATE said, he considered that the religious principle was sufficiently clear in the Preamble as it stood.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 68; Noes 105: Majority 37.

Mr. F. SCOTT said, he begged to move that in the paragraph declaring that the superintendence of the schools should be "altered and amended" that the word "altered" should be omitted, and the word "extended" substituted for it. He thought that as the management was admitted to be successful, no imputation of deficiency ought to be cast upon the parochial system of education in Scotland.

Amendment proposed in page 2, line 4, to leave out the word "altered" in order to insert the word "extended."

Question put, "That the word 'altered' stand part of the preamble."

The Committee *divided*:—Ayes 115; Noes 64: Majority 51.

On Question "That the Preamble, as amended, stand part of the Bill,"

The Committee *divided*:—Ayes 122; Noes 63: Majority 59.

Preamble *agreed to.*

Mr. SMOLLETT said, he would suggest that the consideration of the interpretation clause should be taken next.

The LORD ADVOCATE said, he thought it more advisable to proceed in the usual order. It was clear that if they discussed all these terms they would make no progress, and it would be impossible to decide the interpretation of terms until they knew the provisions of the Bill.

Mr. BLACKBURN said, he should support the suggestion, and would point out the case of the Poor Law Bill as an example in which the same course had been taken.

Mr. SMOLLETT said, he would not press his suggestion to a division.

Clause 1. (Board of Education established).

THE LORD ADVOCATE said, he had an Amendment to propose for the creation of a Board which he felt assured would fully represent the different shades of religious opinion in Scotland on the subject of education.

Amendment proposed, in page 2, line 11, to leave out from the word "Board," to the end of the Clause, in order to add the words "four persons, one of whom shall be elected by each of the Town Councils of Edinburgh, Glasgow, Dundee, and Perth; four persons, one of whom shall be elected by the Commissioners of Supply of each of the counties of Ross, Aberdeen, Renfrew, and Ayr; and four persons, one of whom shall be elected by the Universities of Edinburgh, Glasgow, Saint Andrew's, and one alternately by the Universities of King's College and Marischal College, Aberdeen, the former having the first election; a member to be elected by the Educational Institute of Scotland; and three persons to be nominated by Her Majesty; and the members of the Board shall hold office for three years, and shall be capable of re-election or appointment; and the first election under this Act shall take place at a meeting duly called, to take place on the thirtieth day of October one thousand eight hundred and fifty-five; and the Board shall be called 'The Board of Education in Scotland.'"

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived.*

Question proposed, "That the words 'four persons, one of whom shall be elected by each of the Town Councils of Edinburgh, Glasgow, Dundee, and Perth; four persons, one of whom shall be elected by the Commissioners of Supply of each of the counties of Ross, Aberdeen, Renfrew, and Ayr,' be there added."

MR. W. LOCKHART said, he wished to move that after the word "Ayr," in the proposed Amendment, the words "two additional persons elected by the Commissioners of Supply for the counties of Lanark and Ross," should be inserted. His reason for seeking to include the county of Lanark was that it contained one-fifth of the population of the whole of Scotland.

MR. STIRLING said, he would propose to substitute in the Amendment of his hon. Friend who had just spoken, the word "Perth" for "Ross."

MR. W. LOCKHART said, he would agree to the proposal.

Amendment proposed to the said proposed Amendment, after the word "Ayr," to insert the words "and two additional from the counties of Lanark and Perth."

Question put, "That those words be inserted in the proposed Amendment."

The Committee *divided*:—Ayes 75; Noes 120: Majority 45.

THE LORD ADVOCATE said, he would now propose to add words to the clause, to the effect that the Chairman of the Board should be paid a salary not exceeding 600*l.* per annum, and that it should be lawful for Her Majesty to remove him or any of the three last-mentioned members of the Board, upon cause shown, and to supply the vacancies thus created.

Amendment *agreed to.*

Question, that the Clause, as amended, stand part of the Bill, having been put,

MR. STIRLING said, that he was desirous that the parochial schoolmasters should in some way have a representative at the General Board.

MR. BLACKBURN said, he should move that the clause be omitted. He considered that the Chairman and Secretary of the Board would engross all the management, whilst the other members would be merely cushions to save them from all responsibility. He should therefore propose to leave out the clause, and he would bring up another to the following effect:—"That it shall be lawful for Her Majesty to recommend to the Committee of Education of the Privy Council, from time to time, to appoint a person to be Inspector General of Education in Scotland, to carry out the purposes of this Act, under the direction of the Committee of Education of the Privy Council, and that there shall be paid to such Inspector General a salary not exceeding ," a sum to be afterwards fixed upon in Committee.

THE LORD ADVOCATE said, that this question was one he had before considered. There might, no doubt, be considerable convenience in having under one responsible head the system of education in Scotland. There were, however, two objections to the adoption of such a course —the first objection had reference to the circumstance that the appointment of an Inspector General in London would be to encourage a system of centralisation to which the people of Scotland were opposed; the other objection was based on the fact, that the people of Scotland would never be satisfied with a superintendence of their schools which might be placed in the hands of an Episcopalian in London. The course which he had therefore adopted in the Bill would, he thought, be found to be that which was the most satisfactory to the people of Scotland.

Mr. MACKIE moved that the Chairman should report progress.

The LORD ADVOCATE said, that at such an hour (ten minutes to four) it would be useless to oppose this Motion, as there would be scarcely time to divide. He should, however, fix the Bill for the next evening, when he hoped that he should not again be met by the tactics which the opponents of the measure had employed to delay its progress on the present occasion.

House resumed; Committee report progress.

Lord JOHN MANNERS said, he trusted that the right hon. and learned Lord would reconsider his determination to bring on a Bill of this importance, after the twenty or thirty notices on the paper for to-morrow.

The LORD ADVOCATE said, that he should let the Bill stand as an Order for that evening, and he should proceed with it, if the other notices were got through with in sufficient time to enable him to do so.

Mr. CUMMING BRUCE said, he must protest against the imputation of the right hon. and learned Lord, that the hon. Members who opposed the Bill were resorting to unfair tactics in their opposition to it. Since the people of Scotland had had an opportunity of considering the Bill, their opinions had greatly changed with respect to it; and he asserted that although he had not such a high opinion of the Bill as the right hon. and learned Lord had himself, he wished to see it fully discussed and made as perfect as possible. When hon. Members were carrying out what they deemed their duty, they ought not to be met with such a discourteous comment on their conduct.

Mr. IRTON said, he hoped that if this Bill were placed on the Orders for to-morrow, hon. Members would come and oppose its progress, at whatever time it might come on.

Mr. E. ELLICE said, that he thought it must have been evident to all that, when the hon. Member (Mr. F. Scott) last addressed the Committee, he was speaking against time, and therefore he (Mr. Ellice) thought the observation as to the "tactics" of the opposing party was fully and amply justified.

The Lord Advocate

Mr. F. SCOTT said, that the hon. Member's remark was entirely misapplied. He (Mr. Scott) did not wish to delay the Bill, but felt bound to take every means in his power to insure its passing in as perfect a form as possible.

VICTORIA GOVERNMENT BILL.

Order for Second Reading read.

Lord JOHN RUSSELL, in moving the second reading of this Bill, said that he only wished to address a few words to the House with regard to the form in which the measure was introduced. It was evident that when, in accordance with the Act of 1850, Bills arrived in this country from the different Australian colonies, proposing new forms of constitutions, there would be very great inconvenience in sending back those Bills to the colonial Legislatures, in order that they should again undertake the labour of going through their provisions, and that many questions which excited great interest in the Colonies should be again subjected to discussion. That was the view which was taken by Her Majesty's Government at the end of last Session, when the measures which the House had that evening to consider had been first brought forward. But if the course to which he referred had been objectionable at that time, it would be far more objectionable at present, after the lapse of so many months, to send back those Bills to the colonies with a view to their reconsideration. In the discussion which had already taken place, it had been suggested that another course might be taken, which was to enact *de novo* in this country all the provisions that might be thought necessary by the Imperial Parliament for the various constitutions. But, in the first place, that course would be totally at variance with the promises held out by Parliament in the Act of 1850, that those colonies should be allowed to deliberate through the medium of their own Legislative Councils on the proper provisions for their constitutions; and, in the second place, it would be very difficult for the Government or the Parliament of this country to say what precise clauses ought to be introduced into those measures. It would be impossible, for instance, for the Minister at home to say whether or not there ought to be an elective Council in Victoria, and a Council nominated by the Crown in New South Wales, or whether or not there ought to be a grant of 28,000*l.* in New South Wales, for the purpose of religious worship, and a grant of 50,000*l.* in Victoria, for the same purpose. The Government had, therefore, taken a third course, which was, he believed, the only practicable course—namely, that of adopting the Bills sent from Victoria and New South Wales, but at the same time removing from them those clauses to which it was impossible for Her Majesty to give her assent. Those clauses which would go to diminish the authority of the Crown, and which would deprive the Crown of certain powers which belonged to the Crown by Act of Parliament, had been struck out of those Bills, and with those omissions they were then submitted to the House. With respect to the objection urged by an hon. Member on a former evening, that even if the Queen gave her assent to those Bills, they would still be null and void, he should only say he conceived that the last clauses of the Bills were sufficient to ensure the accomplishment of the object for which they were intended, because those clauses stated that the measures should take effect in the Colonies from the time the Royal Assent was given to them; and he had only further to state, that if any other words were required, or thought to be more efficacious, he had no objection to add them.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. BELL said, he rose to move that the Bill should be read a second time that day six months. He believed that the measure was opposed to the wishes of a majority of the colonists, and he found that upwards of 13,000 of their number had signed a memorial against it. His own objections to it might have been removed by certain alterations in its clauses and in its schedules, but the noble Lord the Secretary for the Colonies had refused to make those alterations, and he, therefore, felt constrained to oppose its further progress. A clause in this Bill proposed that a sum of 50,000*l.* a year should be devoted to religious purposes in the colony. He thought they had seen enough in this country of the heart-burnings and contentions engendered by religious endowments to induce them to refrain from extending those endowments to the Colonies, and he felt persuaded that they would be acting very unwisely if they were to establish so fruitful a source of strife in those young communities. If the Bill had been passed by a colonial Legislature, popularly elected, and if it had been sent over to this country merely that it might obtain the assent of the Crown, he should have allowed the colonists to act for themselves, as they might think best in the matter. But he found that one-third of the Members of the Legislative Council of Victoria were nominees of the Crown, and he could not also help remembering that in consequence of the form in which the Bill was then brought forward, the House was asked to give its distinct sanction to the principle of a religious endowment. He believed that the adoption of that principle in the colony of Victoria would become a source of great embarrassment. The Jews, who numbered 5,000 souls in the colony, had already shown that they were prepared to ask for a share in the proposed grant. Now, if that demand should be conceded, great dissatisfaction, he believed, would be created among the people of this country and among a considerable portion of the colonists; and if it were refused, the Jews might fairly complain that they were excluded from the benefit of an endowment to which they contributed in the same way as the other members of the community. That was a state of things in the establishment of which he had no wish to participate.

Mr. MIALL, in seconding the Amendment, said, he must express his surprise that the subject of religious endowments should be again brought forward in that House, after all the experience they had had of the heartburnings and strife which it excited in the Colonies. No doubt, the acts of those who had been intrusted with the powers of self-government were deserving of every respect; but it should be remembered that the Legislative Council, by which the previous vote of 6,000*l.* per annum had been raised to 50,000*l.*, was a body comprising a large number of nominees of the Crown, and it had acted in this matter in utter disregard, and even in defiance, of the wishes of the colonists. The Legislative Council had professed, in the first instance, to invite an expression of opinion on the subject from the inhabitants, and accordingly a numerous meeting of the people of Melbourne, over which the mayor presided, was held, at which a memorial against this very clause was adopted, and afterwards signed by upwards of 13,000 persons. In spite of this remonstrance, however, the Legislative Council persisted in agreeing to this annual endowment of 50,000*l.*, and sought to saddle the colonists with it for all future time. Under these circumstances, that House ought not to give its sanction to such a proceeding. It would not do to say that this part of the measure could not be altered consistently with a recognition of the right of colonial self-government, seeing that the Government had already changed, and even altogether struck out, several other provisions of the Bill more immediately affecting constitutional functions than a clause merely relating to religious endowment. On these grounds, although he had no desire to throw the measure out altogether, he must yet second the Amendment of his hon. Friend as being the only course open to him to meet the circumstances of the case.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. LOWE said, he was reminded, by the small number of Members in the House, of the wisdom of the rule by which they ought to be guided in dealing with all questions referring to the Colonies—namely, that they should abstain from legislating here upon any matter upon which the Colonies themselves were competent to legislate. The converse of that rule was also true, for not only should the Imperial Government refrain from legislating upon subjects within the jurisdiction of colonial Assemblies, but colonial Governments should also refrain from legislating upon subjects within the jurisdiction of the Imperial Government. He was sorry to say that the Bill before the House violated both those rules, on the one hand requiring them to legislate upon a vast number of subjects entirely within the cognisance of a colonial Legislature, and on the other hand allowing a colonial Legislature to lay down the law to them upon subjects of Imperial importance. A measure more vicious in principle, one that more entirely violated every rule which experience and wisdom had laid down for the regulation of the relations between the mother country and the Colonies could not have been devised. The principle upon which that House ought to act was this:—Let a line be clearly drawn between the powers of the colonial Legislatures and those of the Imperial Parliament, and let ample local powers be given to the colonial Legislatures; but that line having been drawn, let them not encroach upon it, let them not seek by any indirect means to tamper with the powers they had conferred; and, on the other hand, let them not tolerate any attempt on the part of the colonial Legislatures to invade those powers which were exclusively within the jurisdiction of that House. It was a good rule in the intercourse of communities, as well as in that of individuals, not to tolerate too much familiarity, not to allow liberties to be taken, on account not only of momentary personal inconvenience, but also of the danger of thereby sapping the foundations of any durable friendship. If they wished to maintain a permanent connection between the mother country and the Colonies, they must respect the privileges of the Colonies, and teach the Colonies to respect their privileges. Now the Bill before them did neither. It invited them to encroach upon the jurisdiction of a Colonial Legislature, and tolerated the encroachment of a colonial Legislature upon the jurisdiction of the Imperial Parliament. It appeared to him to be the most strange and—not to speak offensively—the most absurd Bill ever laid before the House of Commons. The Legislative Council of Port Philip was created by the Imperial Act of 1850, and was to consist of two-thirds elected and of one-third nominated members. Powers to make laws for the welfare and good government of Port Phillip were delegated to it, subject to two limitations—first, not to pass laws repugnant to the laws of England; and, secondly, not to meddle with the management of the Crown lands or the revenue derived therefrom. The phrase "repugnant to the laws of England" might be interpreted in different ways. He would take its most restricted meaning, which was, that the colonial Legislature was not to pass Acts repugnant to any Acts of the Imperial Parliament which had been passed with reference to the colony. This limitation was necessary for the maintenance of the connection between the mother country and the colony, far the existence of two Sovereign Legislatures, between which conflicts of jurisdiction might arise, must eventually have the effect of separating the colony from the mother country. Powers were also granted to the colonial Legislature to give a new constitution to the colony whenever it thought fit, and the preamble of the Bill now before the House recited that the colonial Legislature had accordingly passed a Bill entitled—

> "An Act to establish a Constitution in and for the Colony of Victoria; and whereas the said Bill was presented for Her Majesty's assent to the then Lieutenant Governor of Victoria; and the said Lieutenant Governor did thereupon declare that he reserved the said Bill for the signification of Her Majesty's pleasure thereon; and whereas it is by the said reserved Bill provided that the provisions thereof shall have no force or effect until so much and such parts of certain Acts of Parliament in the said Bill specified as severally relate to the said colony, and are repugnant to the said reserved Bill, shall have been repealed, and the entire management and control of the waste lands belonging to the Crown in the said colony, and of the proceeds thereof, including all royalties, mines, and minerals, shall be vested in the Legislature of the said colony."

Thus it appeared by the very preamble that the Bill contained in the schedule violated both the conditions which had been imposed on the Legislature, for it contained provisions repugnant to Acts of Parliament, and it assumed to deal with the waste lands of the colony. The preamble went on to say—

> "And whereas it is not competent to Her Majesty to assent to the said reserved Bill without the authority of Parliament for that purpose; and whereas it is expedient that Her Majesty should be authorised to assent to the said reserved Bill."

And the first clause empowered Her Majesty to assent to the Bills contained in the schedules. He begged again to submit, as he had done upon the first reading of the Bill, that the measure could not possibly stand in its present shape. He also asserted that the preamble proceeded upon a supposition that could not bear investigation for a moment, and that if the noble Lord (Lord John Russell) carried the Bill, it would be an absolute nullity. The preamble was drawn up under an erroneous apprehension of the law, for it seemed to be supposed that if the colonial Legislature passed a law repugnant to Acts in force in the colony, and therefore void, it was in the power of the colonial Legislature, by deferring the operation of that law until the Acts to which it was repugnant had been repealed by the Imperial Parliament, to make it valid. He entirely denied that proposition. The Legislature must have power to pass an Act at the time when it was passed, and, if they did not possess that power, they could not defer the time at which the Act was to come into operation. This Bill referred to a fundamental law, to one which might be the mother of other laws, to the constitution of the greatest dependency of the British Crown, and yet it would be a nullity even if it were to receive Her Majesty's assent. If the question of its validity came to be tried in the Courts of Law, it would no doubt be found necessary to pass another Act to confirm it, and what he complained of was that such a cloud should be allowed to hang over a subject of so much importance. It was admitted that it was not competent to Her Majesty to assent to the Bill passed by the colonial Legislature. Why not? Because, as he had formerly stated, it was not competent to the colonial Legislature to pass it. Her Majesty and the colonial Legislature possessed the same jurisdiction, and if it was not lawful for Her Majesty to assent to the Bill, how, he would ask the House, could it be lawful for the Legislature to pass it? But the question did not rest there. The Bill included in this schedule had never been consented to by the colonial Legislature at all. Consent implied the concurrence of two wills, and if one person consented to one thing, and another person to another, that did not constitute a consent, but a difference. If he offered one horse to a person for *50l.*, and that person offered him *50l.* for a different horse, there was no consent between them. The noble Lord struck seven important clauses out of the Bill of the colonial Legislature, and then asked the House to assent to it so amended. The House by passing this Bill might accept the responsibility of it, but it passed the omnipotence of Parliament to say that two persons had agreed to the same thing when they had agreed to two different things. The Bill certainly could not pass in its present shape, and the noble Lord would be obliged to alter its title, its preamble, and its operative clauses. He begged the noble Lord to lay the question before the law officers of the Crown before involving himself in the vast difficulties which would be raised by the passing of the measure. If, as was recited in the preamble, the Legislature of Port Phillip had power to pass the Bill, but Her Majesty had not power to assent to it (a case of which he denied the possibility) he would offer no opposition to it. He only wished that the colony should be allowed to manage its own affairs. But when the law officers of the Crown came to examine the Bill, if they condescended to look into so trivial a question as one upon which would ultimately depend the regulation of the destinies of the noblest dependency of the British Crown, it would be found that all their machinery of schedules was null and void, and they would have to pass the Bill at last as an Act of Parliament. If this were the result, if the Bill were made into an Act of Parliament, who, he asked, would be responsible for it? Would it be passed as the Bill of the colonists, and would that House have no share in it? If it were necessary for them to give a schedule to the Bill before them, would this be an act of the colonial Legislature or of the House of Commons? The Imperial Parliament was now asked to make itself responsible for every part of the Bill passed by the Legislature of Victoria, and it ought therefore to see that it was suitable to its objects. The noble Lord proposed by the Bill now before them to break through the line which separated colonial and Imperial legislation, and hon. Members would either be obliged to make themselves masters of the subject by taking evidence upon it, or else they would give their assent to the measure with the strong conviction, if not with the absolute certainty, that they were in the wrong. The Bill contained six enacting clauses and a schedule. Her Majesty was to assent to the Bill contained in the schedule; but was it all over then? The schedule would not become a bit more the law when the Bill passed than it was before, for it would be necessary for Her Majesty, by an Order in Council, to assent to the schedule, to which she had assented already. The Bill of the colonial Legislature must and would become the act of the Imperial Parliament. If it were to have any validity at all, that validity it derived from that House; and he would ask the House, before they legislated for a colony 16,000 miles off, in which very few hon. Members had ever been, whether the provisions of the Bill were such as the House ought to pass? The schedule for public worship was a proper subject for the Legislature of Port Phillip to entertain, and, if they liked to display the same prodigality in this provision that had brought them to the brink of ruin, he should not object; but he did object to the Imperial Legislature being dragged into the recognition and adoption of a schedule on which it was for the local Legislature, and for them only, to decide. Why could not the Legislature of Port Phillip take example from the Legislature of Van Diemen's Land, who had shown their ability to frame and carry out a most excellent and practical constitution, without leaving the provision for public worship to be brought before the Imperial Parliament? The 43rd clause of the Act in the schedule began as follows:—"Subject to the provisions of this Act, and notwithstanding any Act of Parliament now in force to the contrary, it shall be lawful for the Legislature to impose and levy such duties of customs, &c." He objected to this language, which made Acts of the Imperial Parliament subject to the sovereign will of the local Legislature, and which encroached upon the privileges of the Imperial Parliament and the prerogative of the Queen. If Parliament did not teach the Colonies the respect due to the central power of the kingdom, there could be no mutual respect between the Colonies and the mother country, and the union between them would not long continue. The colony had the power of framing a constitution for itself, and why should the colonial Legislature want to meddle with imperial matters? In many of their wishes they were right, but was it the proper way to get what they wanted when, instead of exercising the powers they possessed, they took it upon themselves to exercise powers that they did not possess, and sent home Acts and drew the very clauses that the Imperial Parliament was to assent to? Any colonial Legislature that did that encroached upon the freedom of action of that House, which ought not to permit such dictation from subordinate Legislatures. If there were one good principle in the Act of 1850, upon the policy of which the noble Lord (Lord J. Russell) was now infringing, it was that in giving the colony the power of self-government it relieved the Imperial Parliament of all future responsibility. If their constitutions did not please the colonists, to whom the right of self-government had been given by that Act, they had only to blame their representatives, and the grievance was purely local, for the colony could not say that Parliament had inflicted its yoke upon their necks; and the event need not loosen the connection between the Colonies and the mother country. But by this Bill the noble Lord mixed Parliament up with these constitutional colonial questions, and took back the powers that Parliament had delegated to the Colonies; and now Parliament might be justly blamed for undertaking a responsibility without the requisite knowledge that would enable it to carry out the objects thus undertaken. The schedule contained the electoral provinces of the Legislative Council and the electoral districts of the Legislative Assembly. These were very proper subjects for legislation within the colony, but now it would be from the Imperial Parliament that these arrangements would receive their validity. The Legislature of the colony had the power of passing these enactments for themselves, and why should the Imperial Parliament be asked to make itself responsible for these matters of local arrangement? Then, again, the qualification for members of the two Legislatures seemed to him to be utterly outrageous; but how was Parliament to know the value of property in the colony or the state of society there? These were matters within the cognizance of the local Legislature, and why was Parliament to give an opinion on subjects with which it was so incompetent to deal? He now came to a practical point of such importance that, if he had not known how that House, at the bidding of Colonial Secretaries, had by turns thrown into confusion almost every interest in the Colonies, without redress, he should have hoped that the point in question might produce some impression upon the Government. The civil list, contained in the schedule annexed to this Bill, consisted of items amounting in the whole to 112,000*l.*, the colony, be it remembered, containing a population of 300,000 inhabitants. When he had the honour of being a member of the Legislative Council of New South Wales, which then included Port Phillip, the whole revenue of Port Phillip was, in 1849, 132,000*l.*; and now Parliament was asked to assent to a civil list of 112,000*l.* for that colony. This civil list was agreed to at the end of 1853, when the colony was at the acme of prosperity, and when the discoveries of gold in the colony had made everything valuable in Victoria except gold. The Legislature of the colony became excited, and this sapient body, which sent over clauses cut and dried for the assent of the Imperial Parliament, had, in 1853, a revenue of 2,479,000*l.*, and an expenditure of 3,564,858*l.*, so that in that year there was a deficit, in a colony of 300,000 persons, of no less a sum than 1,085,858*l.* It was in the frantic and ridiculous excitement consequent upon the gold discoveries that the colonial Legislature agreed to the enormous and outrageous civil list contained in this schedule. When the newly appointed Governor (Sir Charles Hotham) arrived at Melbourne in the autumn of 1854, he asked for the estimates, and he found the revenue (Ways and Means) set down at 3,016,283*l.*, while the expenditure was estimated at 4,801,292*l.*, the deficit being set down at 1,785,000*l.* The Legislative Council began to think they had gone far enough, and wisely passed a resolution that they must endeavour to make their income and expenditure meet. They imposed additional taxes to the extent of about 300,000*l.*, which reduced the deficit, speaking in round numbers, to 1,500,000*l.*, and then the Government set to work to retrench. The Government cut down the estimates, which were afterwards still further reduced by the Council. He would read a few of the reductions made by the Government in the estimates which they laid before the Council. From the Executive and Legislative Department they took off one-third, 26,430*l.*; from the Customs, one-fifth, 21,000*l.*; from the Post Office, 48,978*l.*; from ports and harbours, one-half, 63,000*l.*; from police, one quarter, 183,689*l.* The House could imagine the state the Government must have been in to propose originally estimates from which in the item of police alone they could take off 183,689*l.* From petty sessions, 14,000*l.*; from gaols, 12,000*l.*; from penal establishments, 9,000*l.*; from public works, one-third, which formed a little item of 566,228*l.*; from stores and transports, 57,000*l.*; from medical establishments, 7,000*l.*; from scientific establishments, 26,000*l.*; from charitable institutions, 27,000*l.*; and from miscellaneous 40,000*l.* The whole reduction which the Government made upon its own estimates, before they were proposed to the Council, was 1,108,000*l.* They cut down every salary they could touch. The Speaker was reduced from 1,500*l.* to 1,000*l.*; the auditor-general and the colonial treasurer were reduced, each, from 1,500*l.* to 1,200*l.* a year. Every one not in the schedule suffered reduction, and that no slight incisions were made the House could judge from the figures which he had just read. But the salaries in the schedule, including the Governor's salary of 10,000*l.* a year, and 5,000*l.* a year for etceteras—salaries, in fact, the most extravagant, absurd, and unjustifiable—were put out of reach and would remain intact; and yet the noble Lord (Lord J. Russell) asked Parliament, in deference to the principle of allowing the Colonies to do what they liked, to pass the schedule in its integrity. He said that was impossible. He could believe most things with regard to the Colonies, but he would not believe that the noble Lord would press them to pass this civil list of 112,000*l.*, when he knew that, if the Legislative Council of Port Phillip were at the bar, they would intreat the House of Commons to take off at least one-third, probably one-half the amount. It was no part of the duty of Parliament, it was a matter for the colonial Legislature, to which was given power by the Act of 1850, to alter this list by a vote of a simple majority, and not a majority of the whole Council; and was it to be tolerated, for a single moment, that the House of Commons should step in and fix such an intolerable burden as that upon the colonists? The House could do nothing of the kind. Though it was put as a mere schedule to the Act, they must look into it; they dare not as a Sovereign Legislature, impose such a monstrous yoke upon the Colonies, however tardily they might have seen the necessity of retrenchment. Then, it was urged that no time should be lost; but this Act was received in England in May last year; it had been lying for more than a twelvemonth in the Colonial Office, and had had the fate to see four Colonial Secretaries come and go—(the Duke of Newcastle) the right hon. Baronet the Member for Morpeth, (Sir George Grey) the right hon. Gentleman the Member for South Wiltshire, (Mr. Sidney Herbert), and now the noble Lord the Member for London. There was one other observation which he wished to make upon this monstrous and outrageous civil list. It was only justice to the Legislative Council of Port Phillip to state, that one of the means by which it was obtained was, he was sorry to say, the influence of an official sent out from this country to take care of the affairs of the colonists, because they were unable to take care of their own. Dr. Thomson, a member of the Legislative Council, happened to come to England, and he naturally thought that, having been one of the Committee which prepared the constitution, and having come 16,000 miles, he might as well see the Colonial Minister; but he found he would have to go 1,200 miles more, because the noble Lord (Lord J. Russell) was then negotiating at Vienna. But he did go to Vienna, and there he saw the noble Lord, and, judging from the state of the Bill, he imagined Dr. Thomson obtained very little satisfaction from the interview with which he was honoured by the Secretary of State for the Colonial Department. Dr. Thomson upon his return called upon him, and he asked by what possible species of insanity the people of Port Phillip were induced to pass this civil list? Dr. Thomson, in reply, made a statement, which, at his request, he subsequently put in writing, and this was an extract from the letter:—

> "I am bound to state that the schedules appended are universally condemned as extravagant in the extreme, and as suggested in a state of intoxication induced by excited feelings of the time and accepted by the representative members as a compromise; in fact, as the best bargain they could make with the Government party, and under the assurance of Mr. Foster, the Colonial Secretary, who spoke the sentiments of the Duke of Newcastle—[that he (Mr. Lowe) begged to doubt, as it did not agree with the Duke's despatches]—that the Home Government would not accept the Bill without the schedules, that without them it would be sure to be sent back."

He thought that made a fit conclusion. Here was a matter of the most outrageous extravagance. The Legislative Council had seen fit to retract as far as they could, but a part was not in their power to retract, and that extravagance was perpetrated by an emissary of the Home Government. It came round to the Home Government that they had caused the extravagance, and now the House of Commons was asked in the name of the people of Victoria to perpetuate that extravagance by giving the authority and weight of Parliament to it. He apprehended that it would do nothing of the kind. He apprehended that, if the noble Lord would persevere, they must consider the items of the schedule and cut them down. But if they did, what Gentleman could say how much was a proper salary for the Chief Justice, for the Colonial Secretary, or for the Governor, and, if they did say what salaries were proper, it was not their money; it was other people's money, and if they meddled with it they would commit the anomaly of dealing with money not their own. There was no choice. They must either do that which they had no right to do, which they would not think of doing under other circumstances—going into details to deal with which they were totally unfit—or else they must send the civil list back to Victoria stamped with the high approbation of Parliament. It would be in vain to say Parliament did not approve, when part was left out, and the part sent back with their sanction was thought so good that it was never to be altered but by a majority of the whole of the Members of the Legislative Council. He said that could not be. They were really responsible for this Bill. If they chose to pass it, they undertook the responsibility, and they ought not to undertake the responsibility unless they had the knowledge to discharge it efficiently, and that knowledge they did not possess. Without wearying the House, he came to this conclusion, that it was their duty not to go any further with this measure; that it was their duty to say to the noble Lord, "The measure you propose carries out nothing; you must remodel it before you can cast the responsibility on this House of adopting it; it makes us interfere with colonial matters, and allows the colony to interfere with imperial matters, both of which are highly objectionable; it pledges us to details of which we have no means of judging, and tends to embroil us in the disputes of colonial politics, with which we have, and ought to have, nothing to do." Therefore, he submitted, they ought to refuse to read the Bill a second time. The course for the noble Lord to adopt was to send back the Bill to Port Phillip to deal with as much at least of it as they had power to deal with, and, as to the rest, to take it into consideration, as the Government had taken into consideration the question of waste lands, and grant as much as they thought ought to be conceded to the wishes of the colonists. In order to avoid delay, which he knew was very prejudicial, he would beg to submit that the noble Lord should prepare and send out an Act of Parliament giving the Governor power for and on behalf of Her Majesty to assent to such a Bill as the Council might pass. They would thus avoid any delay. They would avoid meddling with matters of colonial importance which they did not understand. They would avoid committing themselves to a responsibility which they ought not to be asked to incur, and they would insure to the colonists the doing what they desired. Such a measure would conciliate all objections, and he earnestly entreated the noble Lord on no account to involve Parliament in the alternative either of passing a monstrous and outrageous civil list, which they knew the colonists with one voice would repudiate if they were consulted, or of going into details as to the range of salaries upon which they had neither the means nor the leisure to form an accurate judgment.

Mr. J. BALL said, that after the speech of the hon. Gentleman who had last addressed them upon the first reading of the Bill, he was not prepared for the tone of high prerogative which he had adopted upon the present occasion, nor for the appeal made by the hon. Gentleman to the House to reject a measure specially intended to give validity to the Acts of the colonial Legislature, upon the ground of the unfitness of that colonial Legislature to deal with its own affairs. If that was not the doctrine asserted by the hon. Gentleman, at least such was the purport of his speech. He (Mr. Ball) was not competent to discuss with the hon. Gentleman the points of technical legal character to which he had alluded, and he was sure the House would agree that a measure of this importance ought not to be debated upon such grounds. At the same time, if the hon. Gentleman could point out anything wanting to make the measure complete for the purpose for which it was intended, the Government would be indebted to him. It was not convenient at every stage of legislation to introduce a new precedent, and the course adopted in this case had been to follow a precedent existing as to a very important Act of Parliament, and to apply to New South Wales the principle applied to Canada in the case of the measure of the colonial Parliament granting a civil list to Her Majesty. That Bill contained provisions inconsistent with those of the Act conferring the Constitution. It was by the Governor referred for the signification of Her Majesty's pleasure; Parliament was appealed to, and by the Act 10 & 11 *Vic.*, cap. 71, it, in words as nearly as possible those of the Bill now before the House, authorized Her Majesty to give Her assent to a measure which had ever since been considered as settled law. The hon. Gentleman admitted that it was a purely technical point whether the House was called upon to assent to the Bill contained in the schedule to the measure, and it was clear the effect of what the House was called upon to do was simply to give legal force and validity to the measure of the colonial Legislature. The hon. Gentleman said, the Bill was not the same Bill as that passed by the colonial Legislature, and, if the House assented to it, it would not be an Act of the colony itself. If it could be shown that any change had been introduced affecting the interests of the colony, or interfering with the obligations, duties, or privileges of any one in the colony, there might be some force in the remark. But that was not the case. There had been no alteration in the Bill. There had been an omission precisely upon the principle upon which the hon. Gentleman called upon the House to reject the measure—an omission of that part of the measure by which the colonial Legislature did somewhat encroach upon the power and jurisdiction of the Imperial Government. The hon. Gentleman had also said that in assenting to this Bill they would be called upon to legislate for the colony in the uncertainty of what was right or wrong for its interests; and upon that ground he called upon them to set themselves in direct opposition to every public declaration of the will and desire of the Legislature of the colony, and, in support of that appeal, the hon. Gentleman had read a private letter from one of the Members of the Legislature, at present in this country. [Mr. LOWE said, that letter was purposely written to him.] The wishes of the colonial Legislature were on record in the measure adopted by them by an overwhelming majority. It might be that a solitary Member of that Legislature, being in England, had thought fit to communicate his dissent to the hon. Gentleman; but the House would be slow to accept that private and irregular statement as an authority for them to send back the measure to the colony, and thus throw overboard this measure as useless and invalid because that particular Gentleman chose to assert that it was so. He (Mr. Ball) could not follow all the arguments of the hon. Member for Kidderminster. If he conceded that the colonial Legislature, the representatives of the people of the colony, were most competent to decide upon measures affecting their interests, then a great portion of the hon. Gentleman's arguments fell to the ground. With respect to the financial statements read by the hon. Gentleman, he (Mr. Ball) thought parallels might be found near home. There had been moments of excess, no doubt, but the practical good sense which characterised the people of this country soon led them to discover their error, and now the colonial Legislature was engaged in remedying the effects of their own extravagance. The Government had not the slightest reason to suppose that the colonial Legislature had any wish to alter the schedule of the Bill, but, even supposing they had, the power to do so was in their own hands. The Legislature of Victoria could effect any alteration in the civil list, provided such alteration were carried by an actual majority of the whole body in each House of Legislature, a provision which they had themselves inserted and to which they would most probably adhere. That appeared to be a reasonable check, and he (Mr. Ball) did not feel called upon to defend the Legislature of a distant colony from the attacks which the hon. Gentleman had made upon it, and who had indulged in invectives against those bodies which his acquaintance with them ought to have induced him to abstain from. If those invectives were deserved, and the colonial Legislature was so unfit to manage its own affairs, it would be better to revert to the old system of conducting them in this country—a system which the hon. Gentleman had equally condemned, and to which he thought the House would not be inclined to return. He could not help thinking that the ingenious argument of his hon. Friend was rather intended as a means of reserving for himself a greater liberty in attacking another measure, to which he had still stronger objections. Before he sat down it might be right to notice the statements of two hon. Gentlemen, with reference to a portion of the civil list in the schedule of the Bill—namely, the 50,000*l.* a year devoted to the purposes of public worship. He should decline to discuss the expediency of that grant, or reopen so large a question, but it was perfectly clear that the people of Victoria, through their own representatives, had thought proper to vote that sum for such a purpose, and it was by no means necessary to repeat in London the lengthened arguments used in Melbourne; for if it were right to enable people in the Colonies to expend their own money as they thought fit, there was an end of the argument. He trusted that any efforts which had been made, or might be made, to induce the House of Commons to place itself in direct antagonism to the population of so important a colony as that of Victoria, in dealing with a constitution framed by themselves and for themselves, would be discountenanced; and, indeed, he could not believe that any considerable number of hon. Members in that House would join in adopting a course so dangerous to the continuance of the good feeling between the colony and this country, and so contrary to those principles of colonial administration which now happily regulate our relations with the great British communities that have grown up in the southern hemisphere.

Mr. ADDERLEY said, that the hon. Gentleman who had just sat down had expressed his surprise at the objections which had been raised by the hon. Member for Kidderminster (Mr. Lowe), as involving a principle of interference with self-government; but he (Mr. Adderley) understood the hon. Member for Kidderminster to object to the measure because it was a Bill of the colonial Legislature which they had no right to pass. The hon. Gentleman the Under Secretary for the Colonies had omitted to distinguish between the two portions of the Bill presented to the House—that which was within the power of the colonial Legislature, of which power he had no wish to deprive them, and that with which they had no power to deal. He agreed that the colonial Legislature had power to deal with certain subjects, but he protested against the additional power which they had assumed, they not being fit persons to deal with the subject; and when the hon. Member for Carlow (Mr. J. Ball) quoted the case of Canada, he quoted a case which was not parallel to the present, because in that case there was a distinct contract between Canada and the mother country; and though it was necessary for the Bill to pass through Parliament in order to place the Act with the Imperial Statutes, the main proposition came from Canada, and the subject was one which they had a recognised right to legislate upon there. The history of the present measure was simply this:—The Colonies of Australia up to the year 1842 were under the government of a Governor and Council. That Government was allowed by the noble Lord (Lord J. Russell) himself to be less free than British colonies had a right to have; therefore, in that year a Bill was passed giving to one of those colonies—New South Wales—a somewhat more representative form of Government. Remonstrances were made immediately, which increased year after year until 1850, when a Bill was passed extending the same form of Government—namely, two-thirds representative and one-third nominative, with a single Chamber—to the three other colonies of Australia, so that the four colonies were placed under the same mongrel form of Legislature. But in that Act there was a material clause, upon which hinged the whole of the present discussion. That clause gave to the Legislative Councils of those colonies powers to alter their own constitution, those powers, however, being specific and limited. The very instant, however, that the Act arrived in New South Wales that colony protested against it. They had hadly received it before the Legislative Council of New South Wales remonstrated against it in the strongest terms as a mockery and a deceit, and they said—

> "You have given us the same form of Government against which we have already protested, and have extended it to all the other colonies, giving us merely the power of altering the qualification and determining whether we should have one Chamber or two. We demanded a great deal more than that, and this Act leaves our grievances unredressed in the most material particulars."

They divided those grievances into five heads, demanding that the colonial patronage should be given by Her Majesty to her representative on the spot, that they should have complete power to appropriate the revenues derived from their Customs, that they should have the management of the civil list, and the appropriation of their land revenues, and the last and most material demand was that the veto in matters of local legislation should be exercised on the spot without reference to the mother country. How was that remonstrance met by the then Colonial Minister? Lord Grey expressed his astonishment that the Legislative Council should have remonstrated, and denied that they represented the feeling of the country, explaining the provisions of the Act of 1850, and appealing from the Council to their constituents. The reception of that reply irritated the Legislative Council to such a degree that they prepared a remonstrance, which the Governor thought it necessary to apologise for sending. That was in 1852, and Lord Grey's answer was received in June, 1853, by which time the Council had acted on their own views, and drafted a Bill setting at nought the limits of the clause in the Act of 1850, altogether including in this draft the five heads of grievance, and providing for all that they considered they were entitled to. Before that Bill arrived in England the right hon. Baronet the Member for Droitwich (Sir J. Pakington) became Colonial Secretary, and he sent an important despatch, divided into two heads, one of which dealt with the five additional subjects, upon which the right hon. Gentleman was perfectly justified in expressing an opinion, and, indeed, it was his duty to do so. But when the right hon. Gentleman discussed the subjects which had been handed over to the Legislative Council he exceeded the powers which he possessed even as a Minister of the Crown, and he contracted those which had been granted to the Legislative Council of New South Wales. It was material that the House should bear in mind the opinion which the right hon. Gentleman had given at that time upon the five heads of grievance. With regard to the first, the request that the colonial patronage should be handed over by the Crown to the Governor on the spot, the right hon. Gentleman expressed an adverse opinion. He now wished to ask the right hon. Gentleman whether he had changed his mind upon that subject, because the present Bill conceded that point, and rightly, as he (Mr. Adderley) thought. Upon the second head—that of handing over to the colony the entire control of the Customs' revenue and department, the right hon. Gentleman stated that he thought the point had been already met. Upon the third demand—that of giving to the colony the uncontrolled power of appropriating revenue to the civil list—the right hon. Gentleman expressed an opinion that it certainly was large; the demand was now, however, considerably larger. The fourth point, which related to the waste lands, the right hon. Gentleman conceded; and upon the fifth and main point — namely, the claim of the colony to plenary powers of legislation upon local subjects, the right hon. Gentleman expressed an opinion in which he (Mr. Adderley) concurred—that, if it were practicable, it would be most desirable. In 1853, upon that despatch arriving in the Colonies, the Colonies modified accordingly their draft Bills, two of which arrived in this country in February, and the third in May, 1854. The answer which they received to those Bills was, that it was too late in the Session for them to be discussed then. It was now not February or May, but the 14th of June, 1855, and for the first time, after a most unfortunate delay, the House was called upon to consider these important measures at a still later period in a succeeding Session. It was true of late the changes in the head of the Colonial Office had been more than usually frequent; but he thought that the Colonies, and especially those at the antipodes, had a right to look upon all Colonial Ministers as one corporation. Ministerial changes at home were no good excuse for postponement of their affairs. Van Diemen's Land—the only colony which had not then sent home any Bill—had had the good luck of the tortoise in the race; for, having received a warning that the other Bills exceeded the powers of 1850, they draughted a Bill in accordance with those powers, and that measure having come home, had received the sanction of Her Majesty. In discussing the measures before the House, he would not contest the question whether the constituent bodies were the best that could have been constituted, because it was too late now to discuss that question; neither would he dispute their right to exercise functions which were conferred upon them in 1850. It was too late to debate the propriety of what the Colonies proposed within the limits of the powers given them. But given the constituent body, and the constitution as far as authorised, the question was how to deal with an assumed excess of claims; and he asked what the Government proposed to do with those five points with which the Colonies were not authorised to deal. Van Diemen's Land had abstained from dealing with them. Australia was in process of abstaining also. Two colonies stood out for their whole claims. Are they objectionable in themselves? With regard to the waste lands, the Government proposed to accede to the wish of the Colonies by way of a separate Bill originating here, and so far he thought that they were perfectly right. With respect to three other points—handing over the local patronage to the Governor, the civil list, and the Customs' revenue—they proposed to grant all that was asked within the limits of the colonial Bill. The fifth point, relative to plenary powers of local legislation, they proposed to reject. The Government, therefore, had introduced an amended measure, which must be, as the hon. Member for Kidderminster had very properly observed, to all intents and purposes an Imperial measure. The colonial Bill, which was brought forward in the shape of a schedule, was in reality no Bill at all, and no words which the Crown lawyers could introduce could make that schedule a colonial Bill. If it were an Imperial Bill, however, it ought to have been drawn as Imperial Bills were always drawn, and not in its present form, for which there was no precedent in existence. Instead of the course proposed, he would suggest as follows:—To the extent to which the Bills are covered by the constituent powers given to the Colonies in the Act of 1850, he would pass them. So far, then, the four colonies would be put on an equality, and treated alike, and no time would be lost. But as to the assumptions *ultra vires*, he was not content so far to extend the action of a notoriously vicious constituent body; but he would deal with them at home, not imperially, but by an Imperial Act, handing over the subjects in question to the reformed colonial Legislatures, only reserving specifically what must belong only to Her Majesty at home. The management of waste lands he would hand over to the colonial Government, only regretting it had not been done long ago; and, as to colonial appointments, there could be no doubt that in all justice those appointments should be made by Her Majesty's Representative in the colony itself. A wish had been expressed by the Colonies that they themselves should control the Customs' revenue, and most certainly he was prepared to pass over the management of that revenue, free from useless Imperial interference, to their hands. The Bill of the noble Lord (Lord J. Russell) proposed to retain the civil list in the hands of the Home Government, but to do so was, in his opinion, to retract the powers already given to the colonial Assemblies by the Act of 1850, and was moreover, in principle, unconstitutional. The Bill says, "There shall be payable to Her Majesty 112,750*l.* of Victoria revenue and 64,300*l.* of New South Wales taxes annually." But only representatives of Her Majesty's subjects can vote her a civil list out of their own taxes. It was unconstitutional to deal with taxation by legislation not passed by the taxpayers. [Mr. J. BALL: Hear, hear!] The hon. Under Secretary cried "hear, hear!" but how did he meet the objection? He asked the House to pass a Bill appropriating colonial funds. As to any supposed power of alteration in the colony it was illusory. Constitutional principles required that the appropriation of their own taxes should be left to the colonists. It was impossible to contest so clear a principle, against which we had struggled in vain in Canada, and had nearly lost the colony in consequence. And *cui bono?* What have we to do with voting 50,000*l.* for public worship in Australia, or with salaries of clerks, auditors, or Judges? Who suffers if Victoria has underpaid Judges? There was only one thing in the civil list in which this country, as distinguished from the rest of the empire, had the slightest interest, and that was, the salary of the Governor of a colony; but if this country was interested in the salary of the Governor, it was the duty of this country to pay that salary. The Governor of a colony was the representative of the Queen in that colony; he was the guardian of Imperial interests, and should, consequently, be paid by the mother-country; the rest of the civil list should be left to the vote of the colonial Legislature. The present state of things with regard to the power given to the covernor of suspending measures of colonial Legislature was the last and greatest grievance. When a Bill passed the Assembly, the Governor had the power of granting Her Majesty's assent, of withholding it, or of reserving assent. Any Bill to which he gave assent might be revoked by the Queen in two years, and all Bills which were suspended became of no effect unless they received the Queen's assent within two years. It was a monstrous thing that British subjects should thus be subject to two Sovereigns, and in his opinion there was no greater proof of the vigour of the British colonies than that they had flourished, notwithstanding such a state of things. Frightful as it would be in an old country, such uncertainty was doubly fatal in a new one. The Draft Colonial Bills express a sense of this grievance as intolerable, and propose accepting a remedy first suggested by Sir W. Molesworth, namely, a division between local and imperial subjects, the former being left to plenary legislation in the colony, the latter reserved for Her Majesty's pleasure. It might be difficult, as the noble Lord (Lord John Russell) had said, to draw that distinction, but the colonies had suggested that in all doubtful cases the Privy Council should judge as to what were imperial and what local subjects. He would himself propose, in order to meet the difficulty, that the Governor should be the judge on that point; and that those Bills alone which the Governor should in his discretion consider to trench on Imperial subjects should be reserved for Her Majesty's sanction. If the noble Lord would not agree to that alteration, the only way left of dealing with these Bills, and carrying out the object of the hon. Member for Kidderminster, would be by moving Resolutions on the House going into Committee upon the Bills, and then the sense of the House could be taken on the question.

SIR JOHN PAKINGTON said, he had heard nothing, either from the hon. Member for Kidderminster (Mr. Lowe) or from his hon. Friend who had last addressed the House, and who, though he spoke against the Bill, intended, it appeared, to give his vote for the second reading, to induce him to retract the opinions he had formerly expressed, or to vote against the second reading of the Bill. He looked on these two Bills as the complement of an arrangement entered into in 1852 by the Government of Lord Derby, for the purpose of meeting the express wishes of the colonists on subjects in which they took a deep interest; and he could not help thinking that should they be rejected, except on very strong and sufficient grounds, something like great dissatisfaction would be felt by the colonists. He believed that gentlemen connected with the colonies of Australia, now in London, were decidedly favourable to the passing of these Bills. The noble Lord the Secretary for the Colonies had had a deputation of those gentlemen to wait upon him; and he (Sir J. Pakington) had also had the honour of receiving a deputation. But, at the same time, he must state to the House, that a gentleman connected with the colony of Victoria had waited on him some time ago and pointed out the objections which he entertained to this Bill. From all that he could gather from that gentleman, his objections were only three. The first objection was to the terms and form in which the Bill was drawn; the second turned on the high qualifications required for the two Chambers; and the third related to the high civil list reserved in the Bill for the colony of Victoria. With respect to the question of the qualifications for the Members of the Council and the Assembly and to the civil list, these were exclusively colonial questions, which should not, in his opinion, be altered or deviated from, but assented to as proposed by the colony. The only serious objection, then, which he (Sir J. Pakington) could entertain to these Bills was the form in which they had been drawn, and he thought considerable weight attached to the observations on this point made by the hon. Member for Kidderminster and by his hon. Friend the Member for North Staffordshire, who had just spoken. He was aware of the fact that the colonial Legislature had exceeded their powers, and therefore it was necessary to take some step to meet that difficulty; but he could not understand the shape proposed by the Government, which was, that of enabling Her Majesty to give her assent to certain schedules. He thought it would have been an easier course if the Government had brought in an Imperial Statute, enacting at once those constitutions which the Colonies desired. But the objections urged against the civil list he could not share. He could, however, say that the civil list for Victoria was not very light, and, possibly, even extravagant. Hon. Members referred to 50,000*l.* for public worship; but that, surely, was the last part of the civil list that should be objected to. He (Sir J. Pakington) was glad to see that that part of the civil list had been passed by a large majority in the colony. Looking at the extraordinary rapidity with which the population of the colony had increased, owing to the discovery of gold, he thought a grant to promote religious worship did honour to the colonial Legislature. The hon. Member for Kidderminster stated that the civil list amounted to 112,000*l.*, whereas in the year 1849–50 the whole revenue of the colony was only 113,000*l.* Now, this, he considered, was not so much a proof of an extravagant civil list as it was an illustration of the extraordinary progress made by the colony in that time. In 1834, the present Lord Aberdeen, as Secretary of State for the Colonies, was applied to by some bold adventurers, and asked if they might found a colony at Port Phillip, and his answer was that it was not the policy of England to extend her colonies, and he refused his assent. In the following year Lord Glenelg was applied to by these adventurers, and he likewise refused—[Mr. J. BALL: No; he assented.] Well, at last the request was granted, and happily these bold adventurers were allowed to establish the colony, and now, after twenty years, the House was discussing the question whether or not they should have a civil list of 112,000*l.* per annum. That was, as he had just said, a proof of the extraordinary development of the colony. Should the House take on itself to decide the civil list, it would adopt a very irritating and unwise course. He understood the hon. Member for Kidderminster to say that in re-enacting these Acts passed by the colonial Legislature, Parliament should not allow this civil list; but the course taken by the Government was wiser—not to interfere with the Act, except as to that part of it which interfered with the prerogative of the Crown. The main objects of these Bills were two, to give to the Colonies the management of their own waste lands, and to confer on them an improved constitution, consisting of two Chambers instead of one. The hon. Member for Kidderminster had himself recorded his vote in favour of two Chambers, and he had moved for a Committee of inquiry into the management of waste lands in the colony. There was a declaration and a remonstrance adopted by the Legislature of New South Wales in 1851, the prayer of which Lord Grey refused, and the new Legislature repeated that declaration and remonstrance, and sent it home. The Government of Lord Derby considered it their duty to give their attention to these representations, and they also felt it their duty to assent to the prayer of the Legislature of New South Wales. They conceded the double Chamber in the form in which it was asked. The hon. Member for Kidderminster had on a former occasion said that he (Sir J. Pakington) had then given his consent to the proposition respecting the waste lands as a bribe to induce the colonists to accept a nominated Chamber, but he could assure the hon. Member he had had no such motive. He did not deny that his opinion was in favour of a nominated in preference to an elective Upper Chamber, and he thought that if men of property, ability, and station were content and willing to accept seats for life in the Upper Chamber, they would form a Council as nearly as possible approaching to our House of Lords. He also thought that with an elective Upper Chamber greater risk of collision between the two Chambers would be run, and that it would be more difficult to carry on the business of legislation with a nominated than with an elected Upper Chamber. Therefore, he himself preferred a nominated Upper Chamber, but he had had no motive in inducing the colonists to accept it, such as that referred to by the hon. Member for Kidderminster. It was the sort of Chamber the Colonies asked for, and the Government of Lord Derby had consented to the prayer of the colonial Legislature, on the ground that the colonists had a fair claim for the concession of their demands. If he (Sir J. Pakington) had to make any complaint against the Government, it was that they had been so long in making their arrangements on this subject. He could not understand why these Bills had not been introduced last Session. He was indisposed to any delay in a matter so deeply affecting the feelings and interests of the colonists; and he thought that the Bills should have been introduced to the House, at all events, in the earliest part of this Session. He felt doubts whether the noble Lord the Secretary for the Colonies would be able to set at rest the objections he (Sir J. Pakington) entertained with respect to the shape in which the Bills were drawn. There was one point indispensable for the House to consider well—namely, that the utmost care should be taken to leave no doubt as to the validity and legality of these Bills when passed. He should certainly vote for the second reading.

MR. GAVAN DUFFY said, that when the hon. Member for Kidderminster announced his intention to move the postponement of the second reading of the New South Wales Government Bill, he (Mr. Duffy) stated that he would cordially vote in favour of that proposition; but the Bill now before the House was one which had the hearty support of the colonists; it was a wise and liberal measure, and one to which the House could give its assent with a clear conscience. There were, doubtless, some points in the Bill to which objections might be taken, but he thought those points could be most properly dealt with in Committee. There was one provision relating to the qualification of Members of the two Houses, which was open to very serious objection. The qualification for Members of the Upper House was 5,000*l.* worth of freehold property, and for the lower House 2,000*l.* worth of freehold property, or freehold property of the annual value of 200*l.*, situated in Victoria. The result of this provision would be to throw the whole Government of the colony into the hands of a small class, against whom there was a violent popular prejudice. In Victoria a qualification could arise from no property but freehold property. In this country a Parliamentary qualification was derived from lands, tenements, and hereditaments of any kind, and from personal estate and effects of any description, subject to certain conditions as to the time of possession; from the dividends upon, or annual proceeds of, such property; or from these several kinds of property united. The House was, however, asked in the case of a new colony, to exclude all but one of the qualifications which existed in this country, and it would, consequently, be easier to qualify a representative for Liverpool or London than for a village or a sheep-walk in Australia. It had been a matter of complaint in the colony for years that nobody could get land, the landed proprietors were a very limited class; and if the Bill was passed as it stood, the future Government of the colony would be committed to that handful of persons. He also objected to the clause of the Bill, which provided that every Member of the colonial Legislature should, upon his election, sign a solemn declaration that he had not obtained the property, upon which he qualified, by collusion for the purpose of acquiring a qualification. Such a declaration once existed with regard to Members of that House, but the progress of liberal opinions had led to its abandonment, and yet they were asked to apply it to a new colony. It was scarcely probable that a practising barrister or a doctor in Victoria, who might be very fit persons to have a seat in the Legislature, would possess 2,000*l.* worth of freehold property. No property qualification existed in the popular branches of the legislature in Canada, or at the Cape, that would not exist hereafter in New South Wales, South Australia, Van Diemen's Land, or New Zealand. If they sent back this Bill to Victoria with such a provision, it would be the beginning of a very unpleasant end. The population of the colony were strong and resolute, and were by no means disinclined to take the law into their own hands; the best Government for such a colony was a democratic House, possessing the entire sympathies of the people, held in check by an Upper Chamber, composed of men of more mature years, and who possessed a larger amount of property. The Governor of Victoria had told the colonists that whatever wrongs they had to complain of would be remedied by the new constitution, the basis of which was, that all rights sprang from the people; and what would be the consequence if, after that declaration, this Bill was sent back to the colony in a form which would render it as impossible for the people to obtain seats in the Legislature as it was for the people of this country to obtain seats in the House of Lords? But this was not all. Sir Charles Hotham had told a deputation from the "diggers" that they might elect any person they pleased as their representative, and he would use his prerogative to nominate him to a seat in the present Legislature. Under the present system they were offered one representative: but under the new constitution, while the proposed qualification was maintained, they would not have even one. These "diggers" created the wealth, and paid the taxes, and, to a great extent, constituted the strength of the colony—to shut them out from political action in its government was madness. He might be told that the qualification was in accordance with the wish of the people of the colony, but he ventured to question the accuracy of that assertion; when the Bill was before the Select Committee of the Legislature, that provision was carried by a single vote—namely the vote of a nominee who had since lost his seat. When the Bill came into Committee he should take the liberty of moving an Amendment, upon the grounds which he had already stated. If the noble Lord (Lord John Russell) would not consent to abolish a property qualification a medium course might be taken. The qualification for a voter of the Upper House included the learned professions and retired officers of the military or naval service; these classes might be declared qualified to be members of the Assembly. And surely chattel property as well as freehold property ought to be made a qualification. He thought that the provisions which had been omitted in the Bill directing that the Governor should have no power to send to this country, for the consideration of the home Government, any Bill passed by the local Legislature, except in certain specified cases, were essential to the well working of the measure, if it was considered desirable to maintain a permanent connection between the colony and the mother country. Parliament were about to grant to the colony a large and generous measure, and he hoped they would not render it unsatisfactory by refusing this small additional concession.

LORD JOHN RUSSELL said, he must decline to follow the example of the mover and seconder of the Amendment, and to enter into questions respecting endowment and the voluntary principle in matters of religion. He conceived that they were not called upon to decide those questions; but, the colony of Victoria having decided that they would appropriate 50,000*l.* for religious worship, it would be quite impossible for that House, consistent with the principle asserted of giving power to the Colonies in local matters, to say that they should not be at liberty, for the welfare of their own society, and for the good of religion and morality, if they believed it to be so, to dispose of that sum if they thought proper, and appropriate it to that purpose. He should not think it necessary to alter any of the clauses contained in the schedule of the Bill; for one of the clauses of the Bill itself gave power to the Colonial Legislature to go beyond the restrictions which they had imposed upon themselves, and to repeal at any time, by a majority, the conditions by which they had bound themselves in the first instance. If, at any time hereafter, they should think it inexpedient to appropriate so large a sum, or any sum to the purposes of religious worship, this clause gave them power to alter it. The Bill in this respect followed out what had been done in Canada, and avoided the error that had been before committed. The difficulties that arose in Canada were owing to the restrictions which Parliament had placed upon the colonial Legislature in that respect. The Acts of 1791, and subsequent Acts, had restricted the Legislature of Canada from legislating on the subject of the clergy reserves. Full liberty had since been given them; and they had chosen to use that liberty by dissolving the connection between Church and State, and appropriating to secular purposes, the sum theretofore derived from the clergy reserves. The Government had not in any way contradicted or opposed the wish of the Legislature of Canada on that subject. Following the same principle, they allowed the people of Victoria to make the provision they now made, and to alter that provision afterwards if they should see fit. An objection had been most ingeniously urged by the hon. Member for Kidderminster (Mr. Lowe) as to the form of this Bill; but the force of that objection, it appeared to him (Lord J. Russell), rested entirely on the word "assent." If Parliament chose to recite that the Legislative Council of Victoria had passed a certain Bill which could not receive Her Majesty's assent, that among the provisions of that Bill were to be found the following—(specifying the clauses)—that it was exceedingly desirable that those provisions should have the force of law—and that it was declared by Parliament that they should have the force of law—there could be no objection to such an enactment, and it would be as good and valid an Act as an Act of the Legislature of Victoria. That being the case, the objection of the hon. Member was rather ingenious than solid; it amounted only to this, that the Royal Assent was not given to the identical Bill that had been passed by the Legislative Council of Victoria. But all the substance of the Bill would be assented to, and the parts omitted were not parts relating to the constitution of Victoria, but to the general powers which the Legislature had reserved to itself, upon the ground that certain Acts should not have the force of law until they had been submitted for Her Majesty's pleasure, or should be within a certain time disallowed. Those were the clauses omitted; and in common sense it was quite fair to say that the Bill was the Bill of the Legislative Council, though it had been amended in the manner he had stated. A very few words would make it quite clear that the Bill would have the force of an Act of Parliament, and when it was received in the colony, would have the force of law, and would be so acknowledged by all the Courts of Justice. The hon. Member for North Staffordshire (Mr. Adderley) proposed, that instead of the present Bill, instructions should be sent out to the Governor to assent to a Bill which should be within the power of the Legislature of Victoria. There was, however, one slight objection to sending out such instructions; it would be against the law. The Act of Parliament would not allow the Secretary of State to send out instructions of that kind to the Governor; and if he were to obey those instructions, his Act would have no validity; he would be forced to send the Bill home, which would have to lie thirty days before both Houses of Parliament, and could only become a valid Act after it had received Her Majesty's assent. The hon. Member for Kidderminster (Mr. Lowe), knowing that objection, had proposed a measure that would be valid—namely, that Parliament should pass a Bill giving full power to the Governor of Victoria, notwithstanding the existing law upon the subject, to give Her Majesty's assent to a Bill which should be within the competency of the Legislature of Victoria to pass. No doubt that would cure any defect; but it was a measure such as he (Lord J. Russell) would not venture to propose. It would be a measure to dispense with the provisions of an Act of Parliament—not by the Officers of the Crown, or Ministers responsible to that House, but by the Governor of the colony, according to his own interpretation. Might not the difficulty arise that the Governor had exceeded the power derived from that Act, and that therefore the Constitution of Victoria was null and void, and must be set aside? The hon. Gentleman said the Bill before the House was an absurd Bill; but such an absurdity was never propounded as that of giving the Governor of a colony power to dispense with the law of the land according to his own interpretation of what was legal. On the question as to the power of reserving Bills for Her Majesty's pleasure, and of disallowing certain Bills, he agreed in the main with the statement referred to in the despatch of the right hon. Baronet (Sir J. Pakington) that under the present mode of exercising the Royal prerogative, the grievance complained of was rather theoretical than practical. If any attempt were made to define the questions which should be so reserved, they would probably include either too few or too many; and, in the latter case, the Colonial Legislature would be a great deal more restricted than it practically was at present. The proper course was to give general instructions to the Governor, and to use great forbearance with regard to any matter which was clearly and plainly one of local interest, so as to leave the local authority as free as possible. That the question was not very much felt in the colony he inferred from a conversation which he had had at Vienna with a member of the Legislative Council. He (Lord John Russell) had told him that the Bill would not contain any clause with respect to Imperial and local legislation, and he, in reply, said that he believed the colony would be quite ready to postpone that subject for future consideration—what they wished was to have the constitution, and the power of disposing of their waste lands, but that the other matter excited no great interest at present. He believed that the colonists would have as little ground of complaint on the way in which the prerogative of the Crown was used as we had in this country. A century or two ago that prerogative gave rise to very great remonstrance and complaint; but it was now acted on with such moderation and forbearance, that no complaint arose. Reference had been made by the hon. Member for New Ross (Mr. Duffy) to the qualifications of the elected members. If the legislative Council were to be elected, he thought it a wise thing to make the qualification high for the present. They had taken three securities for the moderate and wise conduct of their Legislative Council; they required that each member should be thirty years of age, that he should have a considerable sum in landed property, or an equivalent value, and that he should be named for a considerable period—for ten years. There was nothing more remarkable in the United States of America than the care with which they had provided that the excess of democracy should not impede the good order of society or the well-working of the constitution. He was delighted to see that our colonies, while adopting the frame work of the British constitution, and thus acknowledging its excellence, were at the same time careful to provide safeguards and barriers for the well-working of that constitution. He should not, therefore, propose to make any alteration in the measure that had been sent over. He quite agreed that it was a very large and liberal measure; and, at the same time, he rejoiced that it was so. He did not enter into the question of the particular sum voted for the civil lists. That sum might be too large; it might have been calculated on the extravagant prices of every article of sustenance which prevailed at the time in the colony. He did not defend their economy or censure their extravagance. It sufficed for him that this was the civil list which the colonists had, after due deliberation, proposed for themselves, and if that sum should at any time appear to be extravagant, the colony would have the power of reducing it. At the same time, he would not assent to any measure which would contravene the principles of justice or take away from men the incomes which they received and were encouraged to rely upon. The introduction of responsible government into almost all the Colonies had created a great change in the position of those who many years ago went out under the belief that they had obtained offices for life. It had been the care of the Secretary of State, of the Governors of the Colonies, and likewise of the colonial Assemblies generally, to make the change in such a manner that these persons should not have reason to complain of injustice. These questions had been discussed in a most satisfactory manner by the colonial Legislatures; and in the Council of New South Wales, in particular, the ability displayed was most remarkable. Whether he agreed or not in every particular of their constitutions, he was satisfied they used great deliberation in the framing of their provisions, and showed that affection and attachment which he should have expected to the constitution of the mother country; and he hoped and trusted that they might be the means of happiness and prosperity to the Colonies themselves.

Mr. APSLEY PELLATT said, he would beg to refer to the numerous meetings which had been held at Melbourne, Geelong, and other places, at which resolutions were passed condemnatory of the proposed endowment clause. These demonstrations appeared to him entitled to some respect, and he thought the House ought to consider well the propriety of striking out this clause. He should like to know from the noble Lord whether, if this Bill went out intact, the Colonial Legislature would have the power to rescind the endowment clause?

LORD JOHN RUSSELL said, that the colonial Legislature would have the power of rescinding the clause, but that they would be bound to have the sanction of the Crown to any such alteration.

MR. BELL said, that, understanding from Mr. Speaker that the House would have the power of dealing with the details of the Bill, and especially the schedule, in Committee, he should withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°.

NEW SOUTH WALES GOVERNMENT BILL.

Order for Second Reading read:

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LOWE said, that almost all the objections which he had taken to the Bill that the House had just disposed of, applied with equal force to the measure now before them; but as the House had not thought them sufficient to arrest the second reading of the former Bill, he would not now trouble them by repeating or even alluding to those objections. Therefore, merely noticing that the New South Wales Bill was exactly in the same form, and came before them under pretty much the same circumstances, as far as time was concerned, as the measure which had just passed its second reading, he would at once state his reasons why he considered that they ought not to proceed further with the present Bill. Those reasons were not of a merely formal nature—for, if valid, they touched the very substance of the measure; and the position he would endeavour to establish was, that the Legislative Council of New South Wales had passed a Bill which did not represent the colonists personally, that it had not really acted for the interests of the colony, but for certain other interests; and that the constitution which had been sent home for that House to enact was not the primary object of the measure, but that almost every provision it contained for that purpose was made subordinate to the ulterior object of obtaining for certain colonists the absolute possession and ownership of enormous tracts of the public lands. This was the proposition which it was his business now to prove, and he must therefore solicit the attention of the House to his statement. The former Legislative Council of New South Wales assembled in the colony in 1843, and the first effect of its establishment was, that the Council got into a violent collision with the Governor. There were two funds in the colony, one of which was the ordinary revenue, that was to be appropriated by the Council, and the other the waste land fund, to be under the control of the Government; and great conflicts took place between the Council and the Government upon matters of economy. The result was, a keen struggle on the part of the Council to throw as much as possible of the expenditure of the colony upon the waste land fund, over which it had no power, and on the part of the Government, on the other hand, to throw it as much as possible upon the ordinary revenue, which was left at the disposal of the Council. At this time the waste lands of New South Wales, which extended along that very broad belt to the west of the Blue Mountains, were in possession of persons who depastured their flocks and herds upon them, paying a moderate licence-fee to the Crown for the privilege. In the beginning of 1844, matters being in the position politically that he had described, the then Governor of the colony ventured upon what would now be called a *coup d'état*, and suddenly, without consulting the Legislative Council, issued an order, by which he claimed, under the prerogative of the Crown, the right to increase the sum paid as an acknowledgment for the use of this pasture-land to some amount—not perhaps to an unreasonable amount, but to one which fairly raised the question as to whether such a proceeding was consistent with free government. He, for one, thought that it was not, and that the power over the purse vested in the Legislature was perfectly useless if the Government had at its entire command another resource derivable from the people, which it could raise without limit, and without reference to the assent or dissent of their representatives, and so as to afford no security for retrenchment. Upon this, violent political conflicts ensued, the details of which he would not mention, but the result was, that those who shared his political views on the subject completely succeeded, and convinced the colonial Government that it was vain to attempt to increase these payments by the mere act of the prerogative. At this point his interest, and that of others who took part in the controversy, ceased, but the interest of those in whose behalf they had entered into it,—viz., the squatters—did not also here cease, but rather, indeed, began. These persons found that they possessed a powerful organisation in their favour, by the aid of which they had been able to defeat the attacks made upon them by the local Government, and then the idea occurred to them—and particularly to those who were directing a large enterprise in the colony, which was originally intended to be a bank, but which, by rather a bold stroke, was converted into a great grazing establishment, that it would be extremely convenient and agreeable to acquire for their company leases of the Crown lands; and, accordingly, the graziers made representations to the home Government as to the necessity for their having such leases granted to them. These parties were much in the position of the ancient tyrants—like Pisistratus, for example, who, by professing that they were in danger from the enemies of the people, obtained body-guards to protect them, and then turned round and used those guards to enslave the very communities which had given them to them. Thus, these gentlemen, availing themselves of the political feeling which had been excited in their favour, and which was intended to prevent the Government from ill-treating them, turned their influence against their fellow-colonists, and succeeded, he was sorry to say, in securing to themselves a great portion of the waste lands. This was consummated in 1847 by the Act which passed through that House—as all such Acts did, unless some returned colonists rose and protested against them—without a word being said in opposition. It merely confiscated, or rather only commenced the confiscation of, tracts of land as large as England, Scotland, and Ireland united, for the benefit of some 2000 people, giving them leases of them, with pre-emptive rights to purchase at the then *minimum* price the land which they held on such leases. This was a very ambiguous sort of ownership. If well pushed and supported it might grow to a freehold, and if not so pressed it might, at the expiration of the lease, come to an end altogether. They found themselves in a position in which to attain their object it was absolutely necessary for them to have a considerable amount of political influence, because they saw that whether their leases and pre-emptive rights would ripen into absolute ownership or degenerate into a mere tenancy on sufferance would entirely depend on the political power which they could bring to bear upon the local Government, and, through them, on the home Government. To show that he was not now giving an *ex post facto* account of the circumstances, he would quote from a pamphlet which he published in the colony soon after these leases for fourteen years or for eight years, according to the particular district they affected, were first granted. The pamphlet contained this passage—

> "Long before the period of fourteen, or even eight years expires, the squatters will be all-powerful in the Legislature, and most of the influential residents within the boundaries will have, as friends, as relations, or creditors, the strongest motives to assist them in asserting their claims. The benefit of restoring these lands to the public will be regarded with all the coldness of political apathy. The injury of depriving the squatter of his run will be felt by himself, by his connections, and by his class, with all the keenness of private and personal interest. In this unequal contest the Home Government is far more likely to side with the squatters than with the colonist. It will regard them as the germ of a loyalist party—as a party which, like the Cromwellian settlers in Ireland, will hold its lands by the tenure of union, and see in a separation from the mother country not so much the severing of political ties as the resumption of its unjust territorial acquisitions. How soon they will deem it politic to throw off the mask, and declare their runs to be what they even now consider them—their own—it is impossible to predict."

His prediction was certainly verified by the event, and from the time when this measure was adopted he dated the decline of public spirit and patriotism in the colony. He sat himself for three years in the Colonial Legislature, and found that those constitutional privileges for which the colonists had been contending, and those rights which the Home Government had withheld from them, sank entirely into secondary considerations, and the question whether the land should be set free to the purchase and industrial habitation of a class of small yeomanry coming from the mother country became the leading question; no other topic was able to gain the hearing which it secured before. So the thing went on till 1850. Then the noble Lord the Member for London (Lord John Russell) brought in a Bill to grant to the Australian Colonies the power of giving themselves constitutions without the necessity of again recurring to the authority of that House; and those constitutions, according to the noble Lord's view at that time, were to be validated by the mere consent of Her Majesty. At that time he had just arrived in England, and he would mention a fact to show how little he was then actuated by any feeling against this class. Although he was of opinion that the question, if neglected, would result in a repetition of the agrarian law of Rome, yet he thought these gentlemen, many of them respectable through birth, education, and character, formed an integral part of the community, and it was his theory of representation that all the elements of a community ought to be represented in a constitution. He therefore thought they ought to be represented, and he accordingly made a suggestion upon the subject to the Colonial Office when he came home, which was the only suggestion of his that had ever been attended to. To him it was that those gentlemen owed the representation they now possessed in the Legislative Council. The Act of 1850 separated the district of Port Phillip from New South Wales, and it empowered the then Legislative Council of New South Wales to pass an Electoral Act for the new Council. From that point he dated the origin of the evil which had now come to full maturity, and was to be dealt with to-night. Instead of proceeding, as they should have done, upon a more liberal basis, and endeavouring to equalise the representation of the colony, the then Council set themselves deliberately, as it appeared to him, to vitiate the representation of the colony, to exaggerate its imperfections, and to make it worse than it had previously been. He would give an instance of what had taken place. Having recommended that the squatters should have Members in the Legislative Council, he might be supposed to be some authority as to what sort of representation they ought to have. It appeared to him that the grazing interests would have been adequately represented by three Members, one each from the north, south, and west districts, but these sheepwalks were represented by eight out of the thirty-six Members of whom the Council was to be composed. The county of Cumberland, in which the city of Sydney was situated, was the original settlement, and it contained four-fifths of the population, and 12,000 out of the 22,000 electors of the colony, but that county was only represented by eight Members. The rest of the Act was conceived in the same spirit, and it gave such a preponderance to the pastoral districts that it was quite clear from that moment that they would be paramount in the Legislature. He would not ask the House to take these statements from him upon trust, for they might think he was prejudiced. The noble Lord the Member for London said the other night that he had come to fight in this House the same battle which he (Mr. Lowe) had fought in the colony. That was quite true; he had fought, and he intended to fight the same battle; and would not the noble Lord have reproached him with greater justice if he fought a different battle here from that which he had fought in the colony? He would refer to Westgarth's book on Port Phillip, which contained the following passages in reference to the deliberations of the Legislature which passed the Electoral Act—

> "The electoral scheme now proposed by the Government for the two colonies was of the same unequal character as that which it was to supersede. To the city of Sydney, for example, with nearly one-fourth of the population of the colony, and perhaps a still larger share of property and intelligence, was to be allowed three representatives out of the thirty-two elective members, while representation was given to remote districts four or five times greater as compared with the ratio of population. This question formed the chief point in a long preliminary discussion, in which the Government views were advocated by about two-thirds of the Council, a more equal electoral distribution being contended for by the remainder. Some sharp party scintillations were evolved in the debate. The Liberals were charged with a disloyal Republicanism, and the squatters jocularly complimented on the convenient character of their new voters, who in the absence of human beings were supposed to be the sheep and cattle of their pastoral domains. The inequalities of the British constitution formed the fundamental argument of the majority, and the short representation of London was pleaded for that of Sydney. To give greater conclusiveness to this argument the Reform Act of 1832 was urged to have been a finality in regard to electoral change. Strange to say, this view of the case, so opposed to all British political experience, was doggedly maintained, refuted, and reasserted by long quotations and speeches; and it is still more remarkable that, at the very time when the representatives of the Crown were carrying their point in New South Wales by such an argument, the First Minister himself, as it afterwards appeared, was engaged at head-quarters in devising a further and comprehensive reform, which, it may be said, only an accident had then frustrated, and which, every one feels, will not be much longer deferred."

He was afraid that the House would to-night ratify a system ten times more unjust and unequal than had ever prevailed in England. The contrast between what the noble Lord was then endeavouring to do for England and what he now wished to do for New South Wales showed the difference between the politics of a man when he was dealing with the home country and with the colonies. All Colonial Ministers, of whatever politics, as soon as they came within the influence of the Colonial Office were perfectly alike. The Legislature which created the new council before its dissolution; agreed to a petition and remonstrance, which was sent to the home Government, in which they made various representations as to the five points, and then said in a very vigorous tone:—

> "That in order, however, that Your Majesty's confidential advisers may have no excuse for the continuance of these abuses, we unhesitatingly declare that we are prepared, upon the surrender to the Colonial Legislature of the entire management of all our revenues, territorial as well as general, in which we include mines of every description, and upon the establishment of a constitution among us similar in its outline to that of Canada, to assume and provide for the whole cost of our internal Government, &c."

Those words, "the establishment of a constitution among us similar in its outline to that of Canada," were the text which had been laid hold of to fix the constitution upon the colonists, but he was certain that whatever interpretation these words would bear, the right one had not been put upon them. Several gentlemen who voted for them were in favour of an elective Upper Chamber, and it was not likely that so important a question as the constitution of the Council would have been settled in such a manner, and without any previous resolution having been arrived at respecting it. But the seed feel into good ground when it got into the hands of the right hon. Gentleman the Member for Droitwich (Sir J. Pakington). The right hon. Baronet snatched up the expression, and on the 15th of December, 1852, three days before the resignation of Lord Derby's Government, he wrote a despatch in which he turned it to advantage. When the right hon. Baronet had received from the Legislative Council an offer to make terms with him, a stipulation for an interchange between the Colonial Legislature and the Colonial Office, he would have acted much more judiciously if he had told them they must exercise their own discretion, subject to the limitations which had been placed upon their powers, and that the question of a nominated or an elected Council was one upon which Her Majesty's Government would not express any wish or interfere in any way, but would leave the colonists to deal with it as they pleased. If the right hon. Gentleman had so acted the present difficulty would never have arisen. The right hon. Gentleman appeared to have entered into a kind of compact with the colony that if they would agree to a nominated Upper Chamber the Government at home would give them the land-tax. And he held that the Government had no interest in inducing the colonists to consent to a nominated Chamber. If it were right to give the colonists the land-tax, the Government ought to give it them, but it ought not to have been used as an inducement for the colony to take either the one course or the other relative to the constitution of the Upper Chamber. The right hon. Gentleman had grievously erred in taking this course, and great credit was due to the Duke of Newcastle, who, on the 18th of January, 1853, just after his accession to office, wrote a despatch undoing what the right hon. Baronet had done. The noble Duke said:—

> "You inform me that a Committee of the Council is engaged in the preparation of a scheme for the amendment of its constitution. As such a measure is impending, it is only necessary for me now to inform you that, as soon as it has passed the Legislature of the province, and received the approval of Her Majesty, the disposition of the waste lands, and the appropriation of the fund arising out of their sale and management, will be placed without reserve, under the supervision and control of the Legislative authority in the colony. This policy would, of course, be inoperative without legislation in this country; and it will be necessary to invite Parliament to empower Her Majesty to make the proposed transfer of the functions at present vested in the Crown. I am ignorant of the shape which the project under the consideration of the Committee of the Council may eventually assume. The Legislative Council, indeed, in the petition before adverted to, favoured a constitution similar in its outline to that of Canada. It would be premature for me, without materials for forming a judgment, te pass an opinion upon the policy of totally reconstructing the frame of government recently established; but I may state that I have always thought it probable that the experience and wisdom of the Council would dictate better provisions than those which were in the first instance adopted by Parliament for securing good government in New South Wales, and promoting harmony in the connexion subsisting between Great Britain and this important province of the empire."

Thus the noble Duke set the colony free from the compact that the right hon.

Baronet his predecessor had formed. He would now come to the elections. The Legislative Council of New South Wales ceased to exist, and a new one had to be elected. It might have been supposed that such a body would be elected with great care and circumspection, but it was stated, on good authority that the subject of an elected or nominated Upper Chamber was never mentioned by any candidate except one, and he was unsuccessful. The noble Lord (Lord John Russell) would no doubt say that the Legislative Council was to be taken as representing the wishes and opinions of the colony, which might be true for the ordinary purposes of legislation; but this was an extraordinary duty imposed upon the constituents, and no appeal having been made to them, and no consideration given to the subject, the value of this assembly as a constituent body was gone altogether. The fact was, that at the period of this election the public mind of the colony was very much disturbed by the gold discoveries. Since that election, too, perhaps one-third of the present inhabitants of the colony had arrived and settled in it, who had no opportunity of recording their votes at the election, but who were bound by proceedings that had taken place before their arrival. The new Council, however, was elected, and in May, 1853, a Committee was appointed to consider the constitution of the colony. They presented their Report, and their object appeared to be not to consider what would be best for the wants of the colony, but what would be best to subserve the purpose of keeping the public lands in the few hands who now possessed them, and who made enormous fortunes thereby. The Committee of which the Colonial Secretary and the Attorney General were two official nominees, met to consider their Report on the 27th of May, 1853. The question put was:—

> "Are we bound by the terms of the remonstrance and petition of 1851, to construct a Legislature composed of a nominated Upper House, and of an elective Legislative Assembly, similar to the Legislature of Canada?"

So that the Committee spoke as if they were bound by the compact with the right hon. Baronet (Sir. J. Pakington) and had no discretion. Then the Committee reported as follows with regard to the constitution of the Legislative Council:—

> "As regards the constitution of the Legislative Council, your Committee consider that, not only by the terms of their declaration and remonstrance of the 5th of December, 1851, but by the letter of agreement to those terms of Sir John Pakington, on the 15th of December, 1852, the House is pledged to a constitution 'similar in its outline to that of Canada.' The subsequent despatch of his successor, the Duke of Newcastle, appears, indeed, to admit of some latitude of discretion on this most important subject. But your Committee are of opinion, that the offer contained in their declaration and remonstrance necessarily included a nominated Legislative Council in the first instance, and from this offer, independently of the question whether they are strictly bound by it or not, they see no reason to depart."

So the Committee believed they had been set at liberty, but they did not choose to be free. They were like the man liberated at the storming of the Bastile, who had been imprisoned for forty-nine years, and who hired a man to lock him up for the remainder of his life. It was no part of his case that an elected Upper House was better than a nominated one, but it was for the colony to choose between them. The scene of the drama was New South Wales, which was not long ago better known under the title of Botany Bay. The Committee said:—

> "They conceive that an Upper House, framed on this principle—the creation of hereditary titles—while it would be free from the objections which have been urged against the House of Lords, on the ground of the hereditary right of legislation which they exercise, would lay the foundation of an aristocracy, which, from their fortune, birth, leisure, and the superior education these advantages would superinduce, would soon supply elements for the formation of an Upper House, modelled, as far as circumstances will admit, upon the analogies of the British Constitution."

This was the language held in a colony to which transportation ceased only fifteen years ago. They went on to say—

> "Such a House would be a close imitation of the elective portion of the House of Lords, which is supplied from the Irish and Scotch peerage; nor is it the least of the advantages which would arise from the creation of a titled order, that it would necessarily form one of the strongest inducements not only to respectable families to remain in this colony, but to the upper classes of the United Kingdom and other countries, who are desirous to emigrate, to choose it for their future abode."

He would ask the House whether such a Report could be supposed to represent the feelings of the emigrants—the mechanics and labourers, and even of the tradesmen and proprietors of the colony? He should have thought that the saying—

> "Et genus et proavos, et quæ non fecimus ipsi,
> "Vix ea nostra voco—"

would have been insisted upon with the utmost rigour in such a colony, many of the persons in which had nothing to gain by going too far back with their pedigree. The Committee went on to say—

> "Acting on these principles, your Committee have inserted in the civil list to be granted to Her Majesty an adequate fund for pensioning off, at their present rates of salary, all the higher functionaries of the Government who may be displaced by the new order of things likely to arise when responsible Government takes effect among us."

The noble Lord the Member for London would find that in the 59th clause of the Bill this recommendation was carried out. The salaries had been increased very properly during the high prices of the gold discoveries, but these officers were pensioned off, not upon the salaries which they had been receiving up to 1851, but upon the increased salaries which they had been receiving for only one year. And be it remembered that the Committee contained two gentlemen—the Attorney General and the Colonial Secretary—who might profit by this arrangement. The Committee then decided that the salary of the Governor General should be 7,000*l.* per annum, and that the increased salary take effect from the passing of the Bill. Then came a "Motion made and question put, that the salary of the Colonial Secretary be 2,000*l.* per annum." Nothing was said about the Colonial Secretary not voting. Then there was a Motion "that 9,500*l.* be reserved for retiring pensions." That also was carried. It was very true that 9,500*l.* was not enough to pay them all, but the Act gave it to them. They must receive it somewhere, and it was a subterfuge to say they would have to submit to any abatement. The next occurrence which he had to chronicle was nearly contemporaneous with these events. It was a matter of immense importance to the colony, though probably not very interesting to the Imperial Parliament. The only relief to the system of leasing was, that the Crown had the power of reserving tracts of land for townships, over which the right of pre-emption in the squatters did not obtain. Just about this time the Executive Government of the colony, without the knowledge of the people, contrived to give these gentlemen tracts of land reserved for the pupose of making towns, the effect of which would be that these men would get possession of land, as though for pastoral purposes, with the right of buying it up at 1*l.* an acre, the greater part of which was intended for townships, and would be retailed hereafter by the yard for streets and squares. He mentioned that because it singularly occurred just at the moment when the predominance of that class in the Council seemed perfectly well established. He would say nothing about the debate upon the Bill, which seemed to meet the approbation of the noble Lord (Lord J. Russell), except that it would have been better if the Council had thought less of Burke, Cicero, Plato, and Montesquieu, and more of the interests of the country for which they were legislating. The Bill did not pass at once. The Council adjourned for five or six months, to obtain the opinion of the colony. The colony did express their opinion. There was an enormous number of petitions on one side, and a very small number on the other. The majority of the petitioners concurred in urging objections on four grounds—first, that the electoral districts were not equal; second, that the Bill was not to be altered unless two-thirds of the House agreed; third, as to pensions; and, fourth, as to the nominative Upper House. There was great unanimity at most of the public meetings, and there were no public meetings the other way. No effect was produced. The petitions were utterly disregarded, and the Legislature passed the Bill. The noble Lord said, when the Legislature deserved the people's confidence there was no occasion for petitions. What occasion, then, had people to go to public meetings? But meetings were held all over the colony, and ended in the same result. Surely, if a public meeting were deliberately advertised and held, the resolutions adopted went forth as the opinion of the district, and he would undertake to say that in almost every town and district meetings were held, and the opinion, without exception, went one way, the minority being very small. But the Council, which was said to represent the feelings of the colonists, did not in the least modify these views. They carried them out exactly as though no public meetings had been held. The Bill was sent home; but since that another effort had been made. A gentleman moved in the Legislative Council this Resolution, the first of a series—

> "That the Bill was passed in opposition to the wishes of a large majority of the colonists, who desire, as the basis of local government, a representative system, and a just distribution of the electoral power."

In a full House three Gentlemen spoke in favour of that Resolution, and no one spoke against it. Although those Gentlemen spoke with great temper and great force of argument, no reply was offered, and the Council went to a division, which was ten in favour of the Resolution and twenty-four against it. But so much had opinion changed that a majority of the elected Members were in favour of the Resolution. Then they petitioned the Imperial Parliament. He had himself presented several petitions, setting forth in the clearest and most unanswerable manner the grievance of this constitution. Several elections had taken place since. They had all been determined in favour of an elective Council, with a single exception. A Gentleman, a large squatter, who represented a district, was going away, and not feeling quite confident that the district, if left to itself, would elect a successor with equally strong predilections in favour of the Bill, adopted the ingenious device of placing his resignation in the good and safe hands of a Friend, with orders not to send it in until an approved person presented himself. That was the way the election of a supporter of the Bill was secured in one instance, but a more unconstitutional act, to say the least of it, could not be imagined. It was useless to say the people should have done more. They had held meetings, they had petitioned their Legislature, and they had petitioned Parliament. Finding the Bill put off another year, they petitioned Parliament again. They returned gentlemen who were in favour of an elective Council. They did more. In the extremity of their despair, although perfectly well aware how ill the elective system represented the people of New South Wales, they went to the new Governor, Sir William Denison, and asked him to dissolve the Council, that the colonists might have an opportunity of expressing their opinions upon the question of a nominative or elective Council. The answer of Sir William Denison showed that the feeling of the colony was in favour of an elective, and not of a nominative Council. Sir William Denison refused their request, and he did not mean to reflect upon him for that, or to say that he was not right in doing so. In the answer of Sir William Denison was this passage—

> "I say 'unnecessarily;' for, whatever the opinion of the Members of a new Council might be upon the subject of the form of government to be established henceforward in this colony, it could not, at this late period, be made to operate in modifying the course of action of Her Majesty's Government in relation to a measure which has been submitted for consideration in accordance with the forms prescribed by law. I may further remark, that were the opinion of a new Council decidedly adverse to the measure which has been so submitted, and which may possibly have received the sanction of Parliament, that contention with the Imperial Parliament, which you so earnestly desire to avoid, would become almost inevitable."

The Governor refused, first, because it was too late; and, secondly, lest Parliament should have sanctioned the Act, and the Council be placed in a position of antagonism with Parliament. If the Council had really represented the colonists, and the Act had not been the Act of a small clique acting against the feeling of the colony, would not the answer of the Government have been that which the noble Lord gave? "The Council represents the feeling of the colony. What is the use of appealing from Cæsar to Cæsar?" The Governor did not say that, and bad as was the elective system, infamously framed to purposely prevent the popular voice being heard, he really believed, if by any possibility they could ascertain the popular opinion on this measure, it would be rejected, and an elective substituted for a nominative Council. He observed that a large deputation had waited on the noble Lord the Secretary of State for the Colonies, composed of gentlemen of whom he wished to speak with the utmost respect. All their names were known to him. They were large holders of waste lands, which was the very question in debate. He remembered that a member of the Council said to one of those gentlemen, whose name he would not mention, "You hold 3,000,000 of acres of the public land." The gentleman replied, that if he would refer to his licence he would find he had not so much. Upon which the other retorted, "I said 'you hold,' I never said you paid for them." He would remind the noble Lord that every person who held a large portion of the public land was deeply interested in having a nominative Council, because it was essential to his interest to have some body not amenable to popular influence, which would not change when the revolution came, as it inevitably would come, upon this question of waste lands. All writers upon the colony had pointed out that people went from thence to America because the lands were confiscated for the benefit of a few large graziers. The feeling was so strong upon the subject that he spoke advisedly when he said that, unless the question were settled by the wisdom of Parliament or by the Home Government, it would end in bloodshed and civil war. He saw no other outlet for the strong feeling which was excited by the finest and best lands being retained in a few hands and the worst lands only being open to the public. That was a system which could not last, and was at best but a short-sighted policy. He did not blame those who had appointed the Legislative Council, and who sought to perpetuate their system, believing that in a few years they would make fortunes, and then leave the result to be fought for by others. It must be remembered the possession of the waste land was different now to what it was at first. Then stock was boiled down for tallow, but now there were good markets for cattle, and, consequently, the value of bullocks and sheep had risen enormously, while the land upon which that stock was reared was correspondingly increased in value. He said that, seeing this measure was carried against the will of the colony as expressed in petitions and at public meetings—seeing that petitions were entirely disregarded, that no answers were condescended to the arguments of its opponents—seeing the mighty stake for which the parties were playing—he thought he had made out a case, not, perhaps, for interfering with the Bill itself, but for sending it back to the colony, or for dissolving the Legislative Council, and calling the attention of the people to the issue raised, and leaving them to decide upon it. If they chose to have a nominative House, let them have it; if they chose to pay their officers at such immense rates, let them do so. In one instance he might mention, an officer, who was a powerful assistant in framing the constitution, had his salary raised from 1,500*l.* to 2,000*l.* a-year, and beyond that, in a fit of transcendent enthusiasm, he was voted eight years' back salary. But he said, as circumstances stood, they ought not to take upon themselves to deny to the people of the colony the power of dealing with the question. The simple fact that the Council was elected without the slightest mention of the subject to be dealt with was conclusive. There was no hurry — no emergency. The emergency would arise if wrong was done—if a system of irritation was created which would not subside until the whole system was swept away, and material injury done to the connection between the colony and the mother country. Let the House consider the conduct of the Council from first to last; the value of the prize; the fact that the election of 1851 was packed, nothing said to the constituent body on this question, and repacked upon the same principle; its refusal to set the land free from the terms imposed by the right hon. Member for Droitwich (Sir J. Pakington), when liberty was given by the Duke of Newcastle; the scheme of hereditary peerage in New South Wales, which could not have emanated from the people; the scheme of a nominated Upper House, which had been repudiated by all the other colonies; the question of the civil list; that a public officer was sent home to argue the case of the law, which required that two-thirds of the two branches of the Legislative Council should consent before any alteration should be made, and it was clear no alteration would be consented to so long as it could be avoided. The noble Lord (Lord John Russell), he understood, was willing to modify the clause, but it was discreditable to those who proposed that a clause passed against public opinion should be perpetuated by giving to a minority in fact the power of maintaining it for ever. It seemed to be clear that those who came to act for the colony were quite willing, in order to get a nominated Upper House and full dominion over the waste lands, to give up the clauses which the noble Lord had struck out of the Bill. Those clauses were palpable grievances in New South Wales. Upon one occasion a person advanced a large sum of money upon the faith of an Act, which was voted by the Colonial Office, and the person who advanced the money was obliged to obtain an emergency Act, or he would have lost his money. No one could tell the law under which he was living Serious inconveniences were felt from the public domains being thus dealt with, inconveniences which no community would long submit to; and he concluded, therefore, that the question ought to be once more fairly raised, exactly in the same way as he had suggested in the former instance. He felt the greatest interest in the measure, having striven for many years to emancipate the colony from the dominion of the Colonial Office. When he first knew New South Wales the Colonial Office was so heavy an incubus that every friend of the colony felt it to be a duty to endeavour to alleviate the burden. They triumphed to a certain extent in that, but it was the destiny of colonies which freed themselves from despotism at home to fall under the equally onerous tyranny of oligarchists among themselves. He felt perfectly convinced that if this measure passed through the House of Commons—and he spoke as one knowing the subject of which he treated—they would form a clique in the colony which would render the Home Government odious, and assist in establishing a needless agitation, and creating discord which would never terminate until it was overthrown, and with it the constitution they were now asked to pass, together with, probably, the connection between the colony and this country. They must remember that the colony had been raised upon a convict basis; they had superadded a land monopoly, which gave some of the most respectable colonists interests adverse to the rest of the colony, and they were now going to superinduce a close constitution contrary to the wishes and feelings of the people, which would render them contemptible and ridiculous in the eyes of the other colonies. Against that course was enlisted every sentiment of the great mass of the people, who looked to the waste lands, not as the patrimony of a few, but as the field for the labours of their children and their descendants. They had raised in the colony a spirit which would be difficult to allay respecting this land question, and now they were going to crown all by listening to the voice of a Legislature which he had shown never was elected to represent the colonists, before whom the question had never been brought upon the elections—a Legislature which had shown the greatest contempt for popular feeling; and to that body they were now going to intrust the future destinies of that great community, and to place the interests of the many in the hands of the few. He begged to move that the Bill be read a second time that day six months.

MR. BAXTER said, he willingly seconded the Amendment, being fully impressed with the impolicy of passing the Bill in its present shape. He regretted that so few Members of the House could be found to pay attention to the affairs of those vast possessions which were making such wonderful progress. The House should remember they were legislating for countries which one day would become the England of the Pacific, and any improper legislation might produce mischief which it would be the work of ages to rectify. Some of the clauses in the Bill appeared to him to be very objectionable—the civil list, and especially the 28,000*l.* set apart for public worship—or, in other words, the endowments of all kinds of religionists. He based his objections to the second reading chiefly on the constitution of the Legislative Council, which he believed to be entirely at variance with the views and wishes of nine-tenths of the inhabitants of the colonies. Although he had no particular acquaintance with the hon. Member for Kidderminster, (Mr. Lowe) and was not identified with him in politics with respect to the Australian colonies, yet, being intimately connected with Australian business, having relations with many gentlemen who had resided in Australia, and being every week brought into contact with eminent colonists, he was bound to say that he never yet met with an Australian colonist in favour of this nominee Upper Chamber. The merchants of Sydney—by no means a democratic body—were opposed to it to a man, and, after a careful inquiry, he had come to the conclusion that the sentiments of the great majority of the people of New South Wales were expressed in a petition signed by 2,630 inhabitants of Sydney, which the hon. Member for Kidderminster had laid before the House, and which stated that the proposed Constitution Bill was entirely erroneous in principle, and prayed that its consideration should be postponed for a month, in order to give the colonists time to consider and remonstrate against it. The opinion of the independent Members of the Legislative Council was in accordance with the sentiments embodied in that petition. In conclusion he would observe, that when Canada, the Cape of Good Hope, Van Diemen's Land, and other colonies, possessed elected Upper Chambers, he saw no reason for excepting New South Wales.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. J. BALL said, whatever complaints might be made of the tyranny of the Colonial Office, he trusted that the time would never come when the colonies would have just cause to complain of the tyranny of the House of Commons. It was a great evil when any portion of their fellow-subjects had reason to complain that their views had been thwarted by the home Government, but that evil was slight to what would arise should that House be precipitated into a conflict with one of our most important possessions on a subject upon which that colony had expressed its decided opinion. He would beg to remind the House that, in treating of this matter, he was not the advocate of any party or any class, and he might, therefore, fairly point out the precise issue which they had to decide. For a long period a struggle had been going on in the colony; the controversy had at length been decided in a manner which would render unnecessary all further interference of Parliament if the House would assent to the Bill now before it, which would give legal validity to the constitutional Act passed by the Colonial Legislature. The colonists had pressed their claims in every shape, demanding a power of deciding for themselves what form of government was best suited to them, and earnestly protesting against any body of men dictating to them what form of Legislature or representation should be adopted. Yet the House was now called upon to set aside the deliberate decisions of the colonists upon grounds which amounted simply to this—that we knew better here what sort of constitution they require than their own representatives sitting at Sydney. The hon. Member for Kidderminster (Mr. Lowe), when a member of the Colonial Legislature, had himself advocated, with no less ability than he had shown that night, the importance of having two Chambers, one of representatives, and the other of nominees. He did not reproach the hon. Gentleman for having changed his mind—[Mr. LOWE: I have not changed my mind]—but, having done so, he ought to be a little tolerant of the views of others. To continue, however. The agitation had reached a climax about the time when the right hon. Gentleman opposite (Sir J. Pakington) assumed the seals of the Colonial Department. He wrote a despatch which in effect conceded the chief demands of the colonists, and which certainly pledged the Imperial Government to concede the control of the local revenues if a constitutional Act, similar in all essential respects to that now before the House, were carried. After the terms of his predecessor's despatch had been substantially assented to by the Duke of Newcastle, the movement in the colony commenced which had resulted in the measure now before the House; and the House must bear in mind that it was no hastily prepared measure. It was first brought forward in 1852, and it was adjourned to 1853, in the first Session of which it was discussed at great length in the Australian Council. The same majorities which carried the second reading of the Bill carried, in Committee, the more important provisions which were now objected to; and he contended, therefore, that if ever a measure had been passed which was the deliberate result of the decision of the Legislature, this was that measure. The hon. Member for Kidderminster argued, however, that the Legislative Council of New South Wales was not competent to decide upon this subject, and that it did not represent the feelings of the majority of the people. However great the authority of the hon. Gentleman might be on such a question, he would ask the House to look at the facts of the case, and, fortunately, there were ample means of arriving at a correct judgment with regard to it. The hon. Gentleman had quitted the colony before these debates came on, and, therefore, he, like others, merely represented what he had been informed upon the subject. It had been stated that there had been a number of petitions against the Bill which had passed the local Legislature, and that, in fact, there had been in the aggregate as many as 12,000 signatures to them. He had examined the original petitions, and he found that the two which had the largest number of names were in a great part signed by the same persons, and in many instances the head of the family had himself subscribed the names of all his children. He had no personal interest in the matter, and he admitted that there was a vigorous and active party in the colony who took a strong view hostile to this constitution; but he found no evidence to prove that they represented anything like the majority of the people of the colony. He thought that a readier and far safer means of testing the real feelings of the permanent inhabitants of New South Wales in a constitutional way, would be to take the votes of the Members of the Council, and to refer to the numbers of the constituencies which they represented. Acting upon this principle, he found, leaving out Sydney, where he admitted the feeling was the other way, that the proportion of those for the nominee Council were as two to one of those against it. Omitting Cumberland, which appeared to be pretty equally divided, he found that 7885 persons were represented by those who voted for it, and 3700 by those who voted against it. The House must remember, in looking at this question, that those pastoral districts which were spoken of as mere sheep-walks were mere sheep-walks no longer. Every day the tide of population was pouring in with irresistible force, and what were sheep-walks a few years ago were now populous districts, in which towns and villages were rapidly springing up. It must be remembered, also, that while in Sydney the population had increased seventy per cent in the last ten years, in the pastoral districts it had increased two hundred per cent within the same period. In his opinion, therefore, the Legislative Council of New South Wales had acted with wisdom in giving a representation to those large districts, and he perfectly sympathised with the owners of those tracts of land when, in the year 1849, they complained that they were not represented in the Assembly. The next complaint was directed against what was called the extravagant Civil List of the colony, and the corrupt bargains which it implied. Now it ought to be remembered that the despatch of the right hon. Gentleman (Sir J. Pakington) which originated the movement in the Colonial Legislature, pointed out the necessity of making permanent provision for the public service of the colony. He could not, of course, anticipate what the future decision of the Colonial Legislature on this subject would be, but he thought that if the present Bill passed into law the colonists would not be able to say that they had been prevented, by restrictions imposed on them by the home Government, from carrying into effect measures which appeared to them to be for the advantage of the colony. There were strong reasons why the important branches of the civil service should not be subjected to an annual vote; but, whether that were right or wrong, the shape in which the Bill now stood was one which admitted—which even invited—future legislation, if circumstances rendered it necessary. The last topic he had to notice was what was called the monstrous proposition of having a nominee council as one branch of the legislature. Now, a good deal might be said on both sides, but there was an essential difference between the nominee system, such as had long existed in the colonies, and a nominee system, when that which was called responsible government was fairly established. Under that responsible government the constitution of the Upper House would be, in his opinion, a question of secondary importance. Once agree that the administration is to be in the hands of the men who have the confidence of the representatives of the people, and the Upper House, however composed, will be sure to adapt itself to that state of things. It appeared from this discussion, that there existed a want of confidence in the minds of some persons as to the power of the colonists to govern themselves, but he could only say that he had that confidence in his fellow-countrymen and in their wisdom as to be quite willing to intrust them with the power of modifying their system of government when it became imperfect. He relied with confidence on the good effect that would be produced in the colonies by the passing of the present Bill, which would teach the colonists that, for future advancement, they would have to rely entirely upon themselves. He was confident that a Government persuaded of that fact, and actuated by the spirit which had been displayed by many Members of the Colonial Legislative Assemblies, would prove competent to carry out measures calculated to increase the wealth, population, and civilisation of the colony.

MR. MAGUIRE said, that if he had the same feeling on the subject as the hon. Gentleman who had just sat down, he should not venture to address the House in reference to the Bill under consideration. The hon. Gentleman, as a Minister of the Crown, said it was a matter of comparative indifference to him how the Upper Chamber was constituted, but he was afraid that Parliament might offend the colonies by sending back these Bills. Now, the hon. Gentleman ought to have recollected that another Bill had been sent back—the South Australian Bill—because it was repugnant to the feelings of the colonists, and had been obtained by gross corruption and something amounting to systematic fraud. He would undertake to make out clearly to the House that the proposed nominee Upper Chamber was not only directly opposed to the wishes of the people of New South Wales, but was also in antagonism to the feelings of the inhabitants of the other colonies. So long ago as 1848, Sir William Denison wrote to the Colonial Office expressing himself strongly opposed to a nominee Upper House. Sir William Denison was of opinion that Government should have as little as possible to do with the nomination or selection of the Members of the Assembly; but if the present Bill were adopted, Government would have the entire selection of, and complete influence over, the Members of the Upper Chamber in New South Wales? An elective Upper Chamber had been adopted by Van Diemen's Land, was sanctioned by the Home Office, and was now established as part of the law of the land. What was the feeling in another colony? In the colony of Victoria the Council appointed by ballot a Select Committee, to whom the consideration of the question of the constitution was intrusted; and that Committee unanimously concurred in thinking that the social condition of the colony rendered a close assimilation to British institutions impossible. The Committee unanimously advised that the Legislative Council should be wholly elective, representing the wealth, the education, and especially the settled interests of the country, and stated that the nominee system in the colonies was an utter failure, constituting no check to extreme views, but insuring a preponderance to whatever party had supreme power at the time. A similar feeling was shown to have existed wherever there was an opportunity for expressing popular opinion, however much office-holders might attempt to stifle it. What had been the case in New South Wales? On the 22nd of June, 1853, upon the consideration of the draught Bill of the constitution for that colony by the Select Committee there, a Motion was made that the Governor General, with the advice of the Executive Council, should have the sole and unlimited power to appoint the Members of the Legislative Council. That Motion was carried by four to three; but in the majority there were the Colonial Secretary and the Attorney General, and the two other approvers of the Motion might have been, for aught he knew, nominee Members of the Council. Again, it was moved by the Colonial Secretary, that the tenure of office of the Members of the Legislative Council should be for life; and an Amendment was moved to the effect, that the tenure of office should be for a term of years. Three Members of the Committee voted for the Amendment, while the Colonial Secretary and the Attorney General recorded their votes against it. He asked why we should force on this colony a constitution that would not work, and that was not to be imposed upon others? He (Mr. Maguire) maintained that the people of the colony were in favour of an elective Chamber, which had been abundantly proved by the admirably-drawn and numerously-signed petitions which had been presented to Parliament as well as to their own Legislative Assembly; and for that and other reasons he would vote for the Amendment of the hon. Gentleman.

Question put.

The House *divided*;—Ayes 142; Noes 33: Majority 109.

Main Question put, and *agreed to.*

Bill read 2°.

HARDWARE, &c., MANUFACTURES BILL.

Order for Second Reading read.

MR. HADFIELD said, he had been informed that it was the intention of the Government to introduce a general measure for regulating the law affecting masters and workmen, and, if that were the case, he would wish to withdraw the Bill.

MR. BOUVERIE said, that the Bill of the hon. Member for Sheffield (Mr. Hadfield) proposed to extend the existing law with reference to the relation between masters and workmen in certain trades to persons engaged in the iron manufacture, and he understood that considerable objection was entertained to the measure, especially in Birmingham. A Bill, comprising between 300 and 400 clauses, for consolidating the whole law relating to masters and workmen had been drawn, and might be seen by hon. Members in the library; but although that Bill had been under the consideration of the Lord Chancellor, and would, he believed, be laid upon the table of the other House, he could not hold out any hope of its being passed during the present Session. The object of that Bill was simply to consolidate the law, without applying it to any trades beyond those which it now affected. When that measure was brought forward the hon. Gentleman could, if he chose, propose that its provisions should apply to the particular trades to which this Bill referred.

MR. HADFIELD said, that under these circumstances, as the late period of the

Session rendered it impossible to carry this Bill through Parliament during the present year, he would move that the Order for the second reading be discharged.

Order *discharged.*

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 15, 1855.

Minutes.] Public Bills.—1ª Insurance on Lives Abatement of Income Tax Continuance; Cinque Ports; National Gallery, &c. (Dublin); Public Libraries and Museums (Ireland); Places of Religious Worship Registration; Stamp Duties Repeal on Matriculation and Degrees (Oxford).

2ª Validity of Proceedings (House of Commons); Royal London Militia.

Reported—Gold Finger Rings.

3ª Validity of Proceedings (House of Commons); Education of Poor Children; Administration of Oaths Abroad; County Palatine of Lancaster Trials.

Royal Assent.—Sewers (House Drainage); Newspaper Stamp Duties; Registration of Births, &c. (Scotland); Ecclesiastical Property (Ireland); Jurisdiction of the Stannary Court Amendment; Validity of Proceedings (House of Commons); Brighton Incorporation.

The House met at half-past Ten o'clock.

VALIDITY OF PROCEEDINGS (HOUSE OF COMMONS) BILL.

Order of the Day for the Second Reading read.

Moved—That the Bill be now read 2ª; *agreed to.*

Bill read 2ª accordingly: Committee *negatived:* Standing Orders, Nos. 37 and 38 *considered* (according to order), and *dispensed with* on the Bill; and

Bill read 3ª, and *passed.*

Subsequently,

Lord CAMPBELL said, he should have supported it if he had been present when the second reading was moved, though he should have objected to the wording of the title and of the preamble. The measure professed to be a Bill to prevent doubts respecting the validity of certain proceedings in the House of Commons. Now, there was no doubt on the subject, for they certainly were illegal and void; and it was a dangerous precedent to allow the matter to be described as a matter of doubt. The Act of Parliament required that, before Members of the House of Commons took their seats, certain oaths should be taken by them, the Speaker being in the Chair. The House of Commons, however, passed a Resolution appointing an hon. Menber of the House to act as Deputy Speaker, in the absence of the right hon. Gentleman who occupied that office. It was, no doubt, highly proper that there should be a Deputy Speaker in cases of emergency; but, the law of the land having required certain things to be done by that great functionary, the Speaker himself, the Legislature alone could alter the law. It was right that such a proceeding on the part of the House of Commons should be watched with jealousy, because it might be proposed to admit the Jews to Parliament by a Resolution of the Commons, though a proposed enactment to that effect had been rejected by their Lordships. It was not right that one branch of the Legislature should attempt to do that which could only be properly done by Lords and Commons conjointly.

PUBLIC OFFICES.

Lord REDESDALE called the attention of their Lordships to the returns lately laid before them of all houses, buildings, &c., hired by the Government for official purposes. These returns showed that houses were hired or held by the Crown for official purposes at an annual expense of 22,000*l.*, and it must, therefore, be evident that great economy would be the result of having the official buildings in their own hands. He would suggest that no time should be lost in purchasing sufficient ground for the erection of offices, and he thought the best course would be to acquire that range of buildings which extended along the north side of Parliament Street, below Whitehall towards Westminster Abbey. By this means the new official buildings might be extended in a line from the Privy Council Office to Great George Street, or, at least, to Charles Street. If this was not done, the new buildings carried in that direction would stand in a very narrow street, and they would, in addition, lose the advantage of having Parliament Street widened. Great inconvenience was experienced from the separation of the public offices from each other, and he need not inform their Lordships of the very inadequate, and even unsafe, condition of many of the existing buildings. The ground necessary for these purposes could be acquired at a more reasonable rate now than it probably would be in future years, the buildings on it being greatly dilapidated, and the leases having nearly run out; and he therefore thought the Government should be encouraged to undertake the duty at the earliest possible period. He felt bound to say that though the returns laid before the House contained some valuable information, yet they ought to have included a great deal more than they did.

EARL GRANVILLE did not complain of the noble Lord having brought forward this subject, which undoubtedly was one of pressing importance. The noble Lord was no doubt, aware that so far back as 1839 a Committee of the House of Commons made a Report on this subject, in which they stated that the buildings of the Foreign and other Public Offices were very inadequate and insufficient for the public convenience—that they were even unsafe, and in such a dilapidated state as to render it inexpedient to expend any considerable sum of money for their repair. This dilapidation had been gradually increasing since that time, and he believed that on one occasion his noble Friend opposite (the Earl of Malmesbury) was nearly overwhelmed at the Foreign Office by the whole ceiling of the room coming down just after he had left the table at which he had been sitting. He had been told that Mr. Macaulay made it his habit, when in office, to keep a diary of the subsidence of one of the Cabinet room windows; and it must be admitted that, in many respects the buildings were getting more shaky every day. An inspection of the buildings had taken place in the course of the present year, and the report of the inspectors fully confirmed all that had been said as to the disgraceful state in which they now were. The amount of rent annually paid was undoubtedly very large. This arose from the circumstance that from almost every department applications were made to the Chief Commissioner of Public Works for accommodation, and he was compelled, in order to meet the necessities of the case, to give often very extravagant rent for houses containing one or two rooms that could be used for public offices. What the Government had done was this—they had brought a Bill into the other House of Parliament for the purpose of enabling them to purchase certain portions of land in the neighbourhood of Downing Street, in order that commodious public offices might be built thereon. A proposal had been made to extend the public offices by taking part of the ground of St. James's Park, but the Government thought it unadvisable to encroach upon any of the parks of the metropolis, and considered it better to purchase ground in Fludyer Street and the neighbourhood than to interfere with St. James's Park. Plans had been prepared for the new buildings, and it was proposed that one new office should be built at a time, in order to avoid the great inconvenience which would result from frequent removals and the transfer of public papers from one office to another. A Commission which had been sent over to Paris some time ago by a noble Friend of his (Lord Panmure) to inquire into the arrangements of the French War Office; and they had reported that it would be impracticable to apply some of the most useful arrangements of the French system to the English Government offices, in consequence of the manner in which many of the branches of the department were dispersed in various parts of the metropolis. His noble Friend who brought this subject forward had thereby evinced his desire for administrative reform, and he certainly possessed this advantage over some Gentlemen who had advocated similar reforms—that he had a very clear and tangible object in view.

THE EARL OF HARDWICKE suggested that all the various departments connected with the navy should be concentrated at Somerset House, and that the buildings in Whitehall now used by the Admiralty should be appropriated to other purposes in connection with the public service.

EARL GRANVILLE observed that the suggestion of the noble Earl was open to this objection—that it would be very inconvenient to remove the First Lord of the Admiralty to so great a distance from his colleagues in the War Department and from the other Secretaries of State. He might observe, however, that the learned societies which had hitherto occupied rooms in Somerset House were about to vacate them, and considerable additional accommodation would therefore be available for public offices in that building.

THE EARL OF HARDWICKE thought that the mere convenience of a Minister of the Crown ought not to have any weight in comparison with the advantages which would result to the public service from such an arrangement as he had suggested. The First Lord of the Admiralty was sufficiently well paid to be enabled to have horses and carriages at his command, and he did not think any inconvenience could result from transferring all the Admiralty departments to Somerset House.

The Earl of MINTO considered that the entire removal of the Admiralty to Somerset House would be attended with great inconvenience with reference to the transaction of public business, in consequence of the distance at which the First Lord of the Admiralty would be placed from his colleagues in the Administration.

The Earl of MALMESBURY said, he understood that an offer had been made to the Government by a private company to build all the public offices that were required at Whitehall, according to specified plans, and in a particular style of architecture, on condition that the Government should pay a certain rent for such buildings for a specified term. He begged to ask whether such an offer had been made, and, if so, why it had not been entertained by the Government?

Earl GRANVILLE replied, that it was perfectly true that some such proposition had been made to the Government; but, although he was in the first instance disposed to regard the offer favourably, he found, on inquiry, that no security was given which could afford a satisfactory assurance that the scheme would be carried out. Such a plan also would have bound the Government to pay a very high rate of interest upon the capital advanced, while the Government, with their powers of borrowing, would be enabled to obtain the same amount of money at a much cheaper rate.

Lord REDESDALE inquired whether plans had already been prepared for the buildings to be erected upon the ground in Downing Street?

Earl GRANVILLE said, that plans had been executed, and had been in the hands of the Government for some time, but no decision had yet been come to with regard to the plans which would be adopted.

Lord REDESDALE hoped the Government would not sanction any plan which could not be carried out in a proper and satisfactory manner. For his own part, he thought the Government ought not to decide upon any plan until they had got possession of the west side of Parliament Street, which would enable them to give a handsome frontage to the new public offices.

The Marquess of LANSDOWNE was understood to express his concurrence in the views of Lord Redesdale.

RELIGIOUS INSTRUCTION—SOUTH SHIELDS.

Lord RAVENSWORTH *presented* a petition from the Inhabitants of the Borough of South Shields and places adjacent, praying that the Dean and Chapter of Durham may be empowered to apply some portion of the fund arising from the sale of lands for the formation of wet docks at Jarrow Slake, and the approaches thereto, to the extension and improvement of the means of religious instruction in the said borough. The noble Lord said, that the petition was characterised by so remarkable a unanimity on the part of all classes of the populous borough from which it came, that it was peculiarly deserving of their Lordships' attention. The prayer of the petitioners simply was, that the Dean and Chapter of Durham, who were the ecclesiastical patrons of South Shields, should be empowered to employ their surplus funds, or such portion of them as they might deem fit, in the extension and improvement of the means of religious instruction in that district. The case of the borough was a very urgent one. Nearly the whole of the land on which the town was built was the property of the Dean and Chapter of Durham. The population amounted to about 30,000 souls. The borough was divided into three perpetual curacies, which were under the charge of seven clergymen, and the sum devoted to those clergymen of the Established Church for the spiritual instruction of the people was 1,300*l.* per annum—a sum miserably inadequate to supply the wants of the district; and the consequence was, that in addition to the endowments they received from legitimate sources, the curates were compelled to resort to grants from various public societies in order to enable them to maintain their position. At the present moment they were in receipt of aid from the Additional Curates Society, the Pastoral Aid Society, and another association established for similar objects. Now, in a place where the bulk of the property actually belonged to the Church, that surely was a state of things which ought not to be allowed to exist. To remedy the evil, at least to some extent, the hon. and learned Member for South Shields (Mr. Ingham) had introduced a Bill into the other House. It was to be hoped that measure would be passed into law, for the present position of affairs in the borough was most discreditable, and should not be tolerated a single day longer.

Nor were matters much better in the adjacent parish of Jarrow. That parish was extremely populous—and it contained numerous manufactories; the village of Jarrow was inhabited chiefly by fishermen and other poor persons; and yet the emoluments of the incumbent were variously stated at from 150*l.* to 190*l.* per annum. He believed there was an endowment for the education of twenty-two children, and steps were at present being taken to establish a national school in the parish; but still the means of instruction, both religious and secular, were scanty in the extreme, and presented a remarkable contrast to the state of things centuries ago. There existed in Jarrow the ruins of an ancient monastery, built in 608, which supported and educated the most distinguished men of the middle ages. He need not say that the present state of the parish, with regard to the means of education, was very different from what it was then. As to the condition of the diocese generally, he regretted to say that great deficiencies existed, the ancient parochial system being now quite inadequate to supply the spiritual wants of new communities in that diocese. The diocese of Durham possessed many peculiarities. In Durham, as in all mining counties, shafts were often sunk in lonely and retired places, far away from the parish church, and harbours were almost as frequently constructed at spots where nothing of the kind was ever thought of before. The consequence was, that the seats of population had gradually changed; large masses of the people were not now within reach of the parish church, and the population itself had greatly outgrown the means of religious instruction under the ancient parochial system. What he wanted was a change in the present state of the law. The Act under which the Ecclesiastical Commission was constituted, and which gave it those extensive powers that it now possessed, was the 3 & 4 *Vict.* c. 113. By the 49th clause, it was provided that the profits of suspended chapters were to be paid to and their estates vested in the Ecclesiastical Commissioners; but there was no provision made in the Act—and here was the subject of his complaint—for supplying the immediate and urgent wants of the districts from which such revenues were derived. The interest of the money—so it was provided—was to be paid by the Commissioners into the common fund, out of which they were to grant pecuniary aid to such districts as they might deem most necessitous, no preference being given to one diocese over another. He thought that was a great blot in the law, and he was under the impression that the words in the Act which bore so unjustly upon the dioceses from which the funds administered by the Ecclesiastical Commissioners were derived, were introduced surreptitiously and without the knowledge of Parliament. He looked with great objection to the government of the country by sets of Commissioners, and he believed that the Church was quite competent to distribute its own revenues; but at all events, if the Church was still to be managed by an irresponsible Commission, Parliament ought certainly to provide for the constitution of diocesan Boards, through which assistance might be afforded to necessitous districts out of the surplus funds belonging to each locality. The noble Lord concluded by laying the petition on the table.

THE EARL OF CHICHESTER said, that South Shields was one of those numerous cases in which the population had outgrown the means of spiritual instruction. He would be glad if ample provision were made for such cases, but he begged to inform the noble Lord that the principle upon which his petition was based was decided on by Parliament many years ago, and decided in opposition to the views advocated by the noble Lord. The principle adopted by the Legislature was, that the surplus funds of wealthy chapters should be applied, not to the particular district from which the money was derived, but to those places in which the wants of the population were the most urgent. If the law were to be altered now, as suggested by the noble Lord, it must be altered with respect, not to the diocese of Durham alone, but to all districts similarly situated. That would create confusion and uncertainty, and defeat the objects contemplated by the Legislature in the constitution of the Ecclesiastical Commission.

LORD RAVENSWORTH, in explanation, said, what he complained of was, that words in the original Act which had been inserted, and which would have met the case, had been, as he believed, surreptitiously removed.

Petition ordered to lie on the table.

RELIGIOUS WORSHIP BILL.

Order of the day for the House to be put into a Committee on recommitment read.

The Earl of SHAFTESBURY wished to state that the Bill did not in the least affect the ecclesiastical jurisdiction of bishops of the Established Church; but, as some apprehension appeared to exist that such would be the effect of it, he proposed to introduce a clause reserving to the bishops and inferior clergy of the Church of England the full ecclesiastical authority which they now possessed. The following was the clause which he proposed to introduce—

> "Provided that nothing in this Act shall prejudice or affect the liberty of worship in churches or chapels of the Church of England, or places duly licensed by the bishops of such Church, notwithstanding that service for baptism, marriage, or burial may be performed therein; nor shall anything herein contained in any way abridge or affect the discipline of the said Church, or the enforcing thereof, by the bishops or other ecclesiastical authority."

If that clause should not, however, be considered sufficient, he was willing to accept any words or clauses which might be considered necessary to attain the required object. With regard to the proposition about to be made by the noble Earl near him (the Earl of Derby) for the appointment of a Select Committee, he should feel bound to oppose it, even if he stood alone in so doing.

Moved, That the House do now resolve itself into a Committee.

The Earl of DERBY: My Lords, I rise to move, on the Motion for the recommitment of the Religious Worship Bill, that a Select Committee be appointed to inquire into the existing state of the law with regard to the liberty of religious worship, and the expediency of relaxing or dispensing with the provisions of an Act passed in the first year of King William and Queen Mary, chap. 18. My Lords, I feel considerable difficulty in approaching this subject, not only because it is one with which I am not very conversant, but because I must in so doing be opposed to the noble Earl, whose earnest efforts in the cause of religion and of religious education are so conspicuous and so praiseworthy; and who upon the present occasion has for his object to afford increased facility for religious worship. It is impossible not to be convinced of the entire earnestness and sincerity of my noble Friend; but while my noble Friend displays such earnestness and zeal, I trust I may be forgiven for saying that I think he allows that zeal occasionally to outrun his discretion, and to induce in him a readiness to remove whatever may stand in the way of the object which he has in view, without sufficiently considering the consequences which may result. My noble Friend, in fact, possesses all the spirit of chivalry, and is equally prepared to ride at a giant or a windmill, if either should stand in his way. I must say that I think, on the present occasion, my noble Friend has shown an over eagerness to effect his purpose, and that he has done so without reference to the requirements of the time or of the circumstances. The measure before your Lordships passed through the other House of Parliament without a single discussion on a single stage of the Bill. I am told it was certainly introduced before twelve o'clock; but I am also informed that every stage subsequent was taken after that hour, and without discussion. In this House the Bill, as your Lordships are aware, was introduced and read a first and second time *pro forma* without discussion; and it was only when we arrived at the Report that any discussion of its principle or objects took place, and after that discussion my noble Friend had a majority of one. There can be no better proof of the want of consideration with which the measure was passed through the other House than the fact, that of the two leading principles and provisions of the Bill, there is at this moment in its last stage in the House of Commons a Bill directly contradictory of one of those provisions. The object of this measure is, we are told, twofold—namely, to relieve the Dissenters and to relieve the Protestants in connection with the Church of England from the present prohibition of performing public worship in any unlicensed place in presence of more than twenty persons. With regard to the Dissenters, my noble Friend thinks it a grievance that Dissenters should have their places of public worship licensed—by licensed I mean registered—at the expense of half-a-crown, and that they ought to have relief from the evil. But what do the Dissenters themselves think on the subject? and I suppose they are the best judges in the matter. Why, they are at this moment pressing through the other House a Bill, not to repeal the law and to do away altogether with licences and registration, but to regulate the mode of granting such licences, which the present Bill proposes absolutely to dispense with. I listened with very great attention to the former discussion on this measure, and I must confess, that to me it was by no means satisfactory on either side. It was not satisfactory, because neither my noble Friend nor the right rev. Prelate who followed him (the Bishop of Oxford) satisfied me as to what the state of the law on the subject actually is at this moment. Nor, though my noble Friend launched into a wide discussion as to the practical grievances and the intolerable hardship of that law, did he inform us—at least, to my satisfaction—in what those practical grievances and that intolerable hardship consist. My noble Friend said that the law was violated with impunity every hour in the day by Dissenters, by Churchmen, and even by the Sovereign; but the right rev. Prelate proved to him that this was an error, inasmuch as the cases pointed out by him did not come under the definition of public religious worship—because it is clear that the law only applies to meetings held for the purpose of religious worship exclusively, and not to meetings at which religious worship may be incidentally introduced. My noble Friend even referred to one of the Ministers of the Crown, the Minister at War, who, he said, violated the law by having public prayer in his own house. I have family prayer in my own house, but I do not think I violate the law, for I do not go to the corner of St. James's-square and ring an opposition bell to invite the parish; though, at the same time, I must say, with all due respect to the noble Lord the Secretary of State, or any other noble Lord, that I think the practice would be more seemly if prayer was confined to his own household. I should like to know, therefore, how the statute stands in this respect. This is a law, whatever the law may be, to which all parties are amenable through a common informer; but I will venture to say that no common informer has ever yet appeared to interfere with meetings of the description alluded to by my noble Friend. What they may hereafter attempt, encouraged by my noble Friend, I will not pretend to say. The noble Duke on the other side (the Duke of Argyll) said, "How can you defend the maintenance of a law on your statute book which you cannot enforce?" I must say, I think this is rather bagging the question; because the law is on the statute book, and there are cases in which it may act as a preventive check to practices which ought not to be encouraged, and in which it would be very desirable to bring it into operation; and therefore it may be beneficially retained, more especially as my noble Friend only quoted one or two out of 25,000 cases within his own knowledge. When the law stands at variance with the fact, it is a practical and real grievance certainly; but we ought assuredly to inquire into the good the existing law effects, the evils it prevents, and the facts to which it is applicable, before we proceed to adopt the summary course proposed by my noble Friend and do away with it altogether, and leave no protection for that which it is undoubtedly the intention of the law to defend. I speak, my Lords, as a member of the Church of England, and I say that it is not the doctrine or principle of that Church that any of her members, in any place, with or without authority, should use the services of the Church, should publicly pray, should publicly preach, should conduct the devotions of the public, and usurp to themselves that which the whole of England has, with the sanction of the State, confided to authorised interpreters who hold a higher commission as the messengers of the word of God. The Church of England, moreover, is an institution of the State, and her public services are confided to a body of men who are set aside for that purpose by virtue of the highest authority. I can never give my sanction, therefore, to the doctrine that in the Church of England every man—be he lay or be he clerical—who chooses to do so, has a right to take on himself that authority which a Divine institution in the first instance, and the will of the State in the second, has confided to men specially set apart for that purpose. I am well aware that in this metropolis, and in large towns, and in manufacturing towns more especially, and in places where the population has largely increased, the functions of the clergy cannot be exercised to the full and proper extent; that the clergy cannot have a personal acquaintance, or even that complete superintendence over their parishioners which is so desirable; that they cannot bring them to their parish church, or visit them in the exercise of their duty as ministers of the gospel; and undoubtedly it is most desirable that in such places the clergy should have the assistance and co-operation of pious laymen—a co-operation which I am sure they will always thankfully accept. But, on the other hand, I maintain that it is most important that laymen should be really assistants of the clergy, and that they should not be in a position to set themselves up as rivals to the clergy; and that—and especially in the case of clergymen—they should not be a self set-up class, every man of whom doeth that which is right in his own eyes—but a body acting with the authority and by the consent of the clergyman of the parish and the bishop of the diocese. I think that even in those great centres of society where the parochial system cannot be fully carried out a great evil would be produced by the promiscuous administration of the rites of religion and preaching the Word of God, which would be the consequence of the removal of all restrictions; and that, in the case of country districts and small parishes, where the connection of the clergyman and his flock is of a more intimate character, you will, in the present state of the Church, introduce a new element of discord where, unhappily, too much of it exists already. I regret the extreme opinions into which the Church has been divided, and I participate in neither. I regret, on the one hand, the assimilation of her ceremonial observances to those of the Church of Rome, though I am convinced that offence has been taken by simple-minded people at things which are nothing in themselves and likely to lead to nothing. But, on the other hand, while I condemn these things, I am not at all prepared to fall in with the cant language of those who desire to see all ceremonial set aside contrary to the apostolic doctrine that all things should be done decently and in order, and who set up their own theoretical opinions against those who are the faithful ministers of the Word of God, and the appropriate teachers and spiritual pastors of the people. My noble Friend has told us that he has, in his Amendments, preserved the principle of the ecclesiastical jurisdiction of the bishops over the clergy of the Church of England; but my noble Friend has not done anything to discourage the unauthorised intrusion of laymen into clerical functions. On the contrary, he gives encouragement, where there is any difference between the clergyman and his parishioners, to any over-zealous layman, be he High Church or be he Low Church, who may choose to complain of the conduct of the clergyman, to gather around him a body of Dissenters, and, without the least hindrance or impediment, to set up a rival house of prayer, with rival doctrines, rival ceremonials, rival teaching, rival preaching, creating thereby additional discord in the Church. These things must follow if this Bill should pass. I do not say that the law may not require amendment. It may be that the terms of the existing statute are too stringent; it may be that they do not provide for those cases in which laymen might be brought into co-operation with the clergy. I am not sufficiently master of the subject to speak confidently on its operation. But I do say, that we ought to hesitate before, on the mere statement of a theoretical grievance by my noble Friend, without, I will add, any proof of the existence of insuperable difficulty in the way of its removal, we proceed, by the repeal of this law, to say that the clergy are no more entitled to respect or deference in the exercise of their sacred functions, to no higher position, in fact, than any person who can collect around him, for purposes of public worship, in any form whatever, a greater number of individuals than twenty. It is for these reasons that I have obtruded myself on your Lordships on the present occasion, without, as I stated, being fully conversant with all the facts of the case. But I feel so strongly that to accede to my noble Friend's Bill would be to proceed with undue haste to overthrow enactments which may be good or which may be bad, for aught we know on the subject, that—not for the purpose of opposing his Bill, not for the purpose of defeating it, still less for the purpose of withholding any portion of religious liberty, and, least of all, God knows, for the purpose of preventing religious instruction from reaching the great mass of ignorance and vice which prevails, I am sorry to say, in many places in this kingdom—but for the purpose of entreating your Lordships, before you proceed further, to ascertain the extent of the grievance, if any exists, and to probe the evil, should evil there be—to send the Bill before a Select Committee, who will hear both Churchman and Dissenter that may have a right to complain, and who will carefully seek a remedy for the wrong that may be proved, without sweeping away the distinction that exists between laymen and clergymen, and overturning along with it the whole parochial system of the country. Under these circumstances, I move that a Select Committee be appointed to inquire into the existing state of the law with regard to the liberty of religious worship, and the expediency of relaxing or dipensing with the provisions of an Act passed in the first year of King William and Queen Mary, c. 18.

Amendment *moved,* to leave out from "that," to the end of the Motion, and insert, "this Bill be referred to a Select Committee."

EARL GRANVILLE: My Lords, the noble Earl has complained that this Bill passed through the other House without any discussion. I do not think that is otherwise than a favourable feature, considering the persons there whose attention was likely to be drawn to it. It is impossible, however, that any measure bearing upon religious worship or the position of the Church of England can be unworthy of the deepest attention of your Lordships, and especially of the right rev. Bench; but it appears to me that, as regards this Bill, almost too high a tone has been given to the debate. I do not think the noble Earl (the Earl of Derby) is quite borne out in arguing that it is inexpedient that an Act which has no operation whatever should be repealed, or that the impression conveyed in some able speeches, that the repeal of this Act would place the Church of England itself, its Liturgy, and Prayer Book in danger, is correct. On the other hand, I think my noble Friend (the Earl of Shaftesbury) is hardly correct in stating that it is necessary to our religious liberties that the existing statute should be repealed. I think my noble Friend is mistaken in some of the effects which he ascribes to the present law, under which I believe that it is quite clear that a person being a member of the Church of England might for half a crown, without subjecting himself to the suspicion of being a Dissenter, open a room for religious worship, not necessarily to go through the whole of the Liturgy, but for prayers. With respect to the proposition of referring the Bill to a Select Committee, I should be very glad if my noble Friend would concur in that course, under the assurance that the Select Committee is not meant as an obstruction or delay in the way of the measure, but for the purpose of a *bonâ fide* investigation of the tendency and effect of the present law. If, on the other hand, my noble Friend thinks it more judicious to persevere in now pressing the Bill forward, I shall vote with him, on the simple ground that, though no very great question of religious liberty is involved in the question, yet the existing law is one which some of the most respectable and most religious persons in the community are daily in the habit of breaking. Such a state of things brings disrepute upon our statute book, and encourages a notion among more ignorant persons, that it is not so very important a matter to observe the laws of the country.

LORD CONGLETON supported the Bill. He was surprised that the whole bench of Bishops had not long before that taken up the question, instead of leaving it in the hands of laymen.

LORD BERNERS said, that though it was painful to him to differ from those whose opinions he so much respected as the noble Earl who had brought forward the Bill; still, when the right rev. Bench had unanimously come to the conclusion that they must oppose the Bill because it interfered with the discipline of the Church and with the parochial arrangements of the country, he considered it was a bounden duty to pause before he assented to such a measure. In voting for the Amendment of his noble Friend, therefore, he was actuated by no party or personal feeling; and he did so, because he believed it to be a solemn duty not to pass any measure against which those who were the legitimate guardians of religion in that House had so strongly pronounced.

THE BISHOP OF OXFORD, in reply to what had fallen from the noble Lord (Lord Congleton), explained that, in voting to refer the subject to a Select Committee, he did so without the least idea of defeating the Bill, but with the *bonâ fide* intention of ascertaining how far relief might be afforded for certain things in respect to which he thought relief was wanted. He pledged himself to give the fairest and most candid consideration to the question, and he had not the least wish to stop any of the present religious meetings now held. What he wished was, that whenever not occasional but regular religious worship was conducted, it should be notified whether it was conducted in opposition to, or in communion with, the Established Church.

THE EARL OF SHAFTESBURY, in reply, said, he would first answer the question how he knew that these 25,000 meetings he had spoken of were illegal. He found these meetings to be all of one and the same character, and with regard to the London City Missions, he knew the character of them to be devotional from beginning to end. Until he brought this question forward he was not aware how frequently the existing law had been used for the purpose of intimidating, not only persons who had no great standing in society, and were easily frightened, but even some of the parochial clergy themselves. It was but the previous morning that he received a letter from one of the most active and useful parochial clergymen in London, to the effect that he performed his duties in constant fear and trembling. He must appeal to the common justice of the Peers who had heard his (the Earl of Shaftesbury's) speech the other night, or who had looked into the Bill, and he would put it to his noble Friend (the Earl of Derby), as a Peer of this House and an honourable man, whether, in moving the Amendment, his noble Friend was justified in the declaration he had made that night, that the object he (the Earl of Shaftesbury) had in view was to supersede the parochial clergy, and give the laity the power of performing the service of the Church of England, administering the sacraments, taking upon them all sacerdotal rights, and placing themselves in the position of the clergy of the Church of England? How, he asked, did his Bill in any way, nearly or remotely, affect the position of the laity in that matter? In what way did it give to any layman the power of taking upon himself the right to administer the Sacrament of Baptism or the Lord's Supper? In what way did it give him the slightest power of coming into rivalry with the parochial clergyman? Why, the utmost that the Bill did was to repeal the section in the existing Act which stated that no congregation or assembly for religious worship in a private house should consist of more than twenty persons over and above the household. He (the Earl of Shaftesbury) had said nothing whatever about preachers or officiating ministers; he merely said that the section to which the Bill referred ought to be repealed, and that people should have full power, if they pleased, to convene within their houses as many persons as they liked for the purpose of singing hymns, reading the Bible, and offering prayer to Almighty God. Nothing in the Bill would enable the laity to do that which they were not fully able to do now. No layman, after the passing of the Bill, would have a tithe more, or, indeed, a shadow more, of power to trespass on the ecclesiastical functions of the clergy, or to place himself in the position of minister or clergyman, than he had at this moment. He begged their Lordships to bear in mind that the Bill was simply and solely designed to give power to Nonconformists and to the laity of the Church of England to meet in greater numbers than twenty over and above the household of the person who received them under his roof. When his noble Friend (the Earl of Derby) declared that nothing should be said or done in the way of worship except by the ordained clergy of the Church of England, it struck him (the Earl of Shaftesbury) that his noble Friend pushed his argument so far that the next step he ought to take was to call for a revival of the Conventicle Act. No man more desired than he did to see everything pertaining to Divine worship done in decency and in order. He had laboured as much as any man to advance the interests of the Church of England, and he believed that no one would say that he was not advancing those interests by untying the hands of the laity, and permitting them to go, without let or hindrance, as evangelists amongst the enormous mass of ignorance and heathenism which existed around us. The more we evangelised the people the stronger would be their feeling in favour of the Church; for we might rest assured that the people of this country, from the highest to the lowest, had the strongest attachment to what they called their mother Church, and it would be the fault of that Church if she proved herself a stepmother instead of a parent, who would feed her people with her life-blood and train them in the faith and nurture of the Lord. He objected, then, to this Committee, and would resist it even if he stood alone. He thought the subject was one which their Lordships were fully competent to discuss in an open House, and he saw no necessity for referring such a question to a Select Committee. In the age in which we lived, and the circumstances by which we were surrounded, in the absolute necessity now existing for declaring full religious liberty and free action to all who wished to carry the Gospel into the forgotten recesses and miserable purlieus of our great cities, he must say that this was not the time to inquire whether the Nonconformists of this realm, or the laity of the Church of England, should be allowed to congregate under their roofs more than twenty persons over and above their families, and belonging to their own Church. He had no apprehension whatever of such a result as that which his noble Friend (the Earl of Derby) had mentioned, namely, that there would be preaching places set up in opposition to the clergy in the various parishes of the country. For himself, he was convinced that no such result would ensue. He was satisfied that a great proportion of the middle and wealthier classes were attached to the Church of England; and if ever such a result as that which had been mentioned by his noble Friend took place in any one instance, he was convinced that it would arise, not from any desire of the parishioner to assume to himself the position of an officiating minister of the Church of England, but because the clergyman of the district in which he resided had not given to him that support, and fed his people with that truth, which he thought to be essential to their souls' salvation.

The Earl of DERBY: The noble Earl said, he did not propose to give to any layman a right of which he was not already in possession. But, if he were not mistaken, one of the cases of grievance which had been brought forward by the noble Earl on a former evening was, that the clergyman living remote from a gentleman's house, and a large population residing in the neighbourhood, this gentleman had, from the best of motives, undertaken to read a chapter in the Bible, and to deliver lectures to the people who chose to attend; but, upon being told that the existing law subjected him to a penalty for so doing, he was obliged to abandon the practice altogether. If that were put forward as a case of grievance under the present law, and the present Bill would remove that illegality, it appeared to him (the Earl of Derby) that the noble Earl clearly desired that the service of the Church should be conducted, in the absence of a clergyman, by a layman.

The Earl of SHAFTESBURY: Surely his noble Friend did not mean to assert that by reading a chapter in the Bible, delivering a lecture, and offering a prayer to the Almighty, a man was taking upon himself the functions of a clergyman of the Church of England, or was setting himself up as a rival to the minister of the parish, or interfered in any respect with his official duties?

On Question, that the words proposed to be left out stand part of the Motion, their Lordships *divided*:—Content 30; Not Content 47: Majority 17.

The Earl of Shaftesbury

List of the Content.

Lord Chancellor

DUKE.

Argyll

MARQUESSES.

Breadalbane
Westminster

EARLS.

Bessborough
Burlington
Chichester
Fortescue
Fitzwilliam
Granville
Harrowby
Minto
Shaftesbury
Somers
Suffolk
Spencer
Waldegrave

VISCOUNTS.

Canning
Falkland
Sydney

BARONS.

Camoys
Clarina
Calthorpe
Congleton
Leigh
Mostyn
Middleton
Saye and Sele
Stanley of Alderley
Wodehouse

Resolved in the *negative;* then the said Motion, as amended, was *agreed to;* and Bill referred to a Select Committee.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 15, 1855.

Minutes.] Public Bills.—1° Roman Catholic Charities; Cambridge University.

Reported—Consolidated Fund (£10,000,000).

CADETS AT SANDHURST AND ADDISCOMBE—QUESTION.

Captain LEICESTER VERNON, referring to the statement of the Clerk of the Ordnance (Mr. Monsell) in reply to a question put on Monday, the 11th inst., that "cadets at Sandhurst would of course be able to compete on the 8th of July for commissions in the Royal Artillery and Royal Engineers," wished to ask the Under-Secretary for War whether any cadets so competing, in the event of failure, would be deprived of their prospect of obtaining commissions in the line, from Sandhurst, in due course?

Mr. FREDERICK PEEL said, the examination for commissions in the Engineers and Artillery would be an open one, and the successful candidates would be those who showed the greatest proficiency. Under these circumstances, failure would not deprive any of the candidates of any prospect they might have of obtaining commissions in the line from Sandhurst.

ORDNANCE APPOINTMENTS—QUESTION.

Colonel DUNNE wished to put the following question to the Clerk of the Ordnance, whether he would (before the next reading of the Ordnance Board Bill) lay on the table of the House a statement of the changes which the Government intend to make in that department; the offices which it was intended to abolish, and those which it was proposed either to create or substitute; together with the amount of the salaries for such new offices, and an estimate of any expenditure consequent on the proposed changes?

Mr. MONSELL said, in reply that if the hon. and gallant Member would refer to the Order in Council, laid on the table of the House by the command of Her Majesty, dated the 1st of June, he would find all he required with respect to his first question. With regard to the last one, he was afraid it was not possible to lay on the table an estimate of the expenditure in consequence of the proposed changes. There would be some reduction effected, and the amount of that reduction would be found by the hon. and gallant Member by comparing the salaries laid down in the Order in Council with the salaries previously paid.

GRANTS OF LAND TO FOREIGN LEGIONARIES—QUESTION.

Lord NAAS inquired whether the Governor-General of Canada had been requested by the Government to make an application to the Colonial Legislature for a grant of one million of acres of land, to enable Her Majesty to offer settlements to such of Her Majesty's foreign legionaries as might be willing to settle in Canada; and, if so, whether it was the intention of the Government to offer similar settlements to the officers and soldiers of Her Majesty's regular army?

Mr. FREDERICK PEEL replied that there was no intention of altering the arrangements regarding the grants of land as an inducement to persons to enlist in the regular army. There was no resemblance between soldiers enlisted for a long period and foreign legionaries merely enlisted for the period of the war or until disbanded. No offer of land had been made to the Swiss or German legionaries for the purpose of inducing them to enlist; but a suggestion had been made to the Governor-General of Canada to the effect that it would facilitate enlistment if such an offer of land in Canada were made. He was not aware, however that any Act had been passed by the colonial Parliament for this purpose. With respect to officers in the army, it was already arranged, with a view to their settlement in the Colonies, that an abatement should be made in the price of the purchase of land in those Colonies in which the Crown had the disposal of the waste lands.

Lord JOHN RUSSELL said, he could answer the question so far as it regarded Canada. The Governor-General of Canada had received a despatch from his right hon. Friend (Sir G. Grey), and that despatch had been laid before the Colonial Legislature; but no proposal on the subject had yet been made in the Colonial Parliament, which had adjourned before the matter could be discussed.

THE GOVERNOR OF GIBRALTAR—QUESTION.

Mr. BRIGHT after referring to the Ordinance of the 4th May issued by Sir Robert Gardiner, the Governor General of Gibraltar, prohibiting unlicensed printing, and reading an extract, declaring that it had been the custom not to permit printing in the Garrison without the consent of the authorities, and prohibiting the printing of any matter or thing not previously submitted and sanctioned by the civil secretary of the Garrison, under a penalty of not less than five nor more than a hundred dollars, and imprisonment for three months for non-payment—said that this was the assertion of a power which would be frightful if it were not ridiculous. He denied the fact that the custom referred to in the Ordinance existed; on the contrary, for the last forty years, if not longer, printing presses and printing had been allowed in Gibraltar; and a year ago, when a deputation from thence waited upon the Duke of Newcastle, and complained amongst other grievances of the want of newspapers, the Duke, who received them with great courtesy, said he saw no reason why there should not be another newspaper in Gibraltar, or why freedom of the press should not exist there as far as was consistent with the purposes of this country in maintaining a garrison at Gibraltar. At Malta there was more than one newspaper published, and considerable if not complete freedom of the press was allowed; and he (Mr. Bright) saw no reason why Gibraltar should be treated differently. He understood that Sir Robert Gardiner had been recalled, and that measures were in progress for the purpose of appointing some more judicious person to the office; and what he now wanted to know was whether the noble Lord, the Colonial Secretary, had sent out directions for cancelling the ordinance and placing the press of Gibraltar on a more satisfactory footing. He (Mr. Bright) had received a memorial from a printer of Gibraltar, which he had not yet had an opportunity of presenting, complaining that he had been ruined by the conduct of Sir Robert Gardiner.

LORD JOHN RUSSELL said, he had had time since he last addressed the House on the subject to examine the ordinance passed by Sir Robert Gardiner in reference to unlicensed printing. In the first place it was entirely competent for the Governor of Gibraltar to pass such an ordinance without consulting the home authorities in all cases where he might consider the safety of the garrison demanded it; but there were certain restrictions placed upon his general powers of issuing ordinances; he, however, had full power to issue any ordinance he might consider necessary for the safety of the garrison, and it rested entirely with him to say when that safety was endangered. Such was the power the Governor of Gibraltar possessed, and that power he thought it would be most unwise to abolish or to restrict. If that were to happen again which had happened in former times, viz., that the fortress of Gibraltar—and it was nothing more than a fortress—should be besieged, great danger might result from a person being permitted to print a newspaper containing information as to the state of the garrison, its weak points of defence, the quantity of ammunition in the garrison, the number of guns fit for service, and the position of the powder magazine; and the Governor would not merely be justified, but it would be his duty, to stop the publication of such a newspaper. But with regard to the discretion exercised by the Governor of Gibraltar in the present instance, he owned that it did not appear to him that there was any urgent necessity for issuing so peremptory an ordinance without going through the usual form. In 1841, when he (Lord John Russell) was Secretary for the Colonies, and the question was brought before him whether the Governor should permit a newspaper to be printed, he advised him not to prevent the publication of newspapers in the Garrison, and not to issue any ordinance on the subject. In reference to the opinion of the Duke of Newcastle, to which the hon. Member had referred, it appeared that his opinion was asked as to whether a second newspaper might be allowed, and he said that he saw no objection provided it was under proper control; but what the meaning of the term "proper control" was, and what the nature and extent of the restraint which should be placed upon the press should be, had not been explained. It might be useful to the inhabitants of Gibraltar to have a newspaper containing commercial information; but the Governor, who was the commander of the fortress, and was responsible for its safety, should have the power of saying when he would permit and when he would restrict the publication of newspapers.

MR. BRIGHT complained that the noble Lord had not answered his question. What he wanted to know was whether the noble Lord would cancel the ordinance, and if he would give a distinct answer to that question he (Mr. Bright) would be satisfied.

LORD JOHN RUSSELL: No, I shall not give any distinct answer to that question. A despatch on the subject has been written to the Governor of Gibraltar, which I propose to lay on the table.

THE LATE MEMBERS OF THE GOVERNMENT—ALLEGED STIPULATIONS AS TO THE TERMS OF PEACE—QUESTION.

MR. OTWAY: I rise to ask the noble Lord at the head of the Government the question of which I have given notice, and though I am anxious not to delay the interesting discussion about to take place, still, after having formally given notice of my question, I feel bound to ask it. The noble Viscount has stated in the House, that in February last certain right hon. Gentlemen, who were lately eminent Members of his Government, stipulated as to the conditions of peace, and more especially as to one which should be asked of Russia. I should be trifling with the House to suppose that those stipulations could have been made with any other view than that of favouring Russia; for those who have had the pain of listening to the speeches of the right hon. Members for Carlisle and the University of Oxford (Sir James Graham and Mr. Gladstone) must be aware that any stipulations as to the conditions of peace made by them could have had no other object than that of being favourable to our enemy.

MR. GLADSTONE: Sir, I rise to order. You have heard the language which has fallen from the hon. Member. He has stated, that nothing stated or stipulated by my right hon. Friend or by myself with reference to the terms of peace could have had any object but that of being favourable to our enemy. I put it to you, Sir, whether that language is such as falls within the rules of discussion in this House?

MR. SPEAKER: It is not within the

rules, for it is attributing to hon. Members that which is treasonable.

MR. OTWAY: I regret very much, Sir, that anything I have said could be thought to impute such conduct as you have described to the right hon. Gentlemen, for nothing was further from my intention than to say that the right hon. Members had been guilty of treason. What I intended to say was, that I conceived that the tenor of their speeches must have led all hon. Members to suppose that any stipulations made by them with the noble Viscount could have been in no other than a favourable light towards Russia. I think it must be conceded that that was their intention, from the remarks which have fallen from the noble Viscount; and, that being the case, it cannot but be thought that the noble Viscount considered them proper conditions, for the noble Viscount and the right hon. Gentlemen were sitting for nearly two years in the same Cabinet, and were fully cognisant of each other's views as to the terms and conditions of peace. I think this a grave matter for consideration, and it is a sorry proof of the harmony which was said to have existed in the Government of the noble Lord; and if these right hon. Gentlemen had so little confidence in their chief, I think it would have been far better if they had not joined his Government. But there is matter far graver than this. In the struggle in which we are engaged we have allies, and I should like to know whether they were made aware of the stipulations of the right hon. Gentlemen? Supposing that the conditions referred to Sebastopol—and I think it not unlikely that they did—what could be more natural than to suppose that our allies, deeming the rebuilding or destruction of that fortress most important, should be desirous of imposing certain conditions with reference to this fortress, concerning which the right hon. Gentlemen may have stipulated with the noble Lord. The same remarks will apply to Bomarsund, and I ask if our allies were not made aware of the stipulations of the right hon. Gentlemen, what becomes of our alliance? There are many other considerations which call for positive inquiry into those proceedings, with reference to which I consider the noble Lord's conduct was neither statesmanlike nor patriotic. There are further considerations connected with the subject with which I will not trouble the House, for the right hon. Gentlemen have seceded from the Government of the noble Lord, and the fatal influence which they exercised with regard to the conduct of the war no longer paralyses his actions. I will ask the noble Viscount—and I do it in no spirit of hostility, but because I think that, after the statement he has made, it is due to the House to have a clear and intelligible reply on this subject, and because I think the conditions which we are to demand should be qualified by the successes of war—whether he is bound by the stipulations made by the right hon. Gentlemen in February last, and whether he is prepared to counsel his Sovereign and our somewhat forgotten allies, to offer such terms as he considers will prevent the aggression of Russia for the future, and secure a safe and honourable peace.

VISCOUNT PALMERSTON: However natural the desire of the hon. Member who has put this question may be to have full information on the subject, I am sure the House will concur with me, that it would be unbecoming in me to enter upon a detailed discussion of the matter. All I can therefore state is this—and I hope it will be sufficient for the hon. Gentleman and for the House—that when my right hon. Friends, who have lately ceased to be Members of the Government, were considering the proposals that were made to them that they should join the Cabinet, they very naturally and properly desired to come to a clear understanding upon any points upon which it was possible that some difference of opinion might afterwards arise. In so doing, I think they only did that which was due to themselves and to me. There was one point upon which they required information, and that was whether it was the intention of the Government, then in the course of formation, to make a particular demand upon Russia the *sine quâ non* of peace. I stated, in reply, to the friend through whom the communication was made, that the demand was not one which this country was entitled to make a *sine quâ non*, and that it was not his intention to propose to his colleagues to make it an absolute condition. Of course, all conditions of peace communicated by the Governments of England and France to the Government of Austria, and afterwards communicated by that Power to Russia, depend upon the events of the war; and that which might at one time be a condition which this country might not be entitled to demand, might, under altered circumstances, become one very proper to insist upon. I hope this explanation will be considered sufficient, and that the House will not consider it necessary, or advisable, that I should enter into further details.

Mr. DISRAELI: It is, no doubt, of the utmost importance that there should be a complete understanding between the members of a Government; and this House has no right to ask for more than a general exposition of the main principles on which a Government is formed. It has no right to inquire into all the conditions which may have taken place between the several Members of the Government. But when in a debate of the magnitude of that which has lately taken place, the Members of the Government specifically referred to a particular stipulation and condition made to and assented to by the noble Lord who remains at the head of the Government, Her Majesty's Ministers must not be surprised at such a question as that asked by the hon. Member. The course which has been pursued is perfectly legitimate, Parliamentary and constitutional, and I do not think any Gentleman is open to censure for making such inquiries as have been made by the hon. Member. It was an inquiry which those who are Ministers, or who have been Ministers, must have expected would be made after the specific allusion made by them to these stipulations. I should not have risen, but I thought the tone of the noble Lord's reply implied that the inquiry was improper; but, as I have said, after what has taken place, he must have expected that such an inquiry would be made.

Mr. GLADSTONE: Sir, I should not have risen to claim your protection against the language used by the hon. Member—language which I do not think he has abandoned, as he might have done—had I not felt justified in so doing. I agree, however, with what has fallen from the right hon. Gentleman (Mr. Disraeli), and do not think that the slightest blame is to be attributed to the hon. Member for making this inquiry. I feel a good deal embarrassed both by the question and the subject it has reference to; for it appears to me, in a question of this kind, one of two courses ought to be pursued. The Commons ought either to know nothing or everything. For my part, as far as my personal and strong inclinations and earnest desire go, I wish that my noble Friend at the head of the Government, if he felt it consistent with his public duty, after having made reference to this subject, could have felt himself at liberty to proceed, and have laid before the House all the information in his power; for I am certain that the effect of these partial references, followed by information jealously and stintedly given—going up to a certain point and then stopped short by the plea of official reserve—cannot but be mischievous to all the parties concerned. On this ground I regret the position in which the matter has been left; but I am not in a condition to press for the information beyond expressing my personal inclination and desire that it should be given; but the public interest must rule all the decisions in questions of this character. With regard to myself—and I do not presume to speak for any one but myself—but for myself I beg leave to say that I am not aware that I have at any time, either directly or indirectly, by myself or through others, at the time of the formation of the Government, put a question to my noble Friend with reference to the anticipated conditions of treaty with Russia; for this reason—I was not aware that any difference of opinion existed between us as to those conditions, or that any such difficulty would arise. In thus speaking for myself, and not admitting that I was a party to any question of the kind, I do not wish to be understood as making any assertion on behalf of my right hon. Friend the Member for Carlisle; it is for my right hon. Friend himself to state, if he thinks fit, the part which he took. As far as I am concerned, no communication to which I was a party had reference to any particular stipulation, term, or condition of peace with Russia. I hope I have explicitly stated my own inclination to the House. I deeply regret the position in which this question stands. I sincerely wish, especially in a case like this, where nothing in the world passed between the noble Lord and my right hon. Friend except what was perfectly frank, straightforward, and honourable upon all sides, that, after a reference had once been made to the subject, all the particulars could have been made known to the House.

ADMINISTRATIVE REFORM.

Mr. LAYARD rose to move the following Resolution—

"That this House views with deep and increasing concern the state of the nation, and is of opinion that the manner in which merit and efficiency have been sacrificed, in public appointments, to party and family influences, and to a blind adherence to routine, has given rise to great misfortunes, and threatens to bring discredit upon the national character, and to involve the country in great disasters—"

And said—Sir, I am more in need, even than usual, this evening of the kind indulgence of the House, both because I am afraid I shall have to trespass upon its attention for a considerable time, and because the question is one which, under any circumstances, might perhaps give rise to feelings of irritation upon the part of some Members of the House. It is, however, my especial wish to treat the question in as moderate a spirit as possible, and I shall therefore prefer reading such documents as I possess to expressing any strong opinion of my own upon the subject I shall have to bring forward. This question is one of far too serious a nature for me to make any appeal to the passions in discussing it, even had I the power and the eloquence necessary for me to do so. I wish merely to make a plain, straightforward statement. It cannot be denied that a general feeling is abroad that there is something wrong in the administrative system and the government of this country—that there are great evils in that administrative system which can only be remedied by some kind of pressure from without. I will endeavour, as concisely as possible, to state the grounds upon which the people of this country have come to that conclusion. It will be for Her Majesty's Government to show whether these grounds are correct—that conclusion justifiable or not—and it will rest with these Gentlemen who represent various branches of the public service in this House to show how far the country is right in believing that the departments with which they are connected are not properly administered. I shall endeavour to say nothing which will hurt the feelings of any of the right hon. or hon. and gallant Members present, and I trust that they, on their part, will permit me to state what I think without attributing to me any improper motives; for, I assure them, with the deepest feelings of conscientious conviction, that my only wish is to promote the public good. If the hon. and gallant Member for Weymouth (Colonel Freestun) is in the House, I trust he will justify his statement that things which I have said are not true, in a tone less bitter than that which he adopted on a former occasion; and, for my part, I will endeavour to prevent that question from giving rise to any personal acrimony.

Sir, my Resolution contains three distinct propositions. First, it states that the House views with deep concern the state of the nation; it points out, secondly, what I consider the source of the evil; and, thirdly, what will be the consequences if the present state of things continue to exist. To that Resolution an Amendment has been given notice of by my hon. Friend opposite (Sir B. Lytton)—if the hon. Baronet will allow me to call him so—somewhat of a similar nature to a Motion which was brought by a noble Lord (Lord Ellenborough) before another assembly when I gave notice of my Resolution. The noble Lord to whom I allude felt it necessary to place the sentiment he entertained in a somewhat palatable shape before that assembly; and I believe the hon. Baronet has now acted under a similar feeling, and, following the advice of the Italian poet, has anointed the edge of the jar with honey in order that his friends may more readily swallow the dose he is about to administer. I have endeavoured to call things by their right names, for I think this country has been placed in considerable danger from that not having been done. I also think that danger threatens this country from too great respect being paid to personal and private feelings. [*Laughter.*] Perhaps hon. Gentlemen, before they laugh, will allow me to explain my meaning. Those feelings are very right and necessary in private affairs, and no one can respect them more than I do; but those who put aside public duty out of consideration for them neglect their duty; and if that were the principle upon which the House were to conduct its proceedings, it would be as well to conduct our debates with closed doors, and we might as well make our debates secret at once as be guided by the conventionalities which are necessary in private society, and pay an undue regard to private feelings in dealing with public matters. What should we say if a judge did not use harsh words in condemning a criminal for fear he should hurt his feelings? There are cases in which we all agree that condemnation, to some extent, is necessary; but if phrases unduly harsh are used in expressing that condemnation, they are received with public disapprobation. I trust I shall do my duty in that respect. I will endeavour to be moderate. I will state facts; if I am wrong I hope hon. and gallant Gentlemen will tell me so without any irritating expressions, and I trust they will not find me unwilling to admit the errors I may have fallen into. It was said that the debate in another place led to nothing because the speeches made dealt solely in generalities, and no instances were adduced; but, when instances are adduced, then it is said, these are mere vulgar personal accusations which do not prove your case. We are thus placed in a double difficulty. No doubt the noble Lord at the head of the Government will say this evening, as he has done upon former occasions, that this is a mere attack upon the aristocracy. That accusation is odious to me. The noble Lord is welcome to say that I am attacking an oligarchy, but I utterly deny that I am making any attack upon the aristocracy. I only wish that every man should have the free power of raising himself in the public service of the country. Although the words of my hon. Friend's Amendment are not exactly the same as those of my Motion, yet, if they mean anything, they must mean precisely the same thing. He asks the House to recommend the Government that there should be a careful revision of the public establishments, with a view to simplify and facilitate the transaction of public business, to institute judicious tests of merit, and to remove obstructions to its fair promotion and legitimate rewards. That must mean that at the present moment there are no such tests of merit in the public service, and that there are obstructions to its fair and legitimate reward. If there are none there is no occasion to discuss the question; but if there are such illegitimate and unconstitutional obstructions to the reward of merit it is a fair subject for discussion. Then comes the question, what are those obstructions? Do not think that by voting for this Amendment you are escaping the difficulty which the Amendment is moved to enable you to escape, because its meaning is exactly the same as that which I have embodied in my Resolution. Why should we flinch from naming the things which we consider as obstructions to merit! Why should we shrink from stating that a man cannot rise in the public service of the country on account of the obstructions proceeding from party and family influence? That is the chief evil of which we complain. There is no use in denying that. Such, at any rate, is the feeling out of doors. If that feeling is not justified, it is surely well worth all the time this House may be able to bestow to remove, if possible, that feeling. For myself, I am willing that this feeling shall be removed. All I say is, that this feeling does exist. Nor is that feeling confined to a small and insignificant class; it is especially characterised by being prevalent among the most educated class in this country. My avocations and antecedents throw me a good deal among men connected with literature, art, and science, and I will ask any man frequenting that society whether the feeling I have described does not prevail among these men? Now, I do not say that the feeling is altogether warranted, although I believe that it is, and as it prevails among the class I have named it must prevail among the class below that, and it is, as I have said, so extensive and so general that it is well worth the time and attention of the House to endeavour to remove it if it can be proved to be ill founded. It must be known to the House that a large and powerful association has been formed to investigate this question, comprising among its members many men of wealth, of talent, and of enterprise. The opinions of that association have been re-echoed in the largest towns of the country, and that association is determined to push the doctrines and opinions enunciated in its address. Now, such an agitation may lead to great mischief, and if the House can remove the necessity for that agitation, it will do an essential service to the country. Notice has been given of another Amendment by the hon. Member for Cork (Mr. V. Scully), but as it is not on the paper for to-night, I presume it is the hon. Member's intention to bring it forward on some future occasion. The House will permit me to say one word upon my own Resolution, as it has been misunderstood in some respects, and I have been accused of altering and amending it. I believe that it stands, if not in the same shape, yet with the same intention as when I first placed it upon the books of the House. I have cut off a phrase which pledged this House to the prosecution of the war, because such an allusion was unnecessary after the Motion of the right hon. Gentleman opposite (Mr. Disraeli); a few words in the way of recital have also been left out, but the words and essence of the Resolution have been maintained.

There are three propositions in that Resolution, as I have already stated, and I shall endeavour to substantiate each of them. I will first take the proposition relating to the state of the nation. I have heard it said that these words are now uncalled for, because of the successes we have recently achieved. But I deny that; I intended my Resolution to have application only to the military operation of the war. I look upon the campaign in the Crimea as an episode; upon our failure as a witness, and to the Blue-books as evidence; but they form only a part, and but a small part, of the question which I propose to bring before the House. But if the Blue-books, that contain so much that must be painful to the House and to the country are to remain dead letters, then our cup of disgrace will be full indeed, and I hope that something will be done upon those Blue-books irrespective of my Motion. What I mean by the state of the nation is, that I am fully convinced that this country is becoming very distrustful of this House and is losing its confidence in public men; that the people begin to believe there are great defects in our administrative system, and that a remedy must be applied to those defects; that the Government of this country has become a class monopoly, and that the recent changes in the Government show that that monopoly does not go out of the hands of a few families; and that the Government do not sufficiently represent the feelings of the country at large. They see a liberal Government voting against every liberal measure that has been proposed this session, and voting in the lobby on all these questions with hon. Members sitting on the opposite side of the House in contradistinction to the liberal party on this side the House. They have also seen those who have hitherto been the leaders of the people, and the representatives of popular opinions, absorbed in the Government and remaining mute and silent on questions connected with the opinion of which they were once the advocates. Is it then astonishing that the confidence of the people has waned with regard to public men? They have been so often betrayed by public men that I am not surprised that confidence in them is so much shaken. The country think that the great offices of State are sacrificed to the interests of party, and that the public service has been neglected, and to this they trace the disasters that have taken place. Now, Sir, I ask whether that is not a state of the nation that is alarming, and whether it may not give rise to a state of feeling that may be dangerous? That is what I mean by the state of the nation; and I say, let us if possible remove these impressions. I propose to look into three departments—the army, as that branch to which is confided the honour and defence of the country; the diplomatic and consular service, to which the conduct of foreign affairs is entrusted; and the civil service, which has the conduct of national affairs at home./

Sir, to begin with the army. This is, undoubtedly, a very difficult and delicate question. I know that hon. and gallant Gentlemen in this House feel very indignant that a civilian should touch the army, but I ask the House whether any but a civilian can touch the army? Why, a military man dare not touch the army. There is no doubt I may be led into errors in dealing with the army. The rules and regulations that affect the army have for some time been a matter of study to me, but I may be pardoned for some misapprehensions when even very eminent military men are ignorant of some of the rules and their application—nay, even of the very existence of some of the regulations affecting the army. I hold in my hand a letter from a gentleman of some rank in the army, whose name the House will see I cannot mention, and I cannot, therefore, give my authority; but this letter expresses so fully my own feelings and the existing state of things, that I will read it to the House. He says:—

"A civilian, undertaking as you have done, to attack military abuses so deeply rooted, and of such long standing, as those which disgrace our service, is (as you very justly remark) placed in a particularly difficult position; for unacquainted as you, perhaps, are with all the minor details and intricacies which sometimes even puzzle professional men, you are not able to receive open assistance and evidence, which would probably be the ruin of any military man who might volunteer to enact such a Curtian part; and many a man who might be indifferent to the consequences as regarded himself, might feel averse to sacrifice the prospects of some near relation, who might either be, or be intended to be, in the military profession, and whose future prospects might thus be prematurely blighted in the bud. Then, again, you will have against you all those military men of family connection and great interest who, having profited by a corrupt system, will strenuously oppose any reform or innovation in the same. All these circumstances combined render your task one of no ordinary difficulty; still I would not despair, for you have not only the spirit of the times and public opinion in your favour, but also all that hard-working and ill-rewarded portion of the army, who have not sufficient interest or family connexions to push them unfairly forwards. All such, if they dare not openly applaud, will look with secret pleasure on your undertaking,

> and, I am sure, back it indirectly by any means which will not bring them under the influence of that inquisitorial tribunal which can more or less influence the fortunes of nearly every officer in the service, whatever may be his merits, in the same manner that it can by its fiat place men, most unfitted, in the highest and most responsible situations, which has unfortunately of late been so fully and fatally proved."

Sir, I believe that letter eminently expresses the whole truth of this question with regard to the army. But I have another letter from an eminent military man, whose name I am permitted to mention—Sir W. Napier. I have spared no pains to go to the best military authorities before I ventured to touch upon this subject. Sir William Napier's letter is most fair and proper, and although it tells against me in some respects, I will draw the attention of the House to it. He says:—

> "The questions of promotion from merit and promotion from favouritism I have never examined carefully, thinking the latter an inevitable consequence of human selfishness, and the former impossible to solve, except in a few instances. With respect to favouritism generally, however, it certainly pervades the British army to an inordinate degree, seeing that no officer of high or low rank, no man below the rank of an officer, no civilian related to or interested for an officer by relationship or friendship, or seeking himself to enter the army, but whose first thought and immediate course is, not very vehemently, to beseech some person privately to use influence to obtain by favour what is sought for. The universal constant prayer is, 'Let me have your interest.' Sometimes, indeed, some poor forlorn officer merely states his long and arduous services, his wounds, and the number of his relations who have died in action; but this only to sway the influential person addressed, not as grounds for acceding to his claim. Why is this? Surely because the absolute necessity of private interests, apart from merit, is universally felt to be dominant. Your purpose is to bring public opinion to bear on this system so strongly that an amelioration must take place, and I for one will not shrink from cheering you on in such a patriotic course. But while I do so on general principles, it would be ungenerous, ungrateful, and unjust not to state that I have made, I may say, hundreds of applications for officers and soldiers, who have had only their services to recommend them—favour without service I never asked for—and, while Lord Raglan was Military Secretary, in no instance did I ever fail of success, nor have I in the very few cases which I have brought before General Yorke, the present Military Secretary, found the least backwardness to aid deserving men."

If I were not addressing the House I should cheer that sentiment as much as any man; but, although that sentiment may tell against me, the fact as to the manner in which Sir William Napier states that his recommendations have been received, are an argument in support of my case. Sir William Napier is a great military authority. He has access to the Horse Guards. He can recommend persons. Fortunately, his soul abhors a job, and he would never recommend any one for promotion who is unworthy of it. If every promotion went in the same way I should not complain. If I saw promotions made upon the recommendation of such men as Sir W. Napier, or that gallant General who so much adorns this House (Sir De Lacy Evans), or any man equally distinguished and equally pure, I should have no doubt whatever of the propriety of those appointments. It is not such recommendations as these that we complain of, or are disposed to call in question. A curious word occurs in the regulation which affects the very commencement of every man's career in the army. That regulation is, that all recommendations for commissions shall certify the eligibility of the person recommended in respect to education, character, and "connections." I do not really understand what is the meaning of the word "connections," unless it be relationship to persons of a certain position. I shall be very happy if hon. Gentlemen will explain it. I have no wish to put a wrong construction upon it; I merely take the word as it stands.

Before I go into the several cases to which I shall call the attention of the House, I must beg their indulgence while I say a few words upon a personal subject. I do not suppose the House has forgotten what occurred some time ago with regard to myself and Colonel Hardinge. Up to this moment it has not been in my power to explain this matter fully. When the question was brought forward I was not prepared to meet it. I had received but a very short notice from the gallant Member that he intended to bring it forward, and other reasons prevented my entering then upon a full explanation. Those reasons no longer exist. Colonel Wilson has retired from the army; and the country has lost the services of an eminent and gallant officer, who distinguished himself as much as any one on the fatal day of Inkerman, who was in the thickest of the fight, who brought his company into action from the two-gun battery, and was one of the very few that survived. He has left Her Majesty's service. It is matter of regret to me, because I am partly the cause; but I am not to blame. I wish merely to state to the House this case of Colonel Wilson, because it eminently illustrates my proposition, and I will state it as fairly as I can, having taken great pains to obtain accuracy by most careful inquiries on all sides. I hope the House will understand that I will never be a party to deceiving it in any way whatever, not even if I could appeal to thirty-seven years' experience in Parliament. The House will believe me when I say that if I state anything it is from a conviction that it is true. I may be wrong, and, if the error is pointed out in a fair and quiet manner, I shall be the first to retract. Upon the occasion to which I allude I did not believe that I had stated that which was not strictly true, though I felt I was not in a position to prove it. I would not, therefore, retract, not from any want of respect to the House, but because I respected the House, and would not give it the impression that I had stated anything which I knew to be inaccurate. What was the case of Colonel Wilson? Three officers, captains and lieutenant-colonels in the Guards, were killed in action. The three officers next in rank were entitled to promotion. Two of those officers were not for purchase, and they were promoted. The third was for purchase, Colonel M'Kinnon, and he was also promoted. Colonel M'Kinnon, whose promotion was purchased, was killed. He had not heard of the purchase at the time of his death, and a regulation operated which was unknown to Colonel Wilson, and was unknown to many officers in the army. Colonel Wilson's friends were called upon to purchase the commission. He was then ill in the hospital at Scutari. He thought he had got his commission without purchase. It proved not to be so. His friends had paid the money, and he found himself gazetted by purchase. He thought, considering the circumstances, he might have had the option of purchasing or not, but that courtesy was not shown to Colonel Wilson. It does, however, appear that the rule was in this instance strictly complied with. I had what I considered the best possible proof that I was not understating the case of the Guards. I am not satisfied, though I quite admit I was wrong. Colonel Crombie was put on half-pay, Lord Burghersh was promoted without purchase, and Colonel Hardinge got his step. The House will see there were rules, and the rules were applied, and when I said there were not rules I was wrong, and that I retract. Let me call the attention of the House to Colonel Hardinge's career. I trust the House will believe that I regard Colonel Hardinge with no personal feeling whatever. He is a most gallant officer. He has distinguished himself, and I do not grudge him advancement. It is not the man I attack; it is the system which I wish to expose. Let us look at Colonel Hardinge's career. Colonel Hardinge entered the army as ensign in 1844. His first appearance was in direct violation of a printed regulation—much stronger than this regulation of which Colonel Wilson was ignorant, and which I presume is not printed—of a regulation which says that no officer shall be appointed to serve on the staff until he has for two years performed regimental duty. He was put on the staff and served as aide-de-camp to his father in his Indian campaign. For good service in that campaign—in which he ought not to have been, though I am glad to say he was—Colonel Hardinge was made lieutenant without purchase. There were hundreds of poor ensigns who went through that campaign, but they received no such reward. That was in 1845. He was low in the list of lieutenants in his own regiment, yet shortly afterwards he was allowed to purchase a company in another regiment, over the heads of all the lieutenants. That was not against rule, but it was done in a manner almost unaccountable. He is not in this new regiment many days before he exchanges into the Coldstream Guards, and is then advanced rapidly through the staff to the position in which we have lately seen him. Now, look at *Hart's Army List*, and take the case of an officer who entered the same regiment shortly after Colonel Hardinge—Lieutenant Henry Buck. This poor young man not only served through all the campaigns in the Punjab in which Colonel Hardinge distinguished himself, but was likewise present at Goojerat and the subsequent battles, and obtained several medals and clasps. Poor Henry Buck is still a lieutenant, and Colonel Hardinge has attained high rank in Her Majesty's army. I am glad to see Colonel Hardinge where he is; but the case of Lieutenant Buck is a reflection upon the system. When Major Hardinge is made an effective major on the staff in direct opposition to regulations; when Colonel Wood is placed over the head of Colonel Brough; when Colonel Cunynghame, son-in-law to Lord Hardinge, is placed over everybody's head; when all these things are happening together, can the House be surprised that an officer like

Colonel Wilson, who has to pay for his promotion after all he has gone through, should have felt hurt; or that, naturally feeling some indignation, I should have made a somewhat inaccurate statement? I am sorry that I made it, and I now beg to retract anything which I may have incorrectly inferred. There is another question upon which I must say a word—that of Lord Eustace Cecil. There the promotion was in direct opposition to all regulations. An hon. and gallant Member opposite got up and excused that promotion because Lord Eustace Cecil had shown a meritorious desire to see service. That was a not very complimentary speech to the officers of the British army; but what are the facts of that case? Lord Eustace Cecil has exchanged out of every regiment which was seeing service. His regiment is at the seat of war; he is placed in a battalion which is at this moment in London, and Lord Eustace Cecil is within a mile of this House, or, indeed, he was so within a very few days. On a former occasion I alluded to the case of Captain Blackett, and I have since been accused of some inaccuracy, and I was asked by the father of that gentleman to retract my statement, but which I refused to do; and, certainly, I was surprised and astonished that the father should have written to *The Times* a letter, in which he denied that his son was promoted for merit, but that it was by the influence of Colonel Upton, with whom he had gone on some pleasure excursion. This reminds me of Canning's celebrated story of the knife-grinder, who would not be relieved, although some sentimental person was ready to afford it to him. I have a long list of lieutenants in the army who have served for years and years without having been promoted, but I will not refer to all of them. I will, however, call the attention of the House to a few cases, avoiding as much as possible the mentioning of names where it may be considered painful to individuals to do so. There was a Lieutenant Edwardes, who went to Spain in 1811, was at the storming of Badajoz in 1812, and was engaged throughout the whole of the Peninsular war. He was in six medal actions, and he was thirty times under fire, and was twice wounded; he was then with the army of occupation in France, and had been on service nearly ever since; and yet, notwithstanding a most earnest appeal to Lord Hardinge by Sir W. Napier in his favour, he has been a lieutenant ever since. Let me mention the case of Lieutenant D——. That officer made application for promotion to the rank of captain without purchase. He was an ensign in 1839. He is the son of an old officer, and has served some twelve or fourteen years out of the seventeen years on foreign service, having been during that time in India and in China, and has a medal for the Chinese war. He has a family, and has exchanged into his present corps, as it is impossible for him to support his family in England. He is now the oldest subaltern in the service, and he has applied to be appointed to an unattached company. But, no; he has no friend at the Horse Guards, and therefore he still remains a subaltern. I will now read to the House a most touching letter, which has been furnished to me by Sir W. Napier, who has applied in vain to Lord Hardinge on behalf of the writer, who is a captain in the 44th Regiment, and who has been forty-four years in actual service. The letter, although private, is one so touching, and so fully exemplifying the working of the whole system, that I make no apology for reading it:—

> "This day is the 40th anniversary of the Nivelle, when you showed us the way to fight and conquer. How few survive of those whom you so gallantly led! Am I not somewhat privileged, as one of your old followers, to address you? I think so. Mine really is a singular fate! Here I am, one of the spared of the old guard, making preparations in Table Bay for the embarkation of the modern 43rd, destined for Madras. . . . During the last three years I have not been one night absent from my post. Sir George Cathcart has not been backward in acknowledging my services, and recommended me for a brevet majority (1*s.* per diem). My Lord Hardinge rejected my claims to this trifling boon with the inconsistency of admitting that he entertains a full sense of my merits. He has promoted a legion of youngsters over me; many of whom have been only in one little skirmish, *pendant notre petite guerre.* One, twenty-six years my jun., writes to me to say, 'I was surprised to see my name among the lucky fellows promoted, as I have never done anything.' The chief of our staff, a very intelligent officer, wrote to me not long since, stating—'I have no hesitation in saying that the zeal and diligence which you have exhibited in carrying on the various business at our great *entrepôt*, whence everything comes to this army, have been of more use than if you had been in every skirmish and on every patrol during the war.' My services are considered, however, unworthy of the smallest consideration. . . *Cependant n'importe! la vie est si courte, et si triste, qu'on ne doit pas s'en chagriner.*"

I will now refer to a case of a very opposite description. It is that of an officer, a young man (Captain S——), whose name has never been mentioned in any order or despatch, and whose services are wholly unnoted. In 1853 he was promoted to a majority, and in 1855, on Lord Panmure's accession to the office of Minister for War, he was made a deputy quartermaster general and lieutenant colonel, which, of course, makes it certain that he will obtain his colonelcy in three years' time, while he still retains his captaincy in his own regiment. That, I contend, is a case of most unjust promotion. I say not a word against the individual, but I do most severely condemn the system. The first step in his promotion put him over the head of the senior major in his own regiment, Major A——, who entered the regiment four years before Captain S—— was known in the service, and who was in the campaign of Affghanistan, at Ghuznee, Khelat, and in the Kafir war was severely wounded, and is well known as a distinguished officer. The second step in his promotion puts him over Lieutenant Colonel B——, whose name has often been mentioned in orders and despatches, and who is six years the senior of Captain S——, twice slightly wounded, once seriously. It puts him over the head of Brigade Major Simmons, who entered the regiment nine years before Captain S—— was appointed, who was known to the House in the Seringapatam affair and in the Affghanistan campaign, and was seriously wounded at Ghuznee and twice at Khelat. I ask, is that a state of things that is to be tolerated? I could go into the particulars of an unlimited number of instances of a similar description, but I think those I have already mentioned will be sufficient to prove to the House that there is a system of favouritism pursued in the British army to a great and lamentable extent, and which operates most injuriously to those who have honestly and patriotically served their country. I will now go to the staff. I have already stated that the regulations of the army are infringed whenever it is thought they may be an obstacle in the way of the promotion of men having an influence at their command. One of those evils which have given rise to all the anomalies of which we have to complain is the numerous appointments to the staff. If you look through the *Army List* you will perceive this at once. It will be seen that there are not less than forty-five officers who, in spite of the regulations, are away from their regiments and serving on the staff. By those regulations, it is positively stated that no officer shall be on the staff while his regiment is on foreign service. I know that there is a distinction between the staff of the army and the personal staff of the general. General Jomini has said, that—

> "A good staff is, more than all, indispensable to a well-constituted army. It must be considered as the nursery whence a general is to draw the instruments of which he makes use—an assemblage of officers whose talents are to second his own. When the genius which directs, and the talents of those who are to carry out his conceptions, do not harmonise, success becomes doubtful, for the most skilful combinations are neutralised through faults in execution. A good staff has, moreover, the advantage of being more lasting than the genius of one man—it can remedy many evils, and we hesitate not to affirm that it is the best safeguard to an army. Petty interests, narrow views, misplaced self-love, may deny this assertion; it must nevertheless remain an undeniable truth to every reflecting soldier and every enlightened statesman. A well-constituted staff will be to an army what an able Ministry is to a monarchy—it will support the commander even when he is capable of directing all himself. It will prevent faults by furnishing him with good information; it will also prevent them when he is unequal to the duties of command."

It must, nevertheless, remain an undeniable truth to every reflecting mind that a well-constituted staff is to an army what an able Minister is to the Monarch; and I wish we had both. Those are most remarkable words. This House and the country know what we have suffered of late. There is an institution in this country specially devoted to the education of officers who ought to be on the staff. A return was called for some time ago, by an hon. Member, of those officers who had taken honours and were now on the staff. I made an error before, and I will correct it now by reading the return—

> "Omitting general officers, there are 116 officers serving on the staff, of whom 19 belong to the Guards, most of them of noble families, and 7 to the Rifle Brigade, of whom 4 are honourables. There are 6 lieutenant generals on the staff, not one of whom has taken a certificate in the senior department of the Royal Military College; 12 major generals, of whom 1 (General Eyre) has obtained a certificate; 4 colonels, 1 of whom (Colonel Cameron) has a certificate; 12 assistant adjutant generals, 2 of whom (Lieutenant Colonel Stirling and Major Ewart) have obtained a certificate; 1 quartermaster general, with a certificate; 9 assistant quartermaster generals, none of whom have obtained certificates; 29 deputy assistant quartermaster generals, 5 of whom have certificates; 1 military secretary, assistant military secretary, 12 staff officers, 30 aides-de-camp, and 14 brigade majors, none of whom had obtained certificates; so that out of the whole staff, properly so called, only 7 have obtained certificates of the senior department of the Royal Military College."

A return has been also made to this House of the names of those officers who have been promoted for good service during the campaign, coming down to the 11th of March. Out of 93 officers promoted, how many does the House suppose are on the staff? No less than 65. This is a most serious consideration. Remember the brave men in the Crimea; our officers are becoming disheartened by the present state of things. I say so from my own personal knowledge; I have mixed with them and heard from their own lips their opinions of the wholesale promotions of those whose services are inferior to their own. Let the House listen to a voice from the Crimea. The following observations have appeared in a public paper—

> "But, more by far than any injustice or indiscriminating liberality in distributing honours, is the tardiness with which the State rewards them (the officers and soldiers). How many of the soldiers of the Alma are there remaining among us? How many have passed away from the ranks of those who fought at Balaklava and Inkerman? Look, for example, at the case of Colonel Egerton, who fell the other night in a nocturnal action in the trenches. That gallant, loved, and honoured officer had never for a moment left his regiment, from the time they landed, till he met his deathwound; he led his regiment up the steeps of Alma; he commanded them at Inkerman, where Lord Raglan specially mentioned their services and exertions in recapturing three of our guns from the enemy; and many a weary night he passed in the dreary trenches; but, while *Gazette* after *Gazette* showered promotion on the peak of every cocked hat, wherever it was, in the fight, or out of it, Colonel Egerton received nothing—not one step. He had no reward except the regard of his general, the respect of the army, and the promise of a medal and clasps, which he never lived to see. That is the case of many a gallant soldier, and the cause of many a great complaint.
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> "The authorities at home have, no doubt, ascertained privately, and through communications unknown to the public, how much disappointment exists among the senior officers in command of regiments out here at the delay which has taken place in the distribution of the rewards and honours which they have reason to expect, and to which they are so justly entitled. The feeling is expressed in every tent, in every conversation in camp. If colonels of regiments are to be made C.B.'s for past services, why are they kept waiting till they are heart-sickened? The case of Colonel Egerton, who went to his honoured grave followed by the regrets of the whole army, may be that of every one of the few remaining officers who led their regiments at Alma, Inkerman, and have served their country in the equally perilous, more trying, but less glorious service of the trenches during this protracted siege. There is understood to be some little difference of opinion between Lord Raglan and the War Office respecting the lists of officers to be rewarded; but it matters little to those who are pining for some acknowledgment of their services what the nice point may be which bars their right. Very recently, Colonel Rumley, who has seen but little foreign service as commanding officer, and Colonel Williams, who has latterly at least been principally employed in Ireland, have been appointed brigadiers general at Malta. It is felt that these appointments would have been conferred with much greater propriety and justice on some of the colonels of regiments out here—men who, like Colonel Garrett or Colonel Macpherson, belong to the Peninsula, and who are only in temporary command of brigades, from which they may be superseded at any moment; whereas Colonels Rumley and Williams have permanent commands. Colonel Shirley, of the 88th Regiment, has every day an opportunity of seeing his nephew, who never saw any war service, and who is junior to him by many years, in the uniform of a major general, with rank and pay greater than his own; and there is no doubt that Major General Shirley will not only have his local rank confirmed, but that he will also have a certainty of higher promotion if the force to which he has been appointed perform any service of importance, while Colonel Shirley, who has served with his regiment throughout the campaign, cannot be promoted, and does not even receive any honorary distinction for his conduct. He was a brigadier for a few days, but is so no longer. The case of Colonel Yea, of the 7th, than whom there is no more gallant, devoted, and energetic soldier in the service, is equally hard; and all the Alma colonels are aggrieved or slighted in the same way. Colonel Cunynghame is doubtless a deserving, zealous, and hardworking officer; but he has recently received an appointment which places him far above the heads of officers as deserving and far senior to him in the service. [The system we go upon is in fact unintelligible, it is neither one of seniority nor of merit.] What reward has Brevet Colonel Dickson received for the services he rendered at the Alma, and the incalculable results he produced at Inkerman by the fire of two guns, around which seventeen of the gunners were struck down beside him?"

I know Colonel Dickson, and a more gallant or more able officer does not exist, nor one who has rendered greater services to the country. Does the House remember his father in the Peninsula, when the Duke of Wellington ordered a certain military operation, which the artillery officer in command said was impossible; upon which the Duke turned round to the young officer and said, "Will you do it?" he replied, "I will;" and he did it. What did the Duke of Wellington? He promoted the young officer to the head of the artillery on the spot, and moreover kept him there, in spite of favouritism at home, and even of officers being sent out to supersede him. Well, what was the result? Why, his artillery was the best in the British army. Colonel Dickson—the son's—was exactly the same case. At Inkerman the colonel commanding the artillery said it was impossible to bring up guns to a certain position which would decide the fate of the day. Colonel Dickson, however—who left this country, be it remembered, a brevet colonel, having been in Spain and seen long service there—said it was possible to bring up guns, and, like his father, he did bring them up, and played with such effect as to break the masses of Russian infantry which were attacking us. He is still a plain captain of artillery. The statement in *The Times* was—

> "It would surprise the Horse Guards, perhaps, if they could hear the names of officers who have, I know, expressed their intention of leaving the service as soon as they can, should their claims be disregarded any longer, or as soon as they complete a term of service to justify their demanding a retirement."

We have had reverses, and why? Because we have had no men to command—no officers. And we shall have none if you continue to turn a deaf ear to just merit, and still determine to promote those only who have family or political influence to recommend them. Look at the staffs of the generals, look at that of my gallant Friend here—Sir De Lacy Evans. That staff was not composed of men selected because they were his relations or had political influence, but because they were the best men for the service—and good and true men they were. There was one Member of this House (Lieutenant-Colonel P. Herbert) upon that staff; but he was not selected on that account, for a more gallant officer could not be found, and in choosing him the General did honour to the House, and at the same time placed that officer in the right place. What are the remedies I suggest for the evils I have pointed out? They are promotion without purchase, and an end, if possible, to all favouritism in the army. That is the first step. As to promotion without purchase, I believe my hon. and gallant Friend (Sir De Lacy Evans) agrees with all those who are well acquainted with the army, that this system, which disgraces us in the eyes of foreign nations, must be put an end to. That has been proposed more than once, and the answer always has been "you cannot meddle with vested interests." I do not wish to do so; but if I can show you how you can remedy the evil without interfering with vested interests, will you give me a proof of your sincerity by adopting my plan? Here is a curious list, which I have made, of the number of commissions given without purchase up to this time. Will the House believe that out of 4,367 commissions given from the rank of captain downwards, more than one-half—2,413—have been granted without purchase? I will take two regiments at random. In the first regiment, out of twenty-eight commissions as captains, eleven are without purchase; lieutenants, twenty-two out of thirty-three; and ensigns, ten out of sixteen, without purchase. Now I will take the last regiment—the Rifle Brigade. There, out of forty-three captains' commissions, thirty were given without purchase; of lieutenants, thirty-four out of thirty-five; and of ensigns, twenty-three out of 129 were without purchase. Now, if you be sincere, you have an opportunity to put an end to one-half of the purchase system in the army—if you will say that all these commissions which have been given without purchase shall remain free commissions, to be given only to merit, and shall not pass by purchase. Thus, without touching in any degree vested interests, or injuring any man in any way, you can put an end to so much of the system of purchase, and, at the same time, be doing only an act of justice. Is it right that a man who has a commission given to him should go and sell it to a person who has merited it? I know he cannot do so immediately after he gets it, but he can very soon after; and supposing a man on obtaining his colonelcy sells out, he sells all his former commissions, although one or two may have come to him without purchase. If the Government wishes to encourage those men who are fighting our battles, and wishes to say one word of consolation to them, let the decision of this House go forth, that at least commissions given without purchase shall henceforth be given only to merit. The anomalies of the purchase system are greater in war than in peace. You have officers who have fought in all your campaigns; when vacancies occur they cannot, perhaps, purchase; and then men who have never left this country—who have been the whole time with the depôt—are enabled to buy over their heads, not only within their own but in any other regiments. The next thing you must do is to abolish the privileges of the Guards. There is the great evil. You take these regiments and place them above all others, which is an injustice; it is unfair and inconsistent with the spirit of the age, and must be put an end to. You must educate your staff—you must make a rule that no man shall be on the staff unless he shall have received the education necessary for such an appointment. You must attend to the recommendations of the Commissions which have been appointed to consider these questions, and which have reported in favour of changes in our military system. There was a Report made last year by a Commission, signed by several Members of this House, in which I find the following passage—

> "It is generally admitted that in a naval command physical vigour, and the energy which accompanies it, are necessary to the full discharge of the duties imposed upon the commander; but, if this be true in the navy, in which, though the responsibility and risk to life be increased in war, yet there is little additional fatigue or privation, comparatively, beyond what is encountered in peace, how much more is it true in the case of land service, where immense distances have to be traversed over unknown and difficult ground, where the general must necessarily spend days together in the saddle, visiting, as he must do, all parts of an extended line of operations, where the most opposite reports have to be balanced and decided, where the most elaborate combinations must be rapidly conceived and executed, in order to move and feed vast bodies of men in an unwilling or hostile country, to find means of transport for supplies of provisions and ammunition, to provide for the sick and wounded, to create, in short, with such materials as may be found, an organisation, any failure in which may result in a terrible sacrifice of human life, and may, in the most critical moment, baffle the best combinations. That labours such as these must require, not only the exercise of faculties of the highest order, but physical strength, and powers of endurance which shall keep those faculties unimpaired by bodily fatigue and privation, is too obvious to be disputed. . . . . The breaking out of a war, of which no one can foresee the duration or the extent, makes it incumbent upon us to take immediate and effective measures to remedy evils by which the efficiency of the service may, at a most critical moment, be seriously impaired."

But how far have those recommendations been carried out? The Report gives a list of the ages of the general officers in the Peninsula—

> "The Duke of Wellington was a major general at 33; the Marquess of Anglesey, 34; the Earl of Dalhousie, 38; the Earl of Strafford, 36; Lord Hill, 33; Lord Beresford, 39; Sir George Murray, 40; Lord Combermere, 41; Lord Londonderry, 32."

By way of contrast, I have here a list of the ages of the general officers in the Crimea, which, I believe, is correct, and which shows how much attention has been paid to the recommendations of the Commission—

> "Lord Raglan is 67; Sir J. Burgoyne, 73; General Brown, 65; Duke of Cambridge, 36; Sir De Lacy Evans, 68; Sir R. England, 62; Sir G. Cathcart, 61; Lord Lucan, 55; General Tylden, entered service in 1806, 66; General Cator, entered service in 1803, 69; General Strangways, entered service in 1806, 66; Commissary General Filder, 64; Admiral Dundas, entered service in 1799, 67; Lord Rokeby, 57."

All these are gallant officers; they have served their country well, and the country would rejoice to honour them, and to pension them; but when the interests and honour of the country are at stake, we must not allow private considerations to have weight in appointments of this kind. I want to know why the recommendation of the Commission which I have just read was not carried out; and I want to know, further, whether it is now being carried out. By your present system you exclude from the army all the middle classes—those classes which eminently represent the intelligence of the country; only those who have influence and family connections can get commissions; but if you were to throw open the army, you would at once have a large importation of the intelligent and energetic middle classes into it, even as privates, if you were to give them anything like a prospect of rising. But the Government have done nothing towards improving our military system, except throwing open the artillery, and uniting the Commissariat and Ordnance with the Horse Guards. I should not quite like to state my own opinion with regard to this last measure, but I will read to the House what the hon. Member for Middlesex (Mr. B. Osborne), who is a Member of the Government, and who ought therefore to be an authority, said on the subject some little time ago—

> "Will any man tell me that our military system, as existing at present, has tended to develope or bring forward military talent or genius? I deny it. Look, Sir, in the first instance, how the staff of the British army is composed. It is all very well for hon. Gentlemen to come down and talk of consolidation of the Ordnance, the Horse Guards, and the Commissariat, under one head, and the substitution of one Minister for another. I maintain (whatever may be the inherent vigour of that man, whatever may be his experience), a mere consolidation will not be sufficient; you must reconstruct your whole military system. The time has arrived when you cannot expect an army, besides winning battles in the field, to go through the vicissitudes of a campaign under the present state of things. You must lay an unsparing hand on that building adjacent to these premises; you must see, whether, in fact, you can find a modern Hercules to turn the Serpentine through the Horse Guards, and all the ramifications of the War Office. . . . .
> In England every one knows that it is not merit and capacity for which an officer is appointed to the staff, but interest and connection. . . . .
> I say you must not be satisfied with the army consolidation; you must reform the army and

the Horse Guards. . . . . The fact is this, that you never will have any reform till you commence with the Horse Guards, and are not satisfied with the mere consolidation of offices. It is very painful for me to make this statement; I have a superior duty to perform; I represent a constituency."

Really, if I had been speaking myself, I could not have used more appropriate language. This being, then, the opinion of a Member of the Government, I trust something will be done. We must remember that our words here will travel far; I know that every regimental officer in the Crimea is watching what passes here with the deepest anxiety; they trust in us, and they are hoping that we shall be able to break up the system which exposes them to so great wrongs. With regard to the navy, I am afraid there is much in its system which produces the same injustice and the same grievances as those which I have described with regard to the army. I am afraid there is the same favouritism at work there too. I will just give one instance of the perversity which characterises the administration of the navy. If there is one class of officers more valuable and more deserving than another in the navy it is the masters. They are entrusted with most arduous and most responsible duties; if a shipwreck takes place, the blame is generally thrown on their shoulders; but although there is a power to promote masters, Government will seldom or never exercise it. Some time ago I pressed on an hon. Member of this House, who sits at the Admiralty Board, to do something for the masters, and he told me that something was being done. It turned out that that something was a mere increase of pay, but there was no improvement whatever made as to promoting them in rank. Now, a mere increase of pay I say is no encouragement at all to such men. I have received letters from masters telling me that they were so disgusted with the service that they were longing to quit it, and enter into the mercantile marine.

I come now to the diplomatic service, in which I am somewhat more at home, as I have had considerable personal experience of it, and have made it, too, a subject of study, and on which, therefore, I can speak with some confidence. I will divide it into two parts—diplomacy proper, and the consular service. Recent events have shown us of what importance our diplomatic service is, and what important questions are committed into its hands; and yet, if there is one service more than another which is made the vehicle of favouritism it is our diplomatic. Here is a little book published annually by the Foreign Office, which gives a list of those who are employed in our diplomatic service. I open it at random and I read—Hanover—Minister, the hon. John Duncan Bligh, C.B.; Secretary of Legation, hon. G. Edgcumbe; First *Attaché*, hon. W. Nassau Jocelyn. Then I go to Austria. There the Minister is the Earl of Westmorland; the Secretary of Legation, hon. Henry G. Elliot; First paid *Attaché*, hon. Julian H. C. Fane. I turn to Berlin, and there I read—Minister, Lord Bloomfield; Secretary of Legation, Lord Augustus Loftus; First paid *Attaché*, hon. Lionel S. Sackville West; Second *Attaché*, hon. William G. C. Elliot; and so on throughout, showing what a complete monopoly the service is. From this little book I have made the following analysis of the composition of the service—Heads of Missions: 7 lords, 9 honourables, 2 baronets, 3 noble families; 7 gentlemen—nearly all small missions; 21 against 7. Secretaries of Legation—2 lords, 9 honourables, 1 baronet, 5 noble families; 7 gentlemen: 17 against 7. Paid *Attachés*—1 lord, 7 honourables, 6 noble families; 10 gentlemen: 14 against 10, but the 10 include Turkish or Persian Mission. Unpaid *Attachés*—2 lords, 5 honourables, 9 noble families; 17 gentlemen; 16 against 17. My hon. Friend the Member for Stafford (Mr. Wise) the other night mentioned the case of Mr. Stanley, who had been a précis-writer in the Foreign Office, and who, after six days' service as second *attaché*, was made first *attaché*; and, after three years' service as first *attaché*, was promoted to the post of secretary of legation. Certainly I should have thought that that family had had enough—two peerages and a bishopric, besides other things, ought to have sufficed for them. Then, on the other hand, there is the case of Mr. Alison—emphatically a man of genius—who has been kept in the embassy at Constantinople since 1839; an abler man does not exist; yet the Government, though they have made him Oriental Secretary, will not allow him to rank as a secretary of legation or to claim increase of pay; he is kept under such men as Mr. Stanley, and others who have been put over his head. What is the result of such a system as this? Why, honest, able, hard-working men give themselves up to despair, or get into a morbid state, and become unable to serve the public as they were wont to do. The system literally destroyed them. There are a great many other cases, all of which are equally bad; and let the House take my word for it—for I have been engaged in diplomacy and in the Foreign Office—there is nothing but favouritism in diplomacy. Yet the noble Lord (Viscount Palmerston) gets up and says that it is a great mistake to suppose that when vacancies occur in the higher offices the selections are not made with a view to efficiency. There is the case of our present Minister in Tuscany, whose office a Committee of this House recommended should be abolished, or merged in another. Certainly it has been well said that the country may afford to pension incapacity, but cannot afford to employ it. I am sorry to have to refer to individual instances, but I cannot flinch from that task when it is necessary to perform it in order to expose a crying evil and abuse. Some years ago it was determined to have gentlemen at Constantinople who should take the places of the foreign interpreters. Now I have heard the employment of M. Pisani and other gentlemen like him, performing the functions of interpreters to the British Embassy in the East, much condemned; and it has been said, that they are mere Russian spies, who are to be bought; but, in justice to this class, I must say (and I speak from experience), that I believe a more honest set of men does not exist; and I never heard of an instance in which they had ever in the slightest way betrayed the interests of this country. The system, however, is bad; and it is no reflection upon those gentlemen to say, that you ought not to have foreigners in your service if you can get Englishmen to fill their situations. Why should we not act as the Austrians, the French, and the Russians do in this respect? Well, several vacancies having occurred, four gentlemen selected from Oxford and Cambridge were sent to Constantinople to serve the office of interpreters; but up to this moment three of them are kept there upon miserable salaries and have not been so much as recognised as *attachés*. True they are told they can marry and settle there, and take up a profession; but how can they do so and keep up the position of gentlemen upon 250*l.* a year, less income tax and Foreign-office fees, without any chance of promotion, or even the advantages of a dragoman's place? Though one of these gentlemen has been abroad since 1840, he has not risen a single step. Now what is wanted in diplomacy, as in the civil service, is some test on entering. When I was at the Foreign Office many documents were submitted to me on the subject of examinations. Some of them went even further than I thought necessary, because I do not know that an acquaintance with botany, astronomy, and other abstruse sciences is of much use to such officers. Some examination, however, is absolutely requisite; and, above all, we ought to employ no man without paying him. The whole of our system of unpaid *attachés* is rotten from top to bottom. If a man's services are worth anything, pay him from the very moment he enters your employment; if they are not worth remuneration, let him be dismissed. I look upon diplomacy as a most important profession, and what I would suggest is, that you should advance your *attachés* by seniority to a certain point—say up to secretaryships of legation. You cannot safely promote them further than that by seniority, because in diplomacy book knowledge is not sufficient; you want greater qualifications than that, and in order to secure superior efficiency, almost any departure from rule may be justifiable, but that departure should never be made for the purpose of perpetrating a job, as is the case unfortunately too often at present. In the competition to which diplomatic appointments should be subject, a preference should be shown to those who have taken the highest honours in some of your public and recognised places of education, and inducements should be held out from time to time to such gentlemen to enter into the diplomatic service of the country. A word or two with regard to the consular branch—a most important service also, and one that is as ill-treated as are your diplomatic agents. Your consular establishment consists of four divisions which it is necessary to distinguish—Consuls-General, Consuls, Vice-Consuls, and Consular Assistants. Your consular service is no profession at all, and men are employed in it for the most extraordinary reasons, and sometimes for reasons, I may almost say, that morality would repudiate. The claims put forward for appointment to such posts are, indeed, often so remarkable that I am astonished they should be listened to for a moment. But in this service men are never promoted. The consul general, who is at the top of the tree, ought to have previously been, but never is, a hard-working consul. The noble Lord at the head of the Government bore testimony to the efficiency of some of our consuls. I have myself been acquainted with these gentlemen in Europe, Asia, and Africa, in the immediate range of the Mediterranean at least; and I must say that among them are many most able men, and men, in fact, who from their wonderful acquirements would be entitled to the highest posts in any profession. But are they ever advanced? Some of them write to me stating their grievances, and complaining of their long and unrequited services; and I myself know men with large families who have been for twenty or even thirty years stationed in some small town. True they are told that they may trade if they please; but this is a mockery, for how can they trade without capital, of which they are destitute? If they attempted to do so they would soon become bankrupt; they would set all the other merchants of the place against them; they would get into constant quarrels with the pachas, and everybody would insult them. You put a man upon 200*l.*, or 300*l.*, or, it may be, 500*l.* a-year, ; but, first, you deduct from his salary the income tax, which considering that he does not escape the taxation of the country in which he is living, is perhaps, rather hard. Then you subject him to another burden, which, I think, is an abomination—namely, what is called the Foreign Office clerks' fees. I will say nothing against the clerks in the Foreign Office, because during the short time I was in that department, I found men of such power and capacity there that I was ashamed to feel myself placed over them. But a consul and every diplomatic officer is obliged to pay so much for every 100*l.* he receives to a clerk in the Foreign Office for remitting his salary from time to time; and, what with this, and with the extras which the unfortunate consul, with 250*l.* a-year, has to pay, there is always a very large percentage to be deducted from his miserable income. I say, therefore, that you should do either one thing or another—either pay your Foreign Office clerks sufficiently, or fix your consular salaries at the amount which is actually paid; but do not by a sort of side-wind, eke out any inadequacy there may be in the remuneration of these clerks by cheating of his scanty earnings the poor consul in the East. Then you have your vice-consuls, who never rise; indeed, there is scarcely an instance of advancement in the consular service. Next you have got a perfect cloud of "consular agents;" but I scarcely ever knew an instance of a man rising in his office, and hence they are driven to objectionable practices as a means of compensating themselves for the want of promotion. These persons are mostly Greeks, or men of no nationality in the East. I read an amusing account of their proceedings in a book written, I understand, by a gentleman engaged in the Foreign Office, and entitled *The Roving Englishman.* I have seen hundreds of these consular agents myself over and over again; they are men who sell protection, who go about with two or three policemen bullying everybody; who make money by procuring exemption to individuals from the lock-up house and from the tribunals of the country, men who violate the law, represent themselves as British subjects, and pay these agents a small fee, in consideration of which, influence is exercised with the Pacha to secure their liberation. Thus, the authorities of the country are insulted; these men do not pay the customs' dues, and the local law is set at defiance. Well, the course which I would take to remove this scandal would be, if I ever heard of such a case, at once to dismiss the person concerned, and have him signally punished. Now, in the diplomatic and the consular services you should have a career. No man should enter the consular service unless he had previously been what in some European countries is called a "pro-consul;" but, as I do not wish to use high-sounding names, I will term it an "assistant consul." Let there be a probation to be gone through, as is the case in the French service, and when a man has served a certain period let him rise by merit to the highest places in his profession. Thus you will hold out to him that encouragement to exert himself which is now wholly wanting. I would also abolish the Foreign Office fees.

I now come to the civil service—a branch of the subject of pre-eminent importance, because it is a political question, and I hope we shall be favoured with the advice of the right hon. Gentleman behind me (Mr. Gladstone) upon it. Here we have safer grounds to go upon, because we have in evidence before us a collection of the most interesting and valuable papers drawn up by some of the most remarkable men in this country who have been engaged in all departments of the public service. These papers give the grounds, I hope, of future improvement, and a basis on which this House may work. Instead of expressing my own opinion upon the state of our civil service, I will read the opinions of some of the gentlemen who have made the reports which have been laid before this House. It is stated that the civil service of this country has been entirely confined to those who have had family and political influence, but chiefly the latter; and we all know that an impression has gone abroad of the power of the right hon. Gentleman who represents the Treasury in the House in the distribution of offices. Let us see what these Gentlemen say in their reports. I will cite the opinion of Mr. Romilly, and he will be regarded as an authority, for he has been appointed one of the examiners under the new regulations. He says of appointments in the civil service—

> "The only motives for such appointments being filled by political partisans is gratitude for political services. Active exertions in obtaining votes in the House of Commons, large sums of money spent in elections, a steady adherence to one political party at last followed by one adverse vote, just to indicate that the former unswerving devotion ought to be duly appreciated—these and similar considerations actuate the Minister of the day in dispensing receiverships, secretaryships, commissionerships, and chairmanships, as they fall vacant. . . . . In all cases the men so chosen are appointed not because they are peculiarly fit for the situations, but because as political adherents they must be provided for; they look upon their appointments, not as imposing new duties, not as an important field for fresh exertions, but as a reward for the past, and an agreeable and easy retirement from active life for the future. In other words, the good of the civil service is sacrificed to political considerations. A political party must be kept together. Hopes must be raised in the minds of the rising generation of politicians. But in the same proportion as hopes are raised in members of the House of Commons by every fresh political appointment to situations in the strictly civil service, they are lessened and crushed in the civil service."

The words I have read are those of a gentleman who has been chosen by the Government themselves as an examiner in the new system they are about to adopt; therefore they will give due weight to his opinions. Now, let us see what Sir James Stephen says. He states—

> "The clerks in the Colonial Office were clearly distinguishable into three classes. The first, a very small minority; the second being more numerous than the first, and the third, exceeding the number of the other two united. . . . . In the narrow circle of the first of these classes were to be found, not indeed combined in any one of the members of it, but variously distributed among them all—qualities of which I can still never think without the highest admiration and respect —such as large capacity of mind, literary powers of rare excellence, sound scholarship, indomitable energy, mature experience in public affairs, and an absolute self-devotion to the public service. It comprised some men who must have risen to eminence in any field of open competition, and who, if born to more ample fortunes, might reasonably have aspired to hold the seals of the office in which they were serving as subordinates. . . . The members of the third class—that is, the majority of the members of the Colonial Department in my time—possessed only in a low degree and some of them in a degree almost incredibly low, either the talents or the habits of men of business, or the industry, the zeal, or the knowledge, required for the effective performance of their appropriate functions. In many cases ample and valid excuses might be made for these defects; but of the existence of them it is impossible for me to doubt. Neither have I any doubt as to the cause of these extreme disparities between the persons of whom the establishment of the office was composed. The members of that which I have designated the first class, were, nearly all, men who had been sought out and appointed on account of their well-ascertained fitness for the public services. The members of that which I have named the third class were, without exception, men who had been appointed to gratify the political, the domestic, or the personal feelings of their patrons—that is, of successive Secretaries of State. The members of the so-called 'second class' were chiefly, though not exclusively, indebted to such nepotism for their introduction into the department. It will, of course, be understood, that this classification is wholly distinct from that which prevails there, under the same names, to indicate the seniority of clerks to each other. . . . . . I conclude, therefore, that there is in our public offices a nepotism which generates many serious abuses in the conduct of them."

Such is the evidence of Sir James Stephen. Now I will take that of Sir Charles Trevelyan. He says—

> "It would be natural to expect that so important a profession would attract into its ranks the ablest and the most ambitious of the youth of the country; that the keenest emulation would prevail among those who had entered it; and that such as were endowed with superior qualifications would rapidly rise to distinction and public eminence. Such, however, is by no means the case. Admission into the civil service is, indeed, eagerly sought after; but it is for the unambitious and the indolent and incapable that it is chiefly desired. Those whose abilities do not warrant an expectation that they will succeed in the open professions, where they must encounter the competition of their contemporaries, and those whom indolence of temperament or physical infirmities unfit for active exertions, are placed in the civil service, where they may obtain an honourable livelihood with little labour and no risk; where their success depends upon their simply avoiding any flagrant misconduct, and attending with moderate regularity to routine duties; and in which they are secured against the ordinary consequences of old age or failing health, by an arrangement which provides them with the means of supporting themselves after they have become incapacitated."

Then I have the opinion of Mr. Anderson, which I will not trouble the House with, as it is to the same effect as that which I have just read, but he states that when it was found necessary by a Commissioner at the head of a large department to introduce improvements in the mode of keeping the accounts, he could not find one among his large establishment of clerks who was sufficiently conversant with the scientific principles of accounts to carry out his plans of improvement. Mr. Chadwick, in his evidence, said—

"A secretary, complaining of the disadvantages of his service, related in illustration that out of three clerks sent him from the usual sources there was only one of whom any use whatsoever could be made, and that, of the other two, one came to take his place at the office leading a bulldog in a string. I have been assured that, under another Commission, out of eighty clerks supplied by the patronage secretary, there were not more than twelve who were worth their salt for the performance of service requiring only a sound common education."

A retired officer writes to Mr. Chadwick—

"Many instances could be given of young men, the sons of respectable parents, who were found unable to read or write, and utterly ignorant of accounts. Two brothers, one almost imbecile, the other much below the average of intellect, long retained appointments, though never equal to higher work than the lowest description of copying. Another young man was found unable, on entering, to number the pages of a volume of official papers beyond ten."

These extracts show that all these gentlemen agree, in fact, that these evils exist, though there is among them some difference of opinion as to the mode in which they are to be remedied. I suppose that the Order in Council which has been lately issued may be attributed to this Report, and to the little notice we are beginning to take of the civil service in this House. But this Order in Council gives no remedy for the evils I have alluded to; it merely declares that there shall be an examination; that when a man is sent up there shall be a test as to his being possessed of a reasonable capacity; but there is no system of competitive examination proposed. I will read to you what Mr. Romilly says on the subject of an examination, which I think will prove how useles a mere examination is without competition. Mr. Romilly says—

"I have been twelve years the member of a Board, and during that period not one candidate has ever been rejected; and only one, who was wholly incapable, was with difficulty induced to resign, after a still greater difficulty on the part of the Board to say that they would reject him if he did not. . . . I have been twelve years in a Government office, and during that period no instance has occurred of any one being found undeserving of promotion."

I have great doubts as to Mr. Romilly's fitness for the office of examiner, though I do not generally object to him; yet, I think I am justified in my doubts on this point by the evidence which he has given. He says—

"I am well aware that that which constitutes true gentleman-like feeling is found in every rank of life; but it is less common in the lower ranks than in the higher, and a selection, therefore, from a selected class would seem to me preferable to any choice, however extensive, founded upon competition. Admitting all the evils of patronage, and all the advantage of sweeping it away, as far as the Legislature is concerned, I do not think that the civil service should be made the instrument of the political regeneration of the country, unless it be good for the service itself. Parliament ought to be able to cure its own diseases, without having recourse to the civil service for the purpose."

I think this very extraordinary, but beyond I find a passage in his evidence which explains it. For he states that the effect of competition will be that the aristocracy will lose the lion's share of the civil service; but I will read Mr. Romilly's own words. He says—

"Notwithstanding its ability, the Report of Sir C. Trevelyan, together with other papers advocating open competition, have not convinced me. It still seems to me that the result of open competition will be a democratical civil service side by side with an aristocratical Legislature."

Before I read this Report I thought we had got rid of this vulgar delusion; but according to this gentleman we are still living under an aristocratical Legislature. He continues thus—

"Open competition must necessarily be in favour of the more numerous class. The natural abilities of that more numerous class—*i. e.* of the lower or less rich class—are not inferior to those of the higher or richer class. Inducements to cultivate those abilities for a special and important object, attainable by such means, will not be wanting. The comparatively moderate prizes of the civil service rise in value as you descend in the scale of society. 200*l.* or 300*l.* a year is a much larger fortune to the son of a tradesman or farmer than it is to the son of a nobleman or 'squire; and I therefore believe that the great majority of the appointments will fall to the lot of those who are in the lower social position. The more the civil service is recruited from the lower classes, the less it will be sought after by the higher, until at last the aristocracy will be altogether dissociated from the permanent civil service of the country."

If this means anything, it means this—that if you give the appointments to that class who possess the greatest amount of talent, and who have the greatest objects in working for the public service, you must introduce competitive examination, the effect of which will be to exclude the aristocracy. I am happy to say, that Mr. Mill, a gentleman of great experience, a profound philosopher as well as a political economist, has upset the absurdities of Mr. Romilly. Mr. Mill says—

> "If the sons of gentlemen cannot be expected to have as much ability and instruction as the sons of low people, it would make a strong case for social changes of a more extensive character. If the sons of gentlemen would not, even under the stimulus of competition, maintain themselves on an equality of intellect and attainments with youths of a lower rank, how much more below the mark must they be with their present monopoly, and to how much greater an extent than the friends of the measure allege must the efficiency of the public service be at present sacrificed to their incompetency? And more; if, with advantages and opportunities so vastly superior, the youth of the higher classes have not honour enough, or energy enough, or public spirit enough, to make themselves as well qualified as others for the station which they desire to maintain, they are not fit for that station, and cannot too soon step out of it and give place to better people. I have not this unfavourable opinion of them. I believe that they will fairly earn their full share of every kind of distinction, when they are no longer able to obtain it unearned."

I most entirely agree with those opinions. Let the public service be open to all classes. With regard to the examinations, I have a return which will somewhat amuse the House, of the system of examinations adopted, under the Order in Council, in each department, part of which I will read. In the Treasury—

> "The candidates are examined in the common rules of arithmetic, such as the Rule of Three, Vulgar and Decimal Fractions, Interest, and Discount; and they are required to make an abstract of some official documents, to test their intelligence, and to show that they are able to write and compose correctly."

One month is allowed for preparation for this examination. In the Customs—

> "Persons nominated to clerkships, upon presenting themselves to take up their appointments, are at once required to write from dictation in the presence of a properly qualified officer or clerk, and are examined in the principal rules of arithmetic and the first four rules of Decimal and Vulgar Fractions."

The candidates are here "placed on probation" for three months. In the Excise (Inland Revenue) office—

> "No person is fully admitted as a clerk until he has been examined and his proficiency has been ascertained in reading, writing, Vulgar Fractions, Decimals, bookkeeping by double entry, writing from dictation, correspondence, geography, and the history of the British empire."

In the Post Office the examination is very vague—penmanship, orthography, and arithmetic. In the Admiralty there are marks for the different subjects in which examination takes place, including writing from dictation, précis writing, arithmetic, English history, geography, Latin and French, the total number being 300. Any one who can get 100 is qualified, and, therefore, if a person can obtain fifty for writing from dictation, and fifty for précis writing, he escapes the other tests. There is no examination at the India Board, but appointments are probationary for one year. There are also no examinations at the Home Office, the Foreign Office, and the Colonial Office. The subjects of examination in the Paymaster General's Office are—

> "Practice; Rule of Three—direct, inverse, and double; Vulgar and Decimal Fractions; Interest, Purchase of Stock, and Exchange; writing from dictation; a précis or abstract of some official documents."

No examination takes place in the Office of Works, or the Office of Woods. The examination in the Audit Office comprises handwriting, English composition, and the rules of arithmetic up to Decimal Fractions. The subjects of examination in the Registrar General's Office are—

> "1, Writing from dictation; 2, arithmetic; 3, geography; 4, history (occasionally)."

What is meant by "occasionally" I do not know. In the Ordnance Office there are no less than thirteen heads of examination, some of which are very amusing—

> "1, The candidate is expected to be able to read aloud with proper emphasis and discretion; 2, to write correctly from dictation; 3, to be conversant with the common rules of arithmetic, including Vulgar and Decimal Fractions; 4, to be acquainted with bookkeeping by double entry if appointed to an office of accounts; 5, to be acquainted with geography; 6, to be able to write a letter, and to make an abstract of correspondence; 7, to give a written or *vivâ voce* opinion on an ordinary subject which may be proposed to him for the purpose of testing his general intelligence."

I will not trouble the House with the other tests, but this examination seems to me, upon the whole, a very fair one. In the War Office—

> "The greatest importance will be attached to superiority in English grammar, English composition, and writing correctly from dictation, and in arithmetic to the extent of a practical

acquaintance with the Rule of Three, Practice, Interest, and Vulgar and Decimal Fractions; a candidate will be allowed to indicate any book or subject upon which he may wish to be specially examined."

In the Poor Law Board and the Board of Trade there are no examinations. The examination in the Exchequer appears to be very fair, if properly carried out, and has been pronounced satisfactory by Lord Monteagle. In the National Debt Office—

> "A candidate nominated to a clerkship is subject to an examination to show that he can write with ease and facility a clear legible hand; that he can copy in a fair and correct manner from manuscript or print, and manuscript accounts selected and set before him for that purpose; that he is complete master of arithmetic up to and including Vulgar Fractions; that he has a fair knowledge of history and of geography."

I cannot conceive how a man who is unable to copy from print can have much proficiency in any other branch of knowledge. There are a few other offices alluded to in the return with which I will not trouble the House. Such are the examinations now in existence, but, unless you have a fairer means of appointment, these examinations are no test of qualification. We do not want a mere examination to enable a man, after he has been appointed, to enter the gates of a department; we want an examination which will really test the fitness of one man above that of others who may apply for the office. The question as to whether there ought to be competing examinations is one of considerable difficulty; but the arguments in their favour are, I think, stronger than the objections to them. It is said that if the public service is thrown open to all, you will be assailed by claimants from every part of the country. I do not think much harm would be done if that were the case. An eminent French statesman who was talking to me yesterday upon the subject took this objection, and illustrated it by an anecdote. He said that the Finance Minister of France, after the Revolution, received so enormous a number of applications for places that he did not know what to do; every man in France thought that he was entitled to a post under a free Government. In one day he received no less than 700 applications; and he then wrote to all the candidates desiring them to attend at his house on the same day and the same hour. When the time arrived the antechamber, the staircase, and the hall, were of course filled. The Minister presented himself, and said, "Gentlemen, what have you come here for? I suppose for places?" Their silence argued assent. "Well," said he, "I have only one place at my disposal; that is my own. If you would like to have it, apply for it." But I believe nothing of that kind will happen in England, if you upset the system which makes the distribution of places a political favour. Every Member of this House would be rejoiced to be relieved from the duty, for it has become almost a duty, of making applications for places for his constituents. There is no harm in those applications to a certain extent. The course I pursue with regard to my own constituents is this:—when a man asks me for a place, I say, if I know him, that I will certify that he is a respectable and competent person. If a person, known to be a respectable and competent man, applies for a small post in the town, it is no favour to get that post conferred on him. But the present system cannot be destroyed while your constituents have a right to ask you to forward their claims. A man ought to have other means of obtaining a post than an application to his representative. It is said to be almost necessary to the existence of a Government that they should have places at their disposal, and Mr. Romilly has stated that Members of Parliament are not to be kept in good-humour without places. The first thing, then, that we ought to do is to pledge ourselves not to ask for places. If it is disagreeable to us to forward applications, and to the Government to receive them, let no more applications be made through us. But human nature will always remain human nature, and, unless a man has other means than those now afforded him of obtaining admission to the public service, the same influences will be employed, and the present state of things will continue to exist.

There is one more question upon which I wish to say a few words. A small pamphlet has been lately published on the reorganisation of the civil service, written by a gentleman connected with that service. Let the House hear, then, what these gentlemen have to say for themselves—for, although the pamphlet is anonymous, it is deserving of consideration. It shows, what the evidence which I have read proves, that the system in your public offices is as antagonistic as possible to the discharge of the duties of those offices; that men are placed in public offices whose claims rest upon political considerations; and that your offices are overcharged with incompetent people. The money voted for the public service is larger than the public like, and we therefore have Motions for the reduction of these sums; but the House does not usually cut down the salaries of the high officers, but those of the hard-working and useful men, the tendency of which is to fill the offices with useless and inefficient men. There is not one honest man, whether he is in favour of reduction or not, who will not say that a man who has a fair amount of duty to perform ought to receive a fair amount of pay. If you reduce your offices to the number of men who are competent to the duty, you may fairly increase the pay of those who fairly earn it. The first thing is not to cut down the pay of public offices, but to reduce the number of men to that which is required for the public service. Upon another point I agree with this Gentleman, when he speaks of the superannuation fund. It is all very well to say, that by means of this fund members of the civil service have a certainty to retire upon; but how is that certainty acquired? By cutting down the pay. It is clear it ought to be left to an actuary to estimate what a man ought to receive after the payment of a certain amount, and after a certain number of years' service. There is another question treated of in the pamphlet:—

> "The other question, that of leaving the service, is much more important. The secret history of the superannuation scheme is difficult to get at; but it is indisputable that the Government has been levying a tax upon all official incomes for the purpose of granting superannuation allowances, which tax, in its accumulations, exceeds its liabilities by many hundreds of thousands of pounds, and which allowance is always granted grudgingly —seldom until the recipient be quite worn out, and generally with some mysterious reductions and uncertainties as to its amount. It is difficult to conceive what the Government has to do with it at all, except to give up those accumulations, which, whoever may have a right to them, certainly do not morally belong to the present possessors. In the ordinary course of things, if a man does not choose to store up for a rainy day, there is no Act of Parliament compelling him to be provident; and if his salary as a civil servant be not sufficient to enable him to lay by for his old age, that may be an argument for increasing his emoluments, but not for levying a tax of 5 per cent upon what he now receives, where 2½ would do; nor, indeed, of meddling with the disposal of his private means at all."

He describes in a graphic way how the unfortunate man tries to get this retiring allowance:—

> "He has to shift and dodge on, broken-spirited, nervous, and dyspeptic. By night he runs the gauntlet of 'Parr's Life,' 'Norton's Camomile,' 'Cockle's Antibilious,' and other miraculous medicaments; by day he is more occupied with his diet than his duty; his office gets disorganised, his juniors lose their temper, feel the injustice of working with a man who ought not to stay, and yet who may not go, and become mutinous, while he either dies in harness full ten years before his time, or condescends to unworthy tricks and imaginative certificates, until he wrings a shorn and mutilated allowance from half-incredulous 'my Lords.'"

The pamphlet is full of cases like this, and is clearly an exponent of the feelings of the men themselves, who would be affected by the changes proposed. I have read the evidence of Mr. Anderson, who shows that our public offices are overcharged with servants, and I will read another passage from his evidence. Mr. Anderson says—

> "Every person who has had experience in conducting a large office will admit that, if all were really efficient, not only would the business be better and more expeditiously done, but it would be probably executed by two-thirds of the number of clerks now employed."

I will not trouble the House with further remarks on the civil service, but I might say something on the manner in which the Governments of this country are organised. This subject comes within the scope of my argument, for I have the admission of a noble Lord in the other House (Earl Granville), who said that, although he had many connections in the present Administration, yet he had three cousins in the Administration of the Earl of Derby. This, then, is no party question, and, if this is admitted, the question is placed upon the basis that I wish. Government, then, in this country, is more or less an affair of family relationship and connection. I do say that this is one of the most grievous causes of public complaint, and that it is working more than any other upon the country at large.

Now, Sir, I will go to the third proposition of my Resolution—that the state of things of which I complain has given rise to great misfortunes, and threatens to bring discredit upon the nation, and involve the country in great disasters. No one now will question the fact, that our public establishments are not what they should be either in regard to efficiency or economy, and no one will question the fact that very great changes are necessary—I doubt, indeed, whether any reasonable man will question the truth of the assertion, that the misfortunes that have happened may be traced to the imperfect condition of the public service of the country. I have found a curious speech, which I have extracted from the newspapers. The House will remember that the noble Lord at the head of the Government said there were no complaints made of the departments which were filled by members of the aristocracy, but that where complaints were made they were directed at departments like the Medical department and the Commissariat, which were not filled by members of the aristocracy. That was not a wise speech, certainly, and the senior surgeon of the hospital at Smyrna, in a speech printed in the public papers, appears to have called his brother doctors about him and made the following speech—

> "It may be very well for Lord Palmerston to get up in the House of Commons and say that the departments officered by the aristocracy have not failed in the recent trial, but that the Medical department and Commissariat have failed because their officers are taken from the middle classes. We can retort, and prove the truth of what we say, that, had we been left to ourselves, unchecked by the incapacity of those who have risen rather by family influence than by merit, it would not have been under the pressure of a great war that reforms—long since effected in our civil hospitals, long since imitated in some degree by our allies—would have been carried out by our military medical brethren."

Sir, I admire the courage of a public servant who can get up and say this publicly and allow it to be circulated. But I am told that a better state of things is approaching, that great successes have attended our arms, and that there is no reason to fear any great disasters. No one is more willing than I am to acknowledge the importance of the successes we have recently obtained. But are those successes so extraordinary that we are to be surprised at them? I have always believed that successes would be the inevitable result if the two services, the army and navy, had fair play, and if we sent the right man to fill the right place. But do the successes we have recently obtained warrant us in concluding that we are at the end of this war? It is too much the habit of this country to express at one time a despondency which is not justified by events, and at other times a state of exhilaration which is not more justified by any successes that we have obtained. The latter is the case at present. We have had some successes, but does that warrant the belief that the war will thereby be brought to a speedy and honourable conclusion? Sir, I very much doubt it. I warn the Government that although it may be all very well to divert attention from the question at issue by means of these successes, yet these achievements are but minor matters, and that their influence will not last long enough to remove from the Government that feeling of distrust which more and more prevails, and which will continue to prevail. I warn the Government not to depend upon these successes to remove the prevalent distrust, but upon the reform of our public establishments. Reform them, and we shall have some chance of real success. The late Duke of Wellington came to the command of the army in the Peninsula under a state of things not very different from that which prevails at present. When he was sent to Spain he had a commissariat to form and an army to organise; but by his abilities, talents, and energies, he did what was required. He not only reorganised his army, but he fed the inhabitants of Portugal; he opened a communication with America, and obtained supplies from the remotest parts of the world. Had we such a man now we should obtain the same successes. But, as it is, we ought not to flatter ourselves that we are at the end of the war. I did not expect that we should obtain peace on the terms proposed, because we had not obtained the necessary successes. But suppose further successes are acquired—suppose Sebastopol taken—shall we be essentially in a better position for concluding a peace? On the contrary, I fear our difficulties will be increased, and I warn the country not to believe that our recent successes, important and honourable as they are, entitle us to believe that they will bring us to a speedy and satisfactory peace. I believe the war will be a long war, and that it will only be determined by such a reform of the whole of our system, military and naval, as will lead us to send those men to the seat of war who are best fitted to carry on the war with due and proper effect. If we do not, the war will be either longer than we expect, or we shall incur such disasters as will compel us to make a peace which will not be honourable and satisfactory to this country. Let us infuse into the Government that energy, that intelligence, that wisdom in council, which is worthy of a great people in the present moment of national emergency. The hon. Member concluded by moving the Resolutions of which he had given notice.

Motion made, and Question proposed—

> "That this House views with deep and increasing concern the state of the Nation, and is of

opinion, that the manner in which merit and efficiency have been sacrificed, in public appointments, to party and family influences, and to a blind adherence to routine, has given rise to great misfortunes, and threatens to bring discredit upon the national character, and to involve the Country in grave disasters."

COLONEL FREESTUN said, he wished to refer to some remarks made by the hon. Member of a personal character with respect to a letter he (Colonel Freestun) had addressed to a public journal with regard to his not having been present at the meeting of the Administrative Reform Association on Wednesday. He was surprised that the hon. Member for Aylesbury should have presumed—should have dared to question his veracity. ["Order!"] He asked the hon. Member if either the Members for Plymouth, Maldon, Gloucester, Brecon, or Leeds were present at that meeting? He repeated the statement in his letter that they were not. He rose merely with that object, and he was perfectly content to leave gentlemen of greater ability to deal with the general subject now before the House.

MR. LAYARD said, he was extremely surprised to hear what had fallen from the hon. and gallant Member. He did not say those Gentlemen were present—he merely remarked on the words of the hon. and gallant Member in the letter "with such truth," with a (?) after it, "by the hon. Member for Aylesbury." The hon. Member now charged him with being guilty of that of which he was himself accused.

COLONEL FREESTUN was about to proceed, but resumed his seat on loud cries of "Order!"

SIR STAFFORD NORTHCOTE said, he was anxious to say a few words on the latter part of the subject which had been referred to by the hon. Member for Aylesbury, to which he had paid considerable attention, namely, the state of the civil service. He agreed with many of the observations of the hon. Member for Aylesbury; but he thought the hon. Gentleman had not pointed out anything which was deserving of the name of a remedy for the evils to which he had directed the attention of the House. He (Sir S. Northcote) was anxious to explain, so far as he was able to do, the nature of the remedy which he believed might be applied to the existing state of things. Having been for some years a member of the civil service in a subordinate position, and having heard it continually made the subject of a great deal of abuse—sometimes of unfair abuse—he was anxious to plead their cause. It was a service which was very heavily weighted, which had imposed upon it very unnecessary restrictions, which had very few encouragements, and which was too often expected to perform duties which it was really—not from any inherent weakness in itself, but from artificial causes of weakness to which he would allude—unable to discharge. There was, in the first place, a great tendency to overlook the distinction between the political and the permanent branches of the service. The political branch consisted of a very small number of gentlemen, of high abilities and position, who had attained a rank which gave them, to a certain extent, absolute dominion over the offices over which they presided, and it was natural to expect that those noble Lords and right hon. and hon. Gentlemen should manage their offices, and make them effectual for the work which they had to do; but, however anxious they might be to make the offices efficient, they were prevented by the circumstances of their position. Within the last thirty years there had been something like twelve or thirteen total changes of Ministries, and in each Administration some one or two shifts in different departments; so that there was a tenure of office on the part of any one chief of a department averaging little more than two years. The Gentlemen who were appointed to the head of one of these departments probably had no previous experience or knowledge of it; they were obliged to spend a very large portion of their time in the discharge of their public and Parliamentary duties, with the additional obligation of making themselves acquainted with the public questions with which the department had to deal, so that they really had no time to make themselves acquainted with the routine and subordinate duties of the office at the head of which they were placed, or to become acquainted with the traditions of the office to which they were appointed. How, then, could the head of a department be expected to undertake the remodelling of it on a footing of thorough efficiency? Supposing a man to have the capacity of the Duke of Wellington himself, it was utterly impossible that during so short a tenure of office all that could be accomplished, even if he had the most absolute power, to make changes and to enforce any system of discipline he might think fit. But that was not all. The truth was, he had not that power. In theory the chief had arbitrary power over the department, but that power was tempered by most important considerations. He found there a great body of men ranged in classes, which were the growth of twenty-five or thirty years. He found those men possessed of all the traditions of the department, which he had no means of attaining except through their instrumentality, and it was utterly impossible for him to dispense with their services, or materially to alter their position in the office, at all events on first coming into it, without throwing the office out of gear, and getting into inextricable confusion. That was one difficulty. But to take another. Supposing he promoted one man, whom he considered to merit it, above his superiors, or supposing he went further, and, where an officer was inefficient or past work, he dismissed him, he was immediately called to task—first, by memorials from juniors in the office; secondly, by letters in the newspapers; and, thirdly, very probably, by Motions in that House, calling him to account for the gross injustice of summarily passing over Mr. This or Mr. That, who, by a long course of service, with which no one of his predecessors found, or cared to find fault, had merited considerable praise, and the Secretary of State or President of a Board, whichever it might be, was supposed to have been actuated, not by pure motives—they were never given credit for any pure motives—but by imaginary favouritism. He appealed to hon. Members who had had long experience in that House whether that was not the true state of the case? He had known instances in the civil service of agitations got up against attempts made by the heads of a department to remove men, or to pass others over those of superior standing, and therefore he was quite certain the fact was as he stated it. Another difficulty was that the head of a department could not afford, in the middle of a Session, when a great deal of important work was on hand, to throw the office out of gear by suspending or dismissing the permanent servants. Supposing it could be done without much danger, they would have one hon. Gentleman coming with one set of views and altering the department so as to make it work in his particular way, and his successor, with other views, altering it again, so as to make it work in another way. They were told to look at any firm of bankers or merchants and see how they conducted business—that they did not go upon routine, but that they contrived to do their work—that they contrived to accomplish the task they set themselves; and they were asked why did not the heads of the Government departments do the same? To that question there was a very intelligible answer. If any man were to enter a merchant's office, and were to say to him, "I think your manner of conducting business creates confusion;" his reply would be, "What's that to you? I know the way in which I can do my business best, and I do it in that way." But would the same answer be applicable with regard to a public office? Not at all. Take the case of the noble Lord the Secretary for the Colonies. The noble Lord when he entered the department, would probably organise it upon a system of his own, which men sitting on the opposite side of the House might say was not a good system. If the noble Lord were in the position of the head of a private establishment he would naturally say, "What is it to you how I organise the department, provided I conduct the business properly?" and that would be all very well if the noble Lord were to remain at the head of the department for fifteen or twenty years. But perhaps at the end of two or three years there would be a change. Probably the right hon. Member for Droitwich (Sir John Pakington) might become head of the department, and that right hon. Gentleman, finding the business conducted upon a principle which he had always disapproved, would refuse to take the department upon the footing on which it had been left by the noble Lord, and would establish an entirely different system. How then was it possible, while the public departments were liable to such changes and rechanges, that they could be conducted in the way private establishments were? It was therefore necessary to have some fixed system of routine upon which the public offices were to be conducted in order to enable them to work at all. Now, the system of routine already established was not a good system. He did not make that assertion because individually he entertained views which would induce him to work an office on a different principle to that on which they were at present worked, but he did so because he could see that there were fundamental faults in the whole of the system by which the public officers were appointed; and that secondly, and to a much greater extent, there were faults in the mode in which those officers were worked when appointed. Possibly there might be such difficulties in the way of the adoption of an improved system for getting good men as to render it impossible to change it for the better; but what he contended was, that when good men were secured, they were worked upon the worst possible system. All the good that was in them was taken out of them, and they were not allowed to develope it for the benefit of the public service. The great evil which beset the civil service was the habitual disregard of the principle of promotion by merit. This at once reduced the faults of the system to a vicious circle. The service was made inefficient because the men working in it were habitually superseded by strangers in the highest and best appointments, and this on the assumption that they were not efficient for the discharge of these high offices. It was well known that our clerks in public offices were generally arranged in classes. A young man first entering the service was placed in the bottom class, with a very low salary, and employed in copying or some other mechanical work. From that position he rose by degrees, chiefly according to seniority, to a high post in the office; but when he had risen to the highest post in what might be called the hierarchy of classes, there were certain staff appointments—posts of much greater honour and emolument—to which he was almost invariably forbidden to aspire. Now, what was the consequence? A young man of eighteen or nineteen entered a public office at a salary of 70*l.*, 80*l.*, or 90*l.* a-year, and for the first five, ten, or fifteen years nothing was required of him but to copy despatches and fold up and seal letters. Was it reasonable to expect that the head of a department having such an appointment to make would be very critical in his inquiry as to whether the young man he was about to appoint was a man of first-rate abilities or had taken a degree at the University? Generally the result was the appointment of a young man of small abilities, because no young man of any ambition, or who possessed friends in a position to enable him to enter any of the open professions with the least hope of success, could be induced to enter the civil service as it was at present constituted. In the course of time the man who entered the service at the bottom of the list would rise to a post of greater emolument and importance, but the chief of the department would be always prevented from giving him a staff appointment, because when he entered the service he possessed very little ability, and while he had been there it had pleased Heaven to make it less. He had perhaps risen from 80*l.* a year to 500*l.*, or to 600*l.*, or it might be 1,000*l.* in the ordinary routine, without any inducement for making any extraordinary exertion, or showing any superior capacity; and should a man in this position in the service devote himself to anything in particular, it would only be by the rarest chance that he could get to any situation higher than that attained by the lazy fellow at his side. What could be expected from a man who at the beginning of his career possessed but little ability, who for ten or fifteen years was employed in the meanest and mechanical drudgery, and who was invariably told that his prospects did not depend in the least upon himself? It was utterly impossible to make anything of such a man as that. But it would be said, such men ought to be dismissed. Suppose the chiefs of departments could turn out all in their offices and appoint whom they pleased, what would be the result? In America nearly the whole body of civil servants went out with the change of Government, and a new set came in. What was the consequence? The other day the new party, the "Know-Nothings," issued a manifesto in which they stated that party action had lost all its dignity, and had degenerated into a mere struggle for office. It was not desirable that this state of things, which was said to exist in America, should be introduced into this country. Then if they could not manage to work their offices by the influence of the political chiefs, could they work them by their permanent chiefs? In the Colonial Office, for instance, they had had Sir James Stephen for many years, and they had now Mr. Merivale; both men of eminence, and both holding a permanent position; it might be said, why not remove the appointments from the hands of the political chiefs, and place them in the hands of these permanent chiefs? That was a doctrine in which there was a great deal of plausibility; at the same time there was a tendency in such a plan to what was called "bureaucracy," just as, in the other supposed case, there would be a tendency to what was called the "wire-drawing" system, and there would be as much opposition to the introduction of a system of bureaucracy as of the wire-drawing system. But was there any other system proposed for the adoption of the House? He had listened to the hon. Member's speech, but he was disappointed; for, after having pointed out the evils, he had proposed no remedy for the evils. The hon. Member had alluded to the Report he (Sir S. Northcote) and Sir Charles Trevelyan had drawn up, and he had thrown cold water on it; but he had proposed no other remedy for the evils complained of, except one—the taking of the "Goderich pledge"—that every hon. Member should pledge himself never to darken the doors of the right hon. Gentleman the Secretary for the Treasury again. But the hon. Member, at the same time told the House that all appointments must still be made by the Secretary to the Treasury; and, if Members took the Goderich pledge, it was to be feared that while the best men in the House would keep that pledge, it would be broken by the more unscrupulous. But then, again, people said, "Why don't you, seeing that you have in this country a large number of individuals who have succeeded in important undertakings of a private nature—why don't you, when an emergency arises, call in the assistance of such men, for example, as Sir Samuel Peto or Mr. Lindsay?" To any such course as this he conceived great objections existed. We had a civil service expressly constructed for the purpose of doing all this work, and was it to be said that when business of any importance arose it was necessary to apply to private enterprise in order to get it done? There was a homely proverb which said that "those who keep dogs should not attempt to bark themselves." If we kept a dog in the civil service we should make him do his duty; we fed him well, and why should we not get our money's worth out of him? By calling in assistance from without, and giving rise to the inference that our own *employés* were unequal to the occasion, we inflicted a heavy blow upon the *morale* of the service. Our civil servants would then say, "Oh, we shall reap no honour in any case; the prizes of the service will be given to men called from without; and we, therefore, have no incentive to exertion." Why, this was the great evil of which the civil service at this moment complained, namely, that the chief appointments were given to successful lawyers, to military men when they retired from the army, to men who had risen to some rank in this House, and that they were not given to those diligent, faithful, meritorious civil servants who had worked in the ranks, and had striven to raise themselves, and who would naturally work with greater zeal and hopefulness if they thought that they would be rewarded by those higher posts at present conferred on others. This was exactly the case of the regimental officers in the army against the staff; and if the regimental officers were disheartened at seeing the honours showered upon the staff and themselves passed over, so in the same way the civil servants were at present disheartened by finding that their services were overlooked and the best appointments given to strangers. Perhaps he might here mention a case which had occurred within his own knowledge, and which confirmed the statement of the hon. Member, that by a proper distribution of *employés* you might materially diminish the expenses of the civil service, while at the same time you might reward merit and secure efficiency. The statistical department of the Board of Trade, which was founded some twenty years ago, was presided over by the late Mr. Porter, who was extremely well qualified to discharge the duties of superintendent, and who, during the ten years in which he held it, brought the department into a very perfect state of organisation, and established such a system for the collection of information as would almost go on of itself, with the aid of proper clerks. Mr. Porter held the office of superintendent for ten years. Under him were an assistant superintendent, and two or three clerks. When the hon. Member for Glasgow (Mr. John Macgregor) resigned the appointment of Assistant Secretary to the Board of Trade, the vacant office was most properly conferred on Mr. Porter. That gentleman then stated to the head of the office that the statistical department was now in such a state of efficiency that he could rely on its going on with comparatively little superintendence, and that if the Government would give to the gentleman immediately under him—who he stated had always proved highly efficient—an increase of 100*l.* a year, he (Mr. Porter) would be very willing to give such superintendence as should insure the proper working of the department. By this arrangement there would have been a saving of nearly all the salary of the superintendent of the Statistical Department; a clear saving of 500*l.* or 600*l.* a year would have been effected;

while proper encouragement would have been given to those subordinates who had been working efficiently under Mr. Porter for so many years. The Government rejected that proposal, because they had the appointment of a Superintendent of the Statistical Department, and did not wish to throw it away. Well, whom did they appoint? They appointed a gentleman against whose merits he (Sir S. Northcote) could say nothing—Mr. Fonblanque. Had he been in the civil service? Not at all. Had he had anything to do with statistics? Not at all. He was a gentleman of great literary ability, one on whom the Government of the day naturally looked with favour, and it was as good an appointment of the kind as could be made; but it was thoroughly vicious in principle. To appoint a man out of the service, and over the heads of those who had long worked in it, must naturally discourage them and break down the efficiency of the department. Remonstrances were made, and the reason given for the appointment was that the Government were about to undertake the institution of a system of agricultural statistics, and that therefore Mr. Fonblanque was appointed to superintend it. Had he done so, or had it been intended he should do so? With respect to the plan which had been proposed by Sir Charles Trevelyan and himself, he (Sir S. Northcote) begged to remark that it had been inaccurately described as a plan to recruit the civil service by competition. That was a portion of the plan, but not the whole. They drew up a plan recommending a system of promotion by merit, division of labour in the offices, and also the principle of appointments by competition. It had been stated that they began with a crotchet about competition, but the fact was, they began with the idea of appointments, to be checked by a system of examination, as a fixed test. He was ready to make an admission to the right hon. Gentleman the Secretary to the Treasury (Mr. Hayter) that he was of opinion the patronage administered by that right hon. Gentleman was better administered than any other part of the Government patronage. He referred to the patronage exercised by the right hon. Gentleman in the Inland Revenue and Customs Departments. In no other department was there a more perfect system for a division of labour, or a better system of promotion by merit, or so good a system of appointments. The mode was for the right hon. Gentleman to nominate candidates, whom the department examined, and if found to be wanting they were rejected. This examination was, he believed, a thoroughly *bonâ fide* one, and Sir Charles Trevelyan and himself were so satisfied with it that at first they had an intention to recommend that some system should be made general and the whole patronage of the Government should be placed in the hands of the right hon. Gentleman the Secretary of the Treasury. He did not mean to say that they had named the right hon. Gentleman in their Report; but they meant that the Treasury should name the men, and that a separate board of examiners should be appointed to see that they were properly qualified to fill the office to which they were nominated. When that plan was proposed serious objections were made to it by gentlemen who were connected with other departments, and who were jealous of Treasury patronage, which they thought was already too great, and they were obliged to give it up. The appointments, too, in the Customs and Inland Revenue Departments were very differently circumstanced from those in other branches of the service, because they were not sought for by persons in the higher stations of life, but were generally sought by the lower class of voters for their sons or other relatives. The system was, for the voter to ask his representative to get his son or nephew an appointment. The Member recommended the candidate to the Secretary for the Treasury, but did not, perhaps, much care whether he got the place or not. The right hon. Gentleman in his turn recommended the candidate to the department, but did not much care whether the department accepted him or not. All the Member wanted to do was, to send a civil answer to the voter, to show he had done his best, and all the right hon. Gentleman wanted to do was also to send the Member a civil answer, to show he had done his best. But if Mr. John Wood, for the purposes of the service, said, "This young man will not do;" then the right hon. Gentleman says to the Member, "I am sorry, but you cannot expect me to sacrifice the civil service to your friend." The Member might grumble a little, but he would send the answer to the voter, who perhaps would grumble a little louder. It was like a series of "buffers" going through a train, and a shock was not felt so much as if a first-class carriage was run direct against the engine. But supposing that the Treasury patronage were extended to higher departments, to which hon. and right hon. Gentlemen might appoint their own cousins and nephews, the pressure on the examining board would become too great, and, in fact, the plan could not be carried out. He agreed with the hon. Member for Aylesbury that the appointment of a commission of examiners was a step in the right direction, provided it was intended to proceed further, otherwise it would do more harm than good. If a fixed test was to be established, it must be a moderately low test, otherwise complaints would be made,—"My son distinguished himself at college; his tutor says he is a most promising young man; to be sure he did not take his degree, on account of ill-health or some reason, but to be plucked upon this examination is monstrous. He is perfectly competent, as I can get half-a-dozen certificates to prove." No board of examiners could stand against that; it must either be a board for stereotyping mediocrity or for concealing bad appointments. All bad appointments could then be defended by saying the candidates passed the board of examiners. He was reminded of a story of a Bedouin tribe, to whom a neighbouring sultan intrusted the charge of an elephant—a charge which the Arabs soon found to be onerous and ruinous to them. The sheik undertook to visit the sultan with a companion, and explain their grievance; but as it was an awkward thing to go to the sultan with such a message, it was agreed that the sheik should commence the conversation by the words "the elephant," whereupon the companion should take up the story of their distresses; but, being overcome with awe at the sultan's presence, he was unable, when the proper time came, to utter a word. The sheik repeated, "Sir, the elephant;" when the sultan, growing impatient, exclaimed, "What about the elephant?" "The elephant," stammered the sheik, "languishes for the want of a companion;" upon which the sultan immediately committed a second elephant to the custody of the tribe. The board of examination might become the second elephant, sanctioning and endorsing the previous bad appointments, and creating additional patronage for themselves. The examiners must be most eminent men, for the commissioners could not be expected to carry on examinations, and the expense would be great. Unless they made the system effectual, unless they altered the whole code and *morale* of the service, they would do nothing. They might spur a living horse to exertion, but they could not galvanise a dead one into life; and they might depend upon it that under the present system the civil service was depressed and was rapidly approaching the state of the dead horse. They must get rid of the great bane of patronage. Promotion by merit was always felt by those who were not originally appointed by merit as a species of favouritism; they were unable to look upon it in any other light; and as long as the idea was kept up in the civil service that promotion went by favouritism, they could not expect that it would be believed that a man was appointed to a place because he was fit for it. We fostered this spirit by our common language. People talked of "giving a man a place." The maxim was, "here is a place that will do for this man," and not "here is a man that will do for this place." The man was put down on a list until a place was found that would suit him; and it was made a matter of favour to appoint him to it. If a person appointed by a Whig Government were placed over a man appointed by a Tory Government, the latter would immediately say, "Oh! that is because he is a Whig and I am a Conservative." This was one mode by which favouritism operated. But there was the converse of this:—Suppose one man appointed to an office by one Government, and the succeeding Government should know another man infinitely superior for discharging the duties of the office to the first, still the latter Government would often say, "Oh! we cannot promote that man over the other, because it will be said that we have done it as an act of favouritism." And thus it was that the whole system of the appointments in the civil service was rendered vicious. He did not understand what the objections were to the introduction of an entirely new system. The hon. Member for Aylesbury had alluded to the argument used by Mr. Romilly in favour of the appointment of the members of the aristocracy to the higher offices of the civil service, or, as the word had been especially used—the appointment of "gentlemen" to those offices? But what was meant by the word "gentleman"? Was it one who could boast of sixteen quarterings in his escutcheon? He believed that the general acceptation of the word "gentleman" was that of a person who had nothing to do. As when boys would say—"I will be a lawyer"—another would say, "I will be a soldier"—and a third, being of an idle disposition, would say, "I will be a gentleman.'" The real argument of those who said, "We object to this new system because it will not give us gentlemen," was, that the system would not give them gentlemen in whom they could place confidence. If that argument were good for anything, how much must it tell against the examination system. A man might be selected because he was known to be a good and proper man, and yet he might be rejected by the examiners. He felt that he should be doing injustice to the civil service if he were to sit down without expressing his strong opinion as to the inadequate scale of remuneration made to them. He thought it most unfair. He did not mean to deny that there were many persons in the civil service who were paid far above what they ought to be, but the real evil of the scale was that the men who really did the work and who deserved to be well remunerated, were paid very much below their deserts. If a proper system of remuneration were established, every man in the service might be amply remunerated, and yet much economy might be effected. The number of persons employed might be greatly diminished, and at the same time the public be more effectually served, if a proper scale of pay were established. An inquiry was made with respect to the Board of Trade, and the system recommended placed the assistant secretary and senior clerk upon a footing much more satisfactory to themselves. Salaries were raised from a maximum of 600*l.* to a maximum of 1,000*l.* a-year; the establishment worked a great deal more efficiently, and a saving of 5,000*l.* a-year was effected in the expense of that establishment. One word with regard to superannuations. He considered that an enormous fraud was done to the civil service under the head of superannuation. He did trust that the Chancellor of the Exchequer would tell the House what he intended to do on that subject. The civil service had hitherto been pushed aside. But what could be more important than to have an able body of public servants, cheerfully and willingly discharging their duties to the country? The mode in which the superannuation fund was raised and applied was felt to be a grievous and crying injustice. A man having a salary of 300*l.* a-year had deducted from it 5 per cent, which he was told was to provide for him a superannuation fund; but when he was superannuated he then found that he had no right to claim one sixpence of the fund to which he had contributed. You called it superannuation, but it was a pension for which they dearly paid. Nay, they were paying far beyond the value of any pension they might derive. They were, in fact, contributing largely towards the expenses of the State. The surplus of their contributions went to pay off the national debt. It had been shown by competent actuaries that the superannuation fund would in less than a century produce interest sufficient to pay all the superannuation allowances; yet there was no reduction made in the percentage, because the surplus was applied by the Government towards the reduction of the national debt. That was a grievous injustice. Government might not be aware of this injustice, but those whom it most concerned felt it to be so; and that feeling would tend to create discontent among a large body of the public service; which feeling would increase until the system was entirely abolished and a provident fund established in its stead. Indeed, it would be much better to sweep away the system altogether, and grant pensions to your public servants according to your own free grace.

Mr. LEVESON GOWER said, that he must ask the indulgence of the House while he explained in a few words the motive of the vote he was about to give on this question. If the object of the Motion before the House was to secure that all public employment should be given on the score of merit alone, he, for one, entirely concurred in that principle, and had endeavoured during the whole course of his political life to promote it to the best of his ability. And if the Administrative Reform Association pointed out any way of securing that end, he would be willing to give it his support; but what he complained of was, that the members of that association, assuming to represent the commercial classes, and holding themselves out as practical men, had not as yet laid down any practical plan to attain the objects they had in view. In his opinion, it was incumbent upon an association so formed, not only to clearly define the object which it had in view, but at the same time to point out the means by which that object might be attained.

He had read the various speeches made at the meetings of that association, and he had that evening listened with attention to the speech of the hon. Member for Aylesbury; and yet he was not very much enlightened as to the method by which the association proposed to carry out its views. The hon. Member for Aylesbury had alluded to a statement made by a noble relation of his (Lord Granville), that he had relations of nearly every description of politics, and he added, "and this is the way the Government is carried on." Now, if the hon. Gentleman thought that Lord Granville was opposed to the principle of appointing men to public offices on the score of merit, he would remind him of one incident in his life. The only opportunity which Lord Granville had ever had of making a public appointment was when he was Secretary for Foreign Affairs, and, with the sanction of the noble Lord the Member for London, who was then Prime Minister, he gave that appointment to the hon. Member for Aylesbury himself. Was that appointment made from any personal or political motive? Lord Granville was not acquainted with the hon. Gentleman more than having read his books; but having accidentally received from a person in whose judgment he placed reliance, a high character of his ability, energy, and great knowledge of peculiar subjects, he gave him the appointment. He felt, however, bound to say that during the short time Lord Granville was connected with the hon. Member for Aylesbury, he found that the high character he had received of him was fully borne out; but there was one deficiency in the character of the hon. Gentleman, which, perhaps, owing to the shortness of the time he was connected with him, Lord Granville did not discover, and that was his excessive meekness and modesty. The hon. Gentleman seemed to imply that it was through the efforts of himself and his friends that the Order in Council on the subject of a preliminary examination was issued; but had he forgotten that the Government of Lord Aberdeen had, in a Speech from the Throne, announced their intention to reorganise the civil service? He himself attached more weight to an examination before promotion than to an examination before admission; but, at the same time, credit was due to the Government for what had been done, and it was only fair to suppose that they would continue in the same course — a course which he believed was unparalleled, inasmuch as Government voluntarily deprived themselves of the whole patronage of the civil service;—and yet the administrative reformers seemed to assume that the Government was not anxious to reform the service of the country. He, for his own part, would be glad to see an infusion of the middle classes into the Government of the country, for he entertained a high admiration for the energy, industry, and intelligence of those classes; but there was a tendency in the public mind to look upon men who had no high social position, and who engaged in political life, as mere political adventurers. That was not the fault of the governing powers, but of the public at large. Even in the great popular constituencies it was considered no small claim to their favour that the candidate should say that he did not mean to enter the Government—that he went to Parliament as an independent man, pledging himself, as it were, that he would not join the service of the State. He thought that these things ought to be a little considered, for he believed that in order to bring about real reform there must be as great a change in the feelings of the people as in the actions of the Government. He trusted that he had said enough to prove that he was favourable to administrative reform; still he felt bound to oppose the Motion of his hon. Friend, and he did so for two reasons. In the first place, when he read the language of that Resolution, he could not agree to it because he thought that it spoke in a tone of despondency of this country which was most objectionable at this moment, and which the state of the case did not deserve. With the exception of the fact of our being at war—a fact which no one deplored more than himself —he did not believe that the state of England had ever been more satisfactory or sound than at the present moment. His other objection to the Resolution was, that, not pointing out any specific remedy of that which it deplored, it made a most sweeping denunciation of the Government; and, therefore, in his mind it had a tendency to weaken the Government of the country, which, he thought, at this moment, every patriotic man should wish to avoid.

MR. PEACOCKE stated that he should support the Amendment of his hon. Friend the Member for Hertfordshire, because it was directed against those influences which for so long a period of years had been exercised by the Whig Revolution families of this country. For that reason he was willing to adopt the Amendment; but it was upon the distinct understanding that he was thereby condemning the conduct of those Whig Revolution families, and passing a censure upon a Government which had adhered to that system. The history of the reign of the Revolution families, down to the present period, had been the history of national disasters. In the reign of George II. war broke out with Spain. In 1741 Admiral Vernon and General Wentworth failed at Carthagena. The war was concluded by the Treaty of Aix-la-Chapelle, in 1748. Another war soon afterwards broke out, when England and France quarrelled about the American continent, and France, under Richelieu, took Minorca. The circumstances under which those disasters took place were precisely analogous to the present. Certain Revolution families reigned supreme, merit was neglected, Parliamentary influence was duly considered, and the country enjoyed the inestimable blessing of a Whig Government. At last Lord Chatham was called to power, merit was recognised, and our arms were crowned with success—the Blakeneys, the Byngs, and the Vernons gave way to the Amhersts, the Hawkes, and the Boscawens. But the Chatham Administration passed away, and so the great commoner foretold to his Royal master, there remained nothing for him but to deliver himself hand and band into the hands of the Revolution houses, and the commencement of the ensuing reign was a period of national apathy and of royal servitude. At length another war broke out —the war of American Independence. The melancholy results of that war were but too familiar to every man's mind—suffice it that the names of Howe, Cornwallis, and Burgoyne were indelibly connected with the humiliation of the country. The younger Pitt was then called upon to take the helm of the State,—the mantle of the father had fallen upon the shoulders of the son. With a like destiny, but with a better fortune, he too had to struggle against the oligarchy coalesced against him, supported by a people whom they had misgoverned, and by a Sovereign still smarting under the insults of Grenville and the outrage of Temple. He crushed this oligarchy, who, from that time, struggled to regain their lost ascendancy with varied success; but it remained for the noble Lord the Member for London to restore the old Whig Revolution families in their ancient supremacy; and in 1846 he formed a Cabinet which united the worst features of the Pelhams with the worst features of the Grenvilles — the weakness and corruption of the one, with the presumption and exclusiveness of the other. And as regards the present Cabinet, it was true that the noble Lord the Member for Tiverton had reduced the noble Lord the Member for London to the place of a subordinate colleague, but the noble Lord the Member for London had taken his revenge, for he had reduced the disciple of Canning to be subordinate to his (Lord John Russell's) system and clique. To such an extent had he done so that, he believed, in the present happy and united Cabinet, with one or two exceptions, there was not a single member of it who could not address each colleague as, "My noble Relative," or, "My right hon. Cousin." They were told that the proposed Amendment was an attack upon the aristocracy. He distinctly asserted that it was no attack upon the aristocracy in the broad, generous, and liberal acceptation of the term. It was no attack upon the gentlemen of England. It might be upon that narrow coterie of Revolution families which sought to confine the Government within the limited circle of their own relations, and to exclude from it the gentry of England, with acres broader and pedigrees more ancient than their own. It was not for the Country party of England, who still regarded the precepts of Bolingbroke, and still preserved unbroken the traditions of Wyndham and of Skippen, to aid to maintain this incompetent clique of Revolution families. We might all entertain a certain amount of qualified respect for these old Revolution houses, who, whilst they arrogated to themselves the divine right of governing the country, still entertain a generous sympathy for the liberties and well being of the people; but what could be said to that modern school of would-be oligarchs who, while they sought to confine the government of the country within the circle of their own relations, affected to look down upon all popular feeling as they looked down upon plebeian merit? Liberals in name, oligarchs in reality, they received no popular sympathy, and could lean upon no popular support, because they themselves had no sympathy with, and placed no confidence in the people. The hon. Gentleman who had just sat down had told them not to embarrass the Government. He asked, what title had the present Administration to any consideration at their hands? The noble Lord at the head of the Government had announced with a flourish of trumpets that he was going to bring forward a great scheme of administrative reform, and took an unusual mode of defeating the proposition of the hon. Member for Aylesbury, and of detailing his wonderful scheme, which might be summed up in a single unit. He proposed to abolish the Ordnance, which had long since been abolished by public opinion; and to suppress the Master General of the Ordnance, who, by going to the Crimea, had virtually suppressed himself. When the Aberdeen Government was broken up, if there were one subject more than another upon which the nation expressed a united wish, it was that a strong Administration should be formed; but the noble Lord at the head of the Government, however, instead of strengthening it, had thought proper to emasculate it. He had deprived himself of the great administrative talent of the right hon. Baronet the Member for Carlisle, of the brilliant eloquence of the right hon. Gentleman the Member for the University of Oxford, of the unrivalled ability of the right hon. Gentleman the Member for Wiltshire; and how had he replaced their loss? Why, the increased strength, the active vigour, the stirring juvenility of the Cabinet, were all concentred in the person of, and represented by, my Lord Panmure. It had been said of the Porteus riots, which shook the supremacy of the British sceptre in Scotland, that their only practical result was to make the fortune of one old washerwoman; and so it might be said that the only practical result of a Parliamentary vote of censure, and of a Ministerial interregnum which deprived the nation of a Government during the space of fourteen days, was to make the fortune of Lord Panmure. Never, perhaps, in the history of the country had a Ministerial collapse been so speedy and so complete, for in the space of some few days a Cabinet of All the Talents had dwindled to a Cabinet of All the Mediocrities. It was not an Administration like that which the country sought; it demanded new men, and it demanded new measures, and did not see why Cabinets, like crops, should be produced out of certain families upon certain fixed and rotatory principle; and it would never be content now that, for the sake of securing the existence of such a patched-up Cabinet, a Resolution should be rejected which embodied the national wish, and expressed the national feeling.

Mr. GLADSTONE: Sir, upon the present occasion I find myself in the difficulty which I have recently experienced more than once, that while there is an original Motion—and virtually, I presume I may say, an Amendment on that Motion before the House—I am not in a position to give my assent either to the one or to the other; and I will state to the House the reasons why it appears to me that the adoption of either of them would be undesirable. Whether either of them will be adopted it is not for me to say, but if either of them is adopted it will not be the first time during the present Session in which the House has done itself less than justice, considering the state of the country, by clothing its intentions in language of a very ambiguous character, difficult for the country to understand, and not likely to promote the public welfare. The hon. Gentleman the Member for Aylesbury commences his Motion by saying, "That this House views with deep and increasing concern the state of the nation." Now, whatever may be the intention of the hon. Gentleman, I, as a Member of Parliament, am bound strictly to canvass the language which he proposes to put into the mouth of the House of Commons; and, acting on that principle, I am not prepared to say that I view with deep and increasing concern the state of the nation—for it appears to me, on the contrary, that the people of this country, when in circumstances of great difficulty, and at a time when inflammatory and exciting matter is constantly being addressed to them, have shown an admirable self-command, and have maintained an attitude and a position during the present year altogether worthy of the nation. Well, the hon. Gentleman goes on to say that, owing to the prevalence of party and family influence and a blind adherence to routine, great evils have already affected the public service, and still greater disasters are to be anticipated. I am not quite sure what is meant in the Motion of the hon. Member by the term "family influence," but of course I must interpret his Motion with reference, I will not say merely to the speech which he has made in this House, but to speeches which he has addressed to other audiences, and with reference to the known sentiments of an association, of which the hon. Gentleman is, I apprehend, at the present moment a principal organ. Now, Sir, I think that in speaking of that association I do not go beyond the truth, when I say that there has been in its proceedings a tendency to fasten on the aristocracy of the country, and a peculiar class, known as the privileged class, the responsibility of the deficiencies and the weakness of the public service. I think, therefore, it is only natural to construe the Motion of the hon. Member for Aylesbury as having to a certain degree the same tendency. I am not prepared to join in a proposition of that kind. If this country is more aristocratic, if this House is more aristocratic, in sentiment and feeling than it ought to be, it is not owing to any legal privileges possessed by the aristocracy, nor is it owing to any exclusive legislation; but it is owing partly, perhaps, to the strong prejudices in favour of the aristocracy which pervade all ranks and classes of the community, and I am bound to say it is still more owing to the fact that that aristocracy has been continually recruited from among the very best of the people, and that its history is written in the most glorious pages of the history of the country, and is associated throughout with everything that makes us rejoice in the name of Englishmen. No doubt the hon. Member was justified in stating that that which is known by the name of nepotism is an evil which to a certain extent affects the service; but I do not believe it affects the aristocracy a bit more than it affects any other class; and, consequently, although I agree with the hon. Member in the abstract proposition, and shall be only too happy to see any measure adopted for the purpose of checking that evil, I am not willing to join in a vote which would in my opinion have the effect of deluding the country by leading it to believe that we are prepared to point out that class which is called the aristocracy as the one which is worthy of peculiar censure, and chargeable with the peculiar responsibility of the defects and weaknesses in the working of our constitution. The hon. Member for Aylesbury has said, very fairly, that he likewise glances at the system upon which Governments are organised in this country; that he thinks the choice of persons composing the Government is made somewhat too exclusively, and that a more liberal selection would lead to a more satisfactory management of public affairs. Now, Sir, I do not at the present moment enter into an inquiry whether this is so or not; but, if it be so, then I venture to say that the persons, the party, the power responsible for that evil is this House itself. Surely, if there is any one thing which more than another ultimately lies in the hands and is under the control of this House, it is the decision of the question what persons shall, and what persons shall not, be Ministers of the Crown; and, if it be true that Cabinets are selected in this country from within the bounds of a restricted circle of families, and that we thus form a narrow class without availing ourselves of the immense wealth of materials which the nation affords to us, then clearly it is the House of Commons, it is the House of Commons mainly, and I must ultimately say, that it is the House of Commons only, which is the cause of the evil; and, therefore, that it does not become the House of Commons to declare pharisaically its lamentations over such a state of things in the face of the country in the form of an abstract Resolution, but it becomes us to go with an Address to the foot of the throne, and there to represent to Her Majesty that her councils are filled with gentlemen too exclusively chosen from a certain rank, and that we must withhold our confidence from them until the composition of the Administration is made more conformable to what we think the public interest; bnt I cannot but object in the most unqualified terms to the principle of embodying a Resolution of this House in general, abstract, and ambigious language. It is most important for the credit and authority of this House that the people should look upon its Resolutions with respect and reverence, but if they are to look on them with respect and reverence, they must always be Resolutions which carry on the face of them a character strictly practical. If we attempt to deal with general propositions respecting the existence of general evils, with general complaints against classes, and with theoretical opinions, the consequence will be that we shall pay off the people with promises instead of with performances, we shall lose our hold upon their confidence, and, with our hold on their confidence, we shall lose the power of discharging advantageously those functions and duties which the constitution of this country imposes upon us. When I come to the speech of the hon. Member, I most gladly grant that he has not confined himself to abstractions; —I speak now of his Motion, and I take the declaration to mean that the state of the nation must be viewed with concern because of its present condition, and that "aristocratic influence" has been the main cause of the evils under which we labour. That is a Resolution which binds us, pledges us to nothing; it does not advance us a single step towards a useful object, and, therefore, it is impossible for me to concur in it.

Although the hon. Baronet the Member for Hertfordshire (Sir E. B. Lytton) has not yet addressed the House, I am justified in considering his Amendment as practically before it; and, when I look at the Amendment, I find it begins with a particular recommendation, which is, "That this House recommends to the earliest attention of Her Majesty's Ministers the necessity of a careful revision of our various official establishments." Sir, if we are to enter into a question of that kind, it is rather singular, and not very convenient, that we should adopt that language, and make that recommendation, without taking the slightest notice of the fact, that within the last four or five years there has been in progress, and has been recently completed, a more searching and uniform investigation and revision of the public establishments than I believe has taken place at any previous period of our history. We have on the table at the present moment at least two Blue-books of respectable, and I think more than respectable, dimensions, filled with the results of that investigation and with tables of statistics. I should like to know how many Members of this House have found time and leisure to make themselves really masters of the contents of those Blue-books? They refer to questions of the greatest importance and interest, and indicate in almost every case, a multitude of measures taken for the purpose of revising the official establishments, cutting off unnecessary expenditure, securing the efficient discharge of public duties, and making a better division of business among the departments into which the offices are divided. Under these circumstances, are we justified in simply recommending to the Ministry to do the very thing which they have just done? The hon. Baronet goes on and says that this revision is to be done "with a view to simplify and facilitate the transaction of public business, and by instituting judicious tests of merit, as well as by removing obstructions to its fair promotion and legitimate rewards, to secure to the service of the State the largest available proportion of the energy and intelligence for which the people of this country are distinguished." I hope it will not be thought hyper-criticism on my part to say that the compliment at the end of this sentence to the people of this country for the abundance of their energy and intelligence would find a better and more suitable place in one of the eloquent and admirable speeches of the hon. Baronet than in the vote which he proposes to put into the mouth of this House, for I think it is not the custom of this House to embody in its votes a general declaration in the nature of a compliment to the people of this country. My main objection, however, to the proposition of the hon. Baronet is the vague and unmeaning character of the language which he uses. The hon. Baronet talks of the "institution of judicious tests of merit." But what are they? Is he prepared with any specific plan? We are all agreed in the general doctrine that promotion should go by merit, but for us to hold out high-sounding declarations to that effect to the country, without having a very definite idea of our own meaning, and before we are prepared to give any effect to them in a substantive form, would scarcely be honest, as between us and our constituents. We have no right to make professions in the face of the country until we are prepared to fulfil them by our acts, and therefore I ask the hon. Baronet what are the judicious tests which he proposes to institute, and what are the obstructions which he would remove? If you mean nothing, you ought to say nothing, but if you mean something, you ought to say what you do mean, and introduce measures to give effect to the Resolutions you propose to us to adopt?

The two Motions of the hon. Member for Aylesbury and the hon. Member for Hertfordshire are followed on the paper by the notice of my hon. Friend the Member for Cork (Mr. V. Scully) of which I will say that it appears to me to be perfectly sound in its principle; and it proposes that we should address Her Majesty to modify the order in Council recently issued with respect to examinations in the public service. But it is in no respect necessary to modify the order in Council to give effect to the Motion of the hon. Gentleman: the order in Council does not of itself do any thing either to abolish or to interfere with the rights of nomination; it leaves it perfectly open to any Government that may be disposed to surrender that right to institute any system of admission that may be devised.

Having objected to the Motion of the hon. Member for Aylesbury and the Amendment of the hon Member for Hertfordshire, it would be invidious in me to confine myself to arguments of objection with regard to a question which has excited such great interest in the public mind, and which is a question, I am willing to admit, of paramount importance. The real truth is, with respect to this subject of administrative reform, that I have viewed the movement with but one regret, which was, that until I heard the speech of the hon. Member for Aylesbury to-night I had scarcely been able to satisfy myself whether the promoters of that reform had formed to themselves any definite and clear view, either of the evils which they meant to assail, or the remedies they proposed to apply. Vagueness and generality have been the characteristics of the most of what we have seen in the public prints with respect to this question. The subject is one to which I always rejoice to see the public mind heartily turned, because you must recollect that with regard to the public service of the country, you have unfailingly at work a set of motives and engines which are unfavourable to the public interest. The principle of nepotism, of promotion by family interest, of jobbing for constituents, and the pursuit of self-interest are perpetual, whereas it is only occasionally that the public mind is turned to the question of the organisation of the public service. No one, therefore, can rejoice more than I shall if the hon. Member for Aylesbury, and those who act with him in this movement, can turn into channels of a practical nature the feeling which has been roused in the country; because I am convinced that if that practical direction can be given to it great good will result.

The hon. Gentleman, in his speech, divided the public service into two parts—the Military Department and the Civil Department, the latter including the diplomatic and consular services. As respects the Military Departments, I followed the speech of the hon. Gentleman with a conviction that he was disposed to do the fullest justice to every one, but with great doubt how far it was possible for us, hearing for the first time the various instances which he detailed, to institute, in the course of the debate, that searching examination into the merits of each particular case which it is absolutely necessary for us to go through if we mean to build any useful conclusion upon them. The machinery of debate, I think, is hardly sufficient to enable us to investigate the facts which the hon. Member stated as thoroughly and minutely as we must do if we intend to make any use of them. I will content myself, therefore, at present, with expressing a strong conviction that the closer the administration of the army is examined into the more will Lord Hardinge make good his title to be considered a worthy and distinguished friend of Sir Robert Peel and the Duke of Wellington. There is no man, I am convinced, less disposed to sacrifice the public interest to any views connected with his own personal and family interest, and none to whom the country is more indebted for his administration of the affairs of the army. As the hon. Gentleman has quoted so many individual cases to us to-night, perhaps I may be allowed to state in turn what has lately come to my knowledge with regard to the conduct of Lord Hardinge. It happened that in three separate instances the sons of clergymen had imbibed a very strong desire to enter into the military profession. In each case their fathers were among the ranks of the poorest clergy; they had no family or political influence to bring to bear; but in two of the cases in which application was made commissions were conferred by Lord Hardinge without purchase and without the intervention of any political influence at all. The third application had only recently been laid before Lord Hardinge, and therefore I cannot say what his decision on it will be. There is another circumstance, too, which has occurred within the last few days and which has some bearing on this debate. Advertisements have recently appeared in the public papers, from which I gather that it is the intention of the noble Lord the Secretary for War to throw open to free and unrestricted competition a very considerable number of appointments in the most important of the various Army Departments—the artillery and engineers. That is a very bold measure on the part of the noble Lord the Secretary for War, but it is one for which he and the noble Lord at the head of the Government deserve great credit. It shows that they are disposed to look fairly into the question whether or not we can venture to throw perfectly open to public competition the access to the public departments; and there is no doubt that, however difficult such a step may be with regard to the civil service, as respects the Military Departments the difficulties are much greater. I have no hesitation in saying that, as far as the civil departments are concerned, we ought freely and fully to adopt that principle; but the question as regards the military departments is surrounded with difficulties which I am not able to solve. The hon. Member for Dudley (Sir S. Northcote) has scarcely done justice, I think, to the hon. Member for Aylesbury's speech. It appears to me that, so far from having merely recapitulated the evils which he thought existed, without having any clear idea of how they were to be remedied, the hon. Member for Aylesbury stated distinctly that he had arrived at the conclusion that a free competitive examination must be adopted in order to any effectual good. I may, perhaps, be permitted to remind the hon. Gentleman and the House that this question is not now for the first time brought under public notice by the labours of the Administrative Reform Association. The efforts of all Governments for some time past, without distinction or party, have been directed to effecting some improvement in this respect. Immense good has been done from a pure love of right and justice, and an enlightened desire for the promotion of the public interests. In this way, and owing to no pressure from this House, have the revisions of official establishments to which I have alluded been regularly conducted from year to year. When I took office as Chancellor of the Exchequer I found that those revisions had been in steady and rapid progress under the right hon. Gentleman who preceded me. When they were brought to something like completeness, I, on the part of Lord Aberdeen's Government, requested Sir Charles Trevelyan and my hon. Friend (Sir S. Northcote), who had taken a most important part in their detailed examination, to draw up a general Report on the state of the civil service, with a statement of remedies broader and larger in their nature than could conveniently be treated of in the separate Reports of each distinct establishment. The Government of Lord Aberdeen, without pledging itself to the particular details of the Report, advised the Crown to announce to Parliament its intention to make a great change in the system of admissions to the public service; and although, on account of the pressure of other affairs, I had not the opportunity of officially explaining that measure to this House, yet it was well understood that it involved the entire abandonment of what is called patronage in reference to civil appointments. And here I must say one word in behalf of the aristocracy; because, while I acquit my hon. Friend on this head, there is, nevertheless, a tendency out of doors to mix up the two ideas of corruption and weakness in the public service, and the prevalence of the aristocratic element. Now, I believe that no Cabinet could have been more aristocratically composed than that over which Lord Aberdeen presided. I myself was the only one of the fifteen noblemen and gentlemen who composed it who could not fairly be said to belong to that class, and I may, therefore, speak with more freedom. Yet that Cabinet, so composed and aristocratically formed, conceived and matured a plan for the total surrender of its patronage; and it so happens that while I was the only individual in it who could not be considered as in any manner connected with the aristocracy, I was also the only minister who had no possible claim to the merit of that proposal, for the very simple reason that I had no patronage at all to relinquish; the business of the Chancellor of the Exchequer, under a very wise arrangement, being to cut up other people's patronage—that term, in its ordinary acceptation, being inapplicable to the very responsible appoinments which he has to make. It is impossible to say what reception this scheme might have met in this House had it been fairly introduced here for discussion, but our own consciences will, I think, tell us that it would not have been quite so easy to secure its adoption by the representatives of the people, among whom there is a large infusion of the democratic element, as it was to obtain for it the unanimous assent of a Government so constituted as was that of Lord Aberdeen. I believe the principle of patronage can never be wholly eradicated; but all that can be done in that direction the late Cabinet was quite ready to propose if this House should have been resolute enough to agree to it.

The country, I think, is in danger of being misled by a number of feeble and illusory remedies; and when asked what they mean, they generally state remedies of which each is more vague and illusory than the other. For example, it is asked, "Why don't you examine candidates for public employment as severely as you please?" but at the same time those who say this shrink from the principle of open competition. Now, you cannot examine rigidly without the application of competition. The practice of the Board of Inland Revenue shows the present system in its most favourable form. There the nominating power is lodged outside of the department, and within it lies the power of rejection. The Secretary of the Treasury receives with good humour the recommendations to appointments made by Members of Parliament in favour of their constituents, and then hands them over to the Inland Revenue Board; which, on its part, exercising a free discretion, and adopting the test of a stringent examination, very frequently rejects the candidates. This remark especially applies to that Board while it has been administered by the extremely able men who now sit upon it, than whom no better public servants could be found in this or any other country, be the system what it may, and, let you ransack any private or public establishment you please, I defy you to produce those who can beat them. However, when you have to deal with cases where the chiefs of departments nominate to appointments in their own offices, it is vain to talk of severely testing the qualifications of candidates, because no board of examiners you may name could ever assume such a responsibility. My hon. Friend said he doubted whether the Order in Council recently issued was likely on the whole to tend to the public interest with respect to admissions to the civil service. I rest its defence, in the first place, on the ground that it makes the examinations universally and publicly known. The departmental examinations which now take place, and which vary with the state of each public establishment at particular moments, inflict great hardship upon many individuals, because it is not known that the examinations have to be undergone; or, if known, it is generally supposed that they are not very strict; and if an unfortunate man under those circumstances happens to stumble upon a severe examination and is thrown over, he thinks it rather hard that he should have been entrapped unwarily. The future examinations, however, will be universally known, and will be conducted by persons independent of the department concerned; so that this measure has at least some elements of good, and though it may fall short of what the public has a right to require, I believe it will correct what may be fairly called bad appointments. But, further, the Order in Council opens the door to every further improvement. There is nothing in it which tends to stereotype the principle of nomination; on the contrary, I firmly believe that that principle will in some cases be materially relaxed by it, and in others altogether abolished. I feel bound to give in my full adhesion to the doctrine of the hon. Member (Mr. Layard), that the admission to the public service should be thrown open; and I do so, first, because I believe all the other remedies that have been suggested are perfectly futile. You have been told to dismiss inefficient men; but all experience, I think, proves that, under a Government like ours, dismissal from the civil service can only be resorted to with effect in cases of the most extreme, most flagrant, and scandalous inefficiency; and if you trust to the exercise of the mere power of dismissal, you will trust to that which is really no remedy for the evils of which we complain. The noble Lord the Member for Lynn (Lord Stanley) has given an indication of an opinion that public servants ought to have a right of appeal against the heads of departments, and the means of bringing their cases under some sort of judicial trial. If you wished to give the finishing stroke to the public service, and to destroy and utterly paralyse it by allowing those who hold offices to entertain the idea of a vested right being the tenure by which they hold them, you would most completely attain that object by adopting the suggestion of the noble Lord. We hear a great deal said of probation, of division into classes, and the advancement from one grade to another, as remedies for the evils which exist in the civil service. But these remedies are upon the surface alone—they do do not touch the heart and depth of the matter, which is this:—you have human selfishness to deal with, you have to meet that principle which makes men attend to their own interest rather than that of the public, and next to their own interest to that of their families, connexions, friends, and constituents—in fact, to the interest of everybody except to that of the public, which they ought to attend to. That is the principle; and all your petty little peddling as to the details of probation and division into classes, is merely paltering with the question. The truth is that this division into classes has been already tried; and to those who have a genius for arithmetic nothing can present a more beautiful appearance than the office of a Secretary of State; when the whole establishment is divided into departments—every man rising from one place to the other by an increase of *5l.* or *10l.* a year—and all is arranged with a nicety and exactitude as if it had been done by the scales of a goldsmith. But all this is nonsense and delusion. The real question differs entirely from this. What is the object we ought really to have in view? I apprehend it is not the question of admission, which I agree is most important—but the real question is—how can you procure promotion by merit? Does it take place at present? It takes place in certain cases, but I am sorry to say that these may be one in fifty or one in a hundred, and are very rare cases indeed, and arise from one or two causes; the merit is either so signal, conspicuous, and undeniable that no man can make it a subject of cavil, or the chief of a department, having more than ordinary resolution and energy, sets his face against all difficulties, and brings his system of promotion by merit into operation. What you want, however, is a good general system; and, I appeal to those who have been and who are heads of departments, what is prejudicial to this? I say that the obstacle is in the opinion of the civil service itself—that the present tone of the civil service is not favourable to promotion by merit, but, on the contrary, is in favour of promotion by seniority. Promotion by merit is not believed in, but is looked upon with distrust, and regarded as a cover for jobbery; and this feeling gives rise to so much inconvenience, that no one hardly ever, and save in a few exceptional cases, attempts to act upon it. The consequence of this is that, although there are many excellent incomparable men in the service, yet a low tone pervades the public service; the quantity of duty performed is small, bad and middling men are overpaid, and therefore the good men are underpaid; and, with an unsatisfactory discharge of duty, you have a state of discontent in the civil service permanent and all but universal. The question, then, is, how can you bring into the civil service a different tone of opinion with respect to promotion by merit? I admit the difficulty of this question; but it seems to me that the indisposition to see men promoted by merit is mainly due to the present system of admission. Men now get into the service by favour, and it is difficult to make them understand that they are to be promoted by merit; but if you bring them in on merit, then, as a natural consequence, they will entertain the idea that they will get on by merit. But those who receive their appointment from one of twenty causes distinct from merit look upon what they have received, not as remuneration for their duty, but in the nature of a gift in which they have a vested right, and they watch it with the jealousy that men watch their vested rights, and they do not understand being put aside from succession to higher office on account of a man of greater merit, any more than a man would understand giving up his private property to his neighbour because he is a wiser and better man. You must throw open the civil service to all the world, you must obtain for it the best men as far as you can ascertain who the best men are by an examination and by the most rigid scrutiny, and then, whatever other evils you may incur, you give it to be understood that the men who come into the civil service do not receive their appointments by favour, and have not any other right to obtain or hold their places except the right which depends upon efficiency. You will thus change the basis of your system, and by doing so, I, for one, am sanguine that you will substitute for the present opinion that prevails in the civil service, adverse to promotion by merit, a totally different opinion. Men will come on merit and seek only to get on by merit. Then, when you have done your best, you will be far from perfection, but you will, I think, find you have obtained a better system than now prevails.

The hon. Member for Dudley (Sir S. Northcote) and others have alluded to a subject which I think the House should fully consider; namely, the question of superannuation in the civil service. It seems to be considered that the public servants are treated very ungenerously with respect to the superannuation tax. It is a strange anomaly to call by the name of a tax that which I understand was imposed in lieu of a reduction of salary and duties from the time of Lord Grey's Government. A general reduction of salaries was then made; but the right hon. Member for Carlisle determined, in lieu of this, to lay on the civil servants this superannuation tax, to go in discharge not only of the pensions of those who paid it, but also in relief of the whole charge imposed on the public for pensions. I hope, whenever the House considers this question, that it will bear in mind the danger of passing from one extreme to another. In 1831, there was a great disposition to reduce and cut down all salaries in the civil service; and in 1850, this disposition had become so strong, that the right hon. Gentleman, the Member for Oxfordshire (Mr. Henley), nearly carried a Resolution, by which it would have been determined to reduce at once, and indiscriminately, the salaries of all in the civil service 10 per cent. That Resolution has been forgotten, and we now hear of nothing but the miserable inadequacy of the salaries of the public servants and the shabby treatment that they receive at the hands of the public. I must confess, that as one of the public, I cannot subscribe to that doctrine; but I say that the good servants are underpaid; but that the middling and bad men are overpaid. I do not believe that there is any employer in the country who pays so much in proportion to the service rendered as the public do. Therefore the conclusion which I arrive at is, not that a wholesale increase should be made, as I should regard such a proposition as unreasonable as that formerly made by the right hon. Member for Oxfordshire to reduce the salaries, but that you should endeavour to improve the construction of the civil service, and so to arrange and construct a system of promotion in the service as to secure the maximum of duty which it is capable of performing; and, when you have the proper tests for dividing the good from the bad men, you will have no difficulty in inducing this House to give most liberal remuneration for services rendered.

I beseech the House to recollect that this question of administrative reform, is one which demands serious consideration. For my own part, I must confess my unfeigned satisfaction that the circumstances of the present time, and that the feeling which prevails out of doors and, perhaps in this House, is likely to be turned into that direction which my hon. Friend has to-night endeavoured to turn it. It is very easy to show the difficulty of attaining anything like perfection in this case, and we may hear that the constitution of the country and the safety of the monarchy require this system of patronage. I have no doubt as to whether the constitution of the country or the safety of the monarchy depends upon this or that system; but I have great doubts as to whether this system of patronage really contributes to the strength of the Executive Government. I perfectly believe, that at the present moment the weakness of the Executive Government, and not its strength—evils which we had had for a length of time to complain of—is owing to this system of patronage. If we want a proof of the truth of this proposition, I should say we may find it in the great number of unsettled legislative questions produced and reproduced in the form of one Bill and another Bill, then abandoned year after year, and never seeming to come nearer to a conclusion. I confess that, though we have proofs that the condition of the Executive Government is such as requires strengthening, I very greatly doubt that it is to be strengthened by patronage; and, if it were to be so strengthened, I certainly should deeply regret the maintenance of such a system for the purpose of strengthening the Executive Government, for it is otherwise a system of almost unmixed evil. I do not wish to raise expectations that may not be fulfilled, and I grant that you cannot get altogether rid of the system; for, though the plan of free competition and examination may be adopted with regard to young men of eighteen or twenty years of age, it cannot be adopted in respect to persons in the later periods of life. You cannot make use of it to determine who should be advanced to the higher offices of the public service; but at the period of life I have just mentioned it is applicable, and it is at that point that patronage does the most mischief, because then it is exercised most irresponsibly. It is not when appointments are made to offices of an elevation which dignify them in the public eyes that the mischief is done, because then questions are raised in this House as to the propriety of those appointments. We have had to-night, for instance, a particular appointment discussed by the hon. Member for Dudley (Sir S. Northcote) with reference to the Board of Trade, with which department that hon. Member was long connected—namely, the appointment to the headship of the Statistical Department; and, therefore, with respect to the appointments to the higher offices we have responsibility; but with respect to the first admissions to the public service there is no responsibility whatever. With respect to the men who find their way into the Customs, the Board of Inland Revenue, the Post Office, or even into the

Secretaries of State's offices, into the Treasury, and into all the administrative offices about London, nobody knows or cares who they are. You may appoint the most indifferent persons, and in a great number of instances the most indifferent persons are appointed. The getting rid of that system would, in my opinion, be an immense relief and blessing to the country; and would effect a great deal for public economy, for one result would be that, while the public servants would be much better paid, there would be fewer of them, and the sum which would be paid for better service would be smaller than that which is now paid for worse service. The abolition of the system I refer to would also do much for public education, and would thus afford a great relief to those who are now perplexed with the three problems before the House on the subject of education, none of which hardly constitutes a fit solution of the difficulty. I do not believe that it is in the wit of man to devise a plan for the promotion of education so effective and powerful as the throwing open of the civil service. It would do much for public economy, education, and for the efficiency of the public service, and also for the public virtue of the country. We all feel in this House that the position in which Members now stand with reference to their constituents in connection with this matter of patronage is not altogether satisfactory. Perhaps no person in the House feels this, I may say, less than myself, because my constituents are not in the condition of becoming applicants for these situations. But if it be true, as regards the position of Members of this House, that a change in this respect is desirable, much more true is it with respect to that class of persons throughout the country who subsist on hopes deferred. I do not think that anything can be more unsatisfactory in society than the existence of a class of expectants, and that there should be, when an office is to be given away, ten or twenty people all putting every means in motion to get possession of it. The multitude of candidates does not one whit increase the number of offices obtainable; but the vague idea that offices can be obtained through interest, leads to an indefinite multiplication of applicants, and keeps a large class of men in a state fatal to the exercise of their energies and to the growth of a manly character. I trust, therefore, that this House may be disposed to give a serious attention to this subject; and, though it is impossible for me, on account of the reasons I have stated, to support the Motion of the hon. Member for Aylesbury, and though I feel it would be presumptuous in me to give an opinion on that portion of the hon. Member's speech relating to the military departments, with respect to which I have little experience, and should, therefore, not wish to pronounce a hasty opinion, yet, as respects all the hon. Gentleman has said in regard to the diplomatic, consular, and civil services, I have listened to what fell from him with the greatest interest, and I heartily wish him "God speed" on his way; and I am sure that, if he shall be able to bring about the change, the nature of which I have ventured to indicate, he will confer a lasting benefit upon his country.

SIR BULWER LYTTON rose to move the Amendment of which he had given notice—

> "That this House recommends to the earliest attention of Her Majesty's Ministers the necessity of a careful revision of our various official establishments, with a view to simplify and facilitate the transaction of public business, and, by instituting judicious tests of merit, as well as by removing obstructions to its fair promotion and legitimate rewards, to secure to the service of the State the largest available proportion of the energy and intelligence for which the people of this country are distinguished"—

and said, Sir, I think there has been no question in our time which contains on the one hand a proposition in itself more just and reasonable, and which, on the other hand, is encumbered by more dangerous exaggeration than that popular demand which this Motion submits to the consideration of the House. That when the failure of our departments connected with war, after a forty years' peace, compelled us to turn our eyes to our various establishments with a more rigid scrutiny, we should find a great deal that is obsolete in principle, or cumbersome in detail, and that when we so find it, we should desire to improve and simplify both the mechanism and its operation, is natural enough; but that we should suddenly pervert a matter of business, to which all men might fairly bring their collective experience and dispassionate intelligence into an irritating inflammatory attack upon particular classes, seems to me a very grave misfortune—so grave that I think in the first instance we should try and see what are the causes which have given to a demand, natural and harmless in itself, such sinister and alarming tendencies. Now, it is very important to look at the date in which the cry for administrative reform took the shape which it has now assumed. It was almost immediately after the accession of the noble Viscount to the place that he now holds. There had been great calamities and disasters in the due provision for an army in which the country felt the deepest interest. Parliament, rightly or wrongly, laid the main fault upon certain Members of the late Government. This idea was sanctioned by the opinion of the noble Lord the Member for London, who had implied, first to the Chief Minister and then to the House of Commons, that things would come right if one of his colleagues, the noble Viscount, took the administration of the war out of the hands of another of his colleagues—the Duke of Newcastle. The people shared in that belief; they thought that whatever defects there might be in the system—however blundering and incapable minor officials might have been—a Minister of greater vigour would much more promptly remedy the defects and replace the offenders than they could do by any irregular efforts of their own. They saw in the noble Viscount the personification of their own energy and freedom. He came into his present office backed by a popular enthusiasm almost unequalled since 1757, when the first William Pitt entered on his famous war Administration. Up to the time of the noble Lord's accession to office not a word was said out of doors on administrative reform, in that sense which it has now assumed. About two weeks afterwards the whole country rang with that cry. Why? Because the noble Viscount had disappointed the expectations of the country. At the very commencement he seemed to prove that he wanted that decision of character, that firm reliance on his own judgment, and that penetrative foresight which are the primary qualities that the people demand in a public man on whom, for the moment, they confer a virtual dictatorship. The Motion for the inquiry into the state of our army, which had been carried by so large a majority, was, the noble Viscount himself frankly said, "the main difficulty that stared him in the face;" yet, so little had been his foresight, that he had not even arranged with his colleagues beforehand what course to pursue with regard to that inquiry, and so little was his decision that he had not even made up his own mind on the subject. At first he proposed to rescind the vote to which he owed his elevation, and compared himself, with a curious infelicity of illustration, to Richard II., who, as history tells us, had indeed appeased the mob by promising to be their leader—but for the sole object of drawing them away from their immediate object and revoking every promise he had made. Finding the House neither coaxed by his blandishments nor convinced by his illustration, the noble Lord suddenly turned round, and jauntily stepped into that terrible breach of the constitution, leaving three of his colleagues on the other side of the wall. The noble Lord thus lost popularity by his injudicious resistance, and then impaired the respect which belongs to manly firmness by the levity of his subsequent acquiescence. Now the people have quick instincts in discovering whether their favourites are thoroughly in earnest. They do not go by actions alone, but also by words. There are times when words are things. For instance, Lord Chatham's first military expedition against Rochfort had been a notable failure, yet the public unanimously acquitted him because they felt that the failure did not arise from his want of earnestness and vigour; and there was something in Lord Chatham's language, his tone, and moral bearing which induced them to wait with confidence for the full development of his designs. But from the very first day of the noble Viscount's accession, he led the public to believe—no doubt erroneously—that he was unduly trifling with the solemnity which they attached to the occasion, and he met that impatient grief which complained of national disaster, and feared even national discredit, with an air that might remind us much more of Lord North than Lord Chatham. There is another consideration here which is most important, when we seek to ascertain the causes for whatever is dangerous and embarrassing in the popular demand which this Motion submits to us; and on this head I put one question to the noble Lord's most partial supporters. Did they not welcome his accession to the head of affairs upon the supposition that his Government would proffer a striking contrast to that of the Ministry he succeeded, or rather reconstructed? That was the belief to which the noble Lord owed his elevation. What was, then, the surprise of the public when the noble Viscount's new Minister of War, Lord Panmure, declared, in his inaugural speech, that "his anxious desire" was—what? to contrast by his vigour all previous lethargy? No—"to do away with the impression on the public mind that his predecessor had neglected, or rather had not carried out to the fullest extent the interests of the army committed to his charge!" Carried out to the fullest extent the interests of an army at that instant rotting away from disease, which was without food, without shelter, without clothing, and with hospitals in a state that made humanity shudder! Why, if this were the fact—if in Lord Panmure's opinion the Duke of Newcastle had carried out to the fullest extent the interests of the army, why on earth did you change the Duke of Newcastle for Lord Panmure? Sir, in all other respects, the public were disposed to do justice to the Duke of Newcastle; his own touching defence had secured to him much respect and sympathy. All dispassionate men were willing to acknowledge his humanity, his application, his honesty of intention, to hope that he would serve his country hereafter in some other department. The only fault they found in him was that fault which placed the noble Viscount where he is—namely, that for some cause or another the Duke of Newcastle had not carried out the interests of the army. And when my Lord Panmure openly declared that this belief was a mistake, and that, in fact, he meant to follow in the steps of his predecessor—and when, simultaneously, the language and bearing of the noble Viscount destroyed all the previous enthusiasm in his favour—then suddenly broke out this cry—the middle class rose up and said, "It is no use trusting to Ministers, one set is as bad as another; the affairs of the country at a time when its very existence may be at stake are managed by the conventional courtesies of a drawing-room clique; we must make a sweeping change, not in Ministers, but in the whole system of administration, and take the functions of a trifling and effeminate Executive into our own uncompromising hands." That, Sir, was the mode in which this cry arose, and for all that is dangerous in the cry the noble Viscount is thus responsible. Then, indeed, when the country was roused into resentment, when public meetings threatened to take the whole matter out of their hands, then, but not till then, the Government seemed to be dimly conscious that something more was expected from them than pleasant jokes and flattering epitaphs upon the defunct predecessors they had slain and buried, and the noble Viscount rose to avert the gathering storm—by what? by an announcement of official arrangements recommended by a Committee of the House more than twenty years ago—pressed last year by the right hon. Member for Buckinghamshire, but pressed vainly, on the Cabinet of which the noble Viscount had been one of the leading Members, and improving in no particular upon such reforms as we should equally have had if Lord Aberdeen had been still at the head of affairs and the Duke of Newcastle still Minister of War. Well, then, I pause to put this direct question to the noble Viscount and his colleagues—did you reconstruct yourselves into a new Government only to carry out the projects and measures of the last one? If so, how deeply has the noble Lord the Member for London injured the Duke of Newcastle, and how egregiously have you duped the expectations of the people! If, on the other hand, you tell me, "No, we came in to contrast the late Government with improvements and ideas of our own," I ask you what is meant by these grateful eulogies on the Duke of Newcastle, and I entreat you to distinguish your improvements and your ideas from those which the Duke of Newcastle was forbidden to develope by the denunciation of his own colleague! Thus, Sir, the Government at length produced the mouse that their own mountain had not conceived. And do you think that these stale and plagiarised reforms, embodying not one proof of inventive sagacity, not one original conception, and, strange to say, leaving that department which the noble Viscount himself declared had the most broken down, I mean the Commissariat, precisely the department in which all reforms are indefinitely postponed—do you think that these will suffice to silence the new cry which is startling the country and threatening to usurp altogether our constitutional powers of legislation? It is not enough that the late Government launched us into a war without any definite plan or adequate preparation, but you—not Lord Aberdeen's Cabinet—you, the noble Viscount's Government, have exposed us to a far worse danger from the vague and restless discontent, which an appearance of trifling and frivolity has engendered, than we have to apprehend from all the armaments of Russia. We have cause, indeed, to be thankful to Providence for our late successess; for what would have been the consequences to our whole political and social system if some serious defeat to our arms, some indelible stain upon our national honour, had, in the ferment of public feeling, been suddenly added to the minor calamities of barren victories and wasted valour? Dou you not see, in the direction which this movement for administrative reform has unhappily taken, the germs of danger to something more important than the existence of any individual Government, something more deeply rooted into our system than aristocratical ascendancy? The danger is to the fundamental principles of representative institutions. I do not think that those who are now so fiercely agitating against the influences of party and of Parliament are aware of the logical consequences to which their agitation may lead. I am sure the hon. Member for Aylesbury is not, or he would be the first to condemn what he now approves. Talk thus loosely, yet thus fiercely, against the influences of party! The influences of party are the sinews of freedom. Party and freedom are twins, united at the birth by a ligament which is nourished from the lifeblood of both, and if you divide the ligament you kill the twins. Oh, yes, without the influences of party you might, indeed, have able and efficient men in your bureaux—England will never want such men under any system; but you will have exchanged the nerve and muscle of popular government for the clockwork machinery which belongs to despotism. But, Sir, to judge by the language out of doors, it is not meant to clear away the obstacles that beset the career of a clerk in a public office—no, it is meant to make the Queen's Government, make the Ministers of the nation, independent of the influences of party,—in other words, of the opinions of Parliament. That is the only way in which I can interpret the language we hear out of doors—that there must be an entirely new administration of the country perfectly free from the influences of party —why, Sir, if it is meant that the Crown is to appoint to the higher offices of State, free from the influences of party and from the opinions of Parliament, the Crown would become as absolute as it was in the time of the Tudors; and, if these agitators against Parliament say, "Oh, no, we do not mean that; we mean that the people are to dictate to the Crown, according to their ideas of merit, who are to be the Ministers of State, through other channels than Parliamentary parties, through patriotic associations and audiences accustomed *plausu gaudere theatri.*" I tell them that they would root out the durable institutions of liberty to make room for the deadly ephemerals of Jacobin clubs. But if they say, "Oh, no—we mean neither one nor the other," what do they mean—they who are attacking Parliament—except to bring Parliament into contempt and to trust the chance of a substitute to the lottery of revolutions? But let the House inquire if the Government is not in some degree responsible for the loud cry which has been raised against family patronage and party influence? Can you deny that it has ever been the peculiar characteristic of the Whigs when in office to concentrate power as much as possible within their own narrow and exclusive coteries, and to make a marked distinction between the great body of their supporters and the high-bred materials from which they construct their Cabinets? So far as that goes, I think the hon. Member for Aylesbury has proved his case. Your Cabinets have been one colossal instance of family patronage. You trace your map of office as the Chinese trace the map of the world. The Chinese draw a square; in that square they describe a circle, which fills up all the space except the four little corners. The circle is the Celestial Empire of China, and the four little corners are assigned to the miserable remnants of mankind. So when you come into power you describe round Downing Street your circle; in that circle you place the sacred family of Whigs—that is the Celestial Empire; and to the four little corners you banish the herd of your supporters. Now it is because ever since the Whigs came into office, more than twenty years ago, the public have seen this exclusive principle, this preference of family connections, applied to the more conspicuous departments of the State, that therefore now, when national disasters tend to magnify every abuse, and some abstract cause is to be found for every grievance, there has risen up this cry against the governing classes, aud a persuasion, which I do you the justice to say is much exaggerated, that you apply the same system of favouritism to all the ramifications of official power and distinction. The belief is exaggerated—the exaggeration is dangerous; it tends to shake the basis of our social system, but for that exaggeration and for that danger you are responsible, because in the composition of your Cabinets you have, one after another, installed a combination of families and privileged houses like a sacred caste, and have contrived to sour, to chill, and to alienate the energy, the intellect, the enthusiasm of that class of your supporters in whom the people can recognise their own hardy children; while you mortify the pride of a numerous gentry with birth as ancient as your own, but who happen not to be allied to your houses, nor partially naturalised to your coterie by having been disciplined in its drawing-rooms. Sir, I will grant most readily that the noble Viscount, in seeking to form the materials of his Government, was much less to blame for family exclusiveness than Whig Ministers have been before him. I believe that he did honestly desire to extend the range of selection. In the selection, for instance, of a right hon. Gentleman opposite (Mr. Horsman) to the important post of Chief Secretary for Ireland—a post which requires the union of courtesy and firmness, of ready powers in debate, with comprehensive knowledge of mankind—the noble Viscount has, to my mind, been most fortunate and judicious. But parties, like kings, are punished for the faults of their predecessors; and what the people resent is this, that the very nature of the party, or rather the coterie, which the noble Lord represents, has compelled him still, notwithstanding a few exceptions, to retain in the map of his Cabinet that general preponderance of the old Celestial Empire which is out of all reasonable proportion to the rest of the world. At the bottom of all this agitation that which I see most clearly is this—that the public are tired of Governments purely Whig, and that, sooner or later, the doom of that oligarchy will be sealed. Long ago Mr. Burke said, "The Whigs had never a majority in the country, but they obtained their ascendancy by dextrous management." We know in our time what that management has been; it consists in saying to the Radicals, "Support us, or you will let in those horrible Tories;" and in whispering to us Conservatives, "Bear with us, or those horrible Radicals will upset the country." I think that device is now pretty well worn out. Well, then, I distinguish between the dangerous elements which have been added to the question of administrative reform and the reform itself. For the dangerous elements I arraign the Government—for the reform I am a cordial advocate. You must, as soon as possible, take this question out of the hands of agitators, and turn it to safe directions in the hands of statesmen. Exactly a parallel case arose towards the end of the American war, when the cry throughout the country was for economical reform, coupled with an attack on the power of the Crown; now the cry is for administrative reform, coupled with an attack upon the predominance of the aristocracy. In both instances the country felt that its resources had been wasted, and feared its character was tarnished; it sought to trace the causes to a tangible origin, and in both instances believed it found that origin in the abuse of patronage. By a timely—and, because timely, a moderate reform—the Rockingham Administration contented the people and averted all danger from the Crown. By the same means, though I hope the reform will be more extensive, you may again content the people and relieve the aristocracy from unmerited censure.

Sir, it is not my intention at present to touch at all upon the vast but intricate question of military reform. I am convinced that you will do much better to keep that question apart from the administrative reform connected with the civil service, and entertain it in a different debate, and it is to the civil service that I shall confine myself. Sir, the elaborate and able speech of the hon. Member for Aylesbury, has saved me from inflicting on you quotations from the Reports of our various offices, which Reports I have studied with great care. Those Reports allow us to take it for granted that administrative reform is imperatively necessary, since there is not one of those offices in which that reform is not urgently enforced by those who are the best judges of it; and I shall content myself with this short extract from the Report on our general civil service:—

> "All who have had occasion to examine its constitution with care, have felt that its organisation is far from perfect, and that its amendment is deserving the most careful attention. It would be natural to expect that so important a profession would attract into its ranks the ablest and most ambitious of the youth of the country; that the keenest emulation would prevail among those who had entered it; and that such as were endowed with superior qualifications would rapidly

rise to distinction and public eminence. Such, however, is by no means the case. Admission into the civil service is indeed eagerly sought after, but it is for the unambitious, and the indolent or incapable, that it is chiefly desired. Those whose abilities do not warrant an expectation that they will succeed in the open professions, where they must encounter the competition of their contemporaries, and those whom indolence of temperament or physical infirmities unfit for active exertions, are placed in the civil service, where they may obtain an honourable livelihood with little labour, and with no risk; where their success depends upon their simply avoiding any flagrant misconduct, and attending with moderate regularity to routine duties; and in which they are secured against the ordinary consequences of old age, or failing health, by an arrangement which provides them with the means of supporting themselves after they have become incapacitated."

I have made a short summary of the principal reforms suggested for the existing imperfections. They are, the establishment of a primary, and of, perhaps, periodical examinations, and those for the highest situations should be on a level with the highest description of education; a more judicious regulation of the principle applied to salaries; the adoption of honorary rewards and distinctions; the bestowal of all the places and prizes in the service on those who belong to it; accountability by records of individual and reports of departmental service; and, in short, the general regulation, not only that merit should be the rule for promotion, but that there should be legitimate occasions to test that merit, and increased facilities for its rise. In looking over all the evidence on the subject, and weighing all the objections made to these recommendations, I have convinced myself that the reforms proposed by the various Commissions are sound and judicious, but that they require a vigour the Government have not yet shown in arranging the details into a systematic whole, and an honest determination, not yet evinced, to encourage the workings of such reforms, and a generous vigilance of Ministers in the discernment of merit in their own departments. We shall be told that the Government have done much, and are doing still more, in the way of amendment and reform. I will tell the Government why I am not satisfied to rest simply on that declaration. In the first place, I cannot compliment the right hon. Member for the University of Oxford on his share in the Order in Council. I think your mode of examination under that Order a complete evasion of all the real questions, at issue. The objects sought by the Committee on the Reorganisation of the Civil Service, and by all genuine reformers of that service, are to obtain the largest available amount of energy and intelligence; first, by fair competition, and next, by all professional inducements. Now, I say that your Order in Council frustrates these objects. By that Order in Council you did not widen the range of candidates. You may have improved the examinations to a certain extent, but you still retain that which reformers specially desire to correct throughout the whole civil service—the character of a close borough: and you do not increase the inducements to candidates of talent to enter the service, by assuring them of professional rewards; for the Order in Council enables the chiefs of departments to nominate persons to office who have not been in the Civil Service, and who have been distinguished only in other pursuits, without undergoing any examination whatever. On the one hand you invite men to submit themselves to a severe examination, and, on the other hand, you prepare them to have men who have never been in the public service set over their heads. Thus, I say, that by this Order in Council you sanction the two worst abuses of which all your official reports complain. When I look at the minutes of answers made by the heads of departments to the reports on their own offices, I see in them nothing more than a servile acquiescence in detached suggestions, without the slightest indication that those great officers of State have mastered the subject for themselves, without one original conception or proof of constructive faculty; while they all exhibit the same indolent and desultory spirit, and affect to deliberate when in reality they only dawdle. Now, this is precisely what I object to. I would rather you left things alone. You cast a slur on what exists without being prepared to replace it. You strip off the roof and let in the rain, not only before a new covering is ready, but while you are still undecided whether you will use slates or tiles. This is one of the cases in which reform ought not to be slothful and vacillating, but prompt and decisive, because as a long as you leave the public servants of any department uncertain what is to become of them, you deprive them of all energy and good-heart. I believe that one reason of the Duke of Newcastle's failure was, that you placed him at the head of establishments which lay effete and paralysed under sentence of death. Hesitating reforms unsettle; decided reforms reconstruct. And I am convinced also that any general rules you may adopt to excite emulation and encourage merit should be applied simultaneously to all establishments, and that the reform in one should not be contrasted by the abuse in others. For instance, what could be so unwise, at a time when the eyes of the public are fixed on you with so keen a scrutiny, as to announce a very proper but a very rigid examination for the vacancies in the senior practical class at Woolwich Academy, and proclaim in the newspapers of the very same day that three of the best places in the public service, that of Director-General of Stores, Director-General of Contracts, Assistant-General of the Army Clothing Department, were bestowed upon gentlemen who, whatever their merit, are less connected with those departments than they are with yourselves, and therefore appear to the uninstructed public audacious specimens of that very favouritism which your reforms affect to abolish? Let me again impress upon you that it is not enough to subject young candidates to a rigorous examination, to decoy into the public service the rising energy and talent of the country, unless you set before them all the lawful prizes of the profession, and convince them that not one such prize shall be abstracted from their ambition, and bestowed upon gentlemen who, however able, are not connected with the service. If the public service is to be really a profession, it ought to be as monstrous to give one of the great prizes in that service to a man who has not been actively distinguished in it, as it would be to give a clever lawyer the colonelcy of a regiment, or a gallant officer the Mastership of the Rolls. I am more alarmed than I can well express at the state of things out of doors, and I am most desirous, for the sake of satisfying the country, and allaying all disaffection, that the Ministry should frame a scheme which they can openly bring before this House, and so inform the country exactly what they are doing, and intend to do.

Sir, I cannot vote for the Motion of the hon. Gentleman the Member for Aylesbury—not, he may be sure, from disrespect to himself, but because, looking at his Motion in connection with its supporters out of doors, I cannot sanction an influence quite apart from the question of Administrative Reform, which I conscientiously believe to be unsound in principle and perilous in the consequences to which they would lead. But I am desirous, not only for my own sake, but that of many gentlemen on both sides of the House, to have an occasion of recording our votes in favour of the simple question of Administrative Reform. For this reason I have not framed the Amendment I propose in a party spirit; my remarks may have been under that influence; my Amendment shall be free from it. My hon. Friend (Mr. Layard) has referred to a lovely passage in Tasso, and says that I would smear the bowl with sweets that the child may swallow the medicine. No; I present the medicine as it is. He adulterates the medicine with the bitterness of unnecessary gall. Not the least dangerous part of the agitation out of doors, which it was scarcely worthy of a distinguished Member of Parliament and a distinguished scholar to countenance, is the attempt of certain persons to disparage the character of this House. Acting as I do, with a minority, it might be more consistent with the passions of party to connive at that depreciation, and insinuate that it is the fault of the tribunal when we cannot carry our cause. But I say, from the bottom of my heart, that the longer I have lived, and the more familiar I have become with books or with mankind, the more deeply the patriotic spirit and the intellectual eminence of this House of Commons are impressed on my convictions. And during my experience of more than twenty years in the records of your proceedings I can recall no time in which this House was ever more worthy of the confidence and respect of the country, whether for the ability, which by all sections of opinion has been displayed, or, as I solemnly believe, for the personal incorruptibility of its Members as a body, or for that zeal for the welfare of the country which, whether you have assailed or supported Ministers, posterity will acknowledge to have been your prevailing motive. It is not at such a time that a mere form of words, which some of us cannot accept, should alienate the affections of the people from this palladium of their liberties; and in order that every Member, no matter what his politics or party, who cannot accept the Motion now before us, may have the opportunity of recording a vote which he can vindicate to his constituents and justify to his conscience, I submit to you this proposition, which you will pardon for its temperance if it obtains the object of conciliating your approval.

Amendment proposed, to leave out from the word "House" to the end of the Question, in order to add the words "recommends to the earliest attention of Her Majesty's Ministers the necessity of a careful revision of our various Official Establishments with a view to simplify and facilitate the transaction of public business, and, by instituting judicious tests of merit, as well as by removing obstructions to its fair promotion and legitimate rewards, to secure to the service of the State the largest available proportion of the energy and intelligence for which the people of this Country are distinguished," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LABOUCHERE rose to make an explanation with reference to an appointment which had been referred to in the course of the evening, and for which he was responsible, viz., the appointment of Mr. Fonblanque to the statistical department. That was an office which had never been considered an object of fair ambition by any party, but had always been filled up by some one brought into the office, and not by any one already in the office. When Mr. Porter was appointed to the Board of Trade, he undoubtedly expressed an opinion that the clerk at the head of the Statistical Department was competent to discharge the duties of Statistical Secretary under his (Mr. Porter's) superintendence. There was no doubt of the fitness of the gentleman he recommended, but he (Mr. Labouchere) looked into the question in the most scrutinising manner, and thought it would not be right to appoint this gentleman; had he done so, he should have fallen into the mistake that was so much complained of, of sacrificing merit to routine. He was alone responsible for the appointment of Mr. Fonblanque, who had given his attention to statistics for many years, and who had always discharged his duties in a perfectly satisfactory manner. He (Mr. Labouchere) took the opportunity of reducing the salary from 1000*l.* to 800*l.* a year; and it gave him great pleasure to give the appointment to a man of great literary eminence and unblemished private character.

SIR STAFFORD NORTHCOTE said, that the right hon. Gentleman had fallen into a mistake into which he would not have fallen had he heard his speech. He had not said one word against the fitness of Mr. Fonblanque for the office to which he had been appointed. He had only referred to that appointment as an illustration of the system (which he would condemn) of appointing to high offices persons who were not connected with the civil service.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I rejoice that the hon. Member for Aylesbury has, by a distinct and substantive Motion, brought the question of administrative reform under the specific consideration and review of the House. The question of administrative reform, as the hon. Baronet who has just addressed the House has justly remarked, has assumed dimensions of great importance and has justly occupied a large portion of public attention. It is an easy and convenient practice, for an association of gentlemen who agree together in opinion upon some important subject, to collect a public meeting to which the audience are admitted by ticket, and in which means are taken to insure unanimity in the persons addressing the meeting as well as in the audience collected to hear the speakers. But when a question of this sort is brought under the consideration of Parliament, it necessarily undergoes examination by persons of different sentiments. The House of Commons represents all classes and the opinions and sentiments of the entire community, and it is certain that no important question of this sort which may be brought under the consideration of Parliament can escape a close and searching investigation. The Motion which the hon. Member for Aylesbury has brought forward, embodies the subject of administrative reform; but it is, at the same time, a vote of want of confidence in Her Majesty's Government. In one respect, I think, the remarks of my right hon. Friend (Mr. Gladstone) on this Motion were not wholly borne out by the character of the Motion, which he described as a mere abstract resolution that could lead to no practical result. Now, if this Resolution should be adopted by a majority of this House, it would have at least this practical result, that it would lead to the resignation of the present Government. That, Sir, is, at all events, a practical result, and it justifies the hon. Member for Aylesbury in submitting the Resolution to the House. It is distinctly a vote of want of confidence in the Government, and it is the second Motion of this character that has been submitted to this House within the last fortnight. The previous Motion was founded upon the subject of war and peace and the negotiations at Vienna; the present Motion is founded upon the question of administrative reform. It is unnecessary for me to refer to the principle that has been laid down by all writers on free Governments as to the importance of maintaining the distinction between the executive and legislative branches of the Government. So long as a popular assembly exists in a free country there must be a distinction between the executive and the legislative authority, and the executive must be entrusted with certain duties which the legislative authority is incapable of discharging. The executive is entitled to demand of the legislative assembly that it should either impart to them their confidence, or should by a distinct vote withdraw it; but that it should not from time to time bring forward Motions of want of confidence, by which the course of proceeding of the executive may be rendered uncertain and insecure; and they have a right to ask either that Parliament will afford them its distinct confidence, or that, if it refuses to do so, it will at once give them its decisive opposition. The Motion submitted to the House by the hon. Member for Aylesbury asserts that "merit and efficiency have been sacrificed in public appointments to party influences." Now, without going over the ground which has already been so ably gone over during the debate, I would ask whether it is possible in any popular Government altogether to exempt the appointments to administrative offices from party and political considerations? If we look to the example of the United States, we shall find that the system of party and political influences in administrative appointments is carried to a much greater extent than it has ever been carried in this country. When a political party in the United States succeeds to power, it sweeps away not only those officers who stand at the head of departments, and who in this country hold a political character, but it also removes all those officers in subordinate situations who in this country survive all the changes of Administration. Another allegation contained in the Resolution of the hon. Member for Aylesbury is, that merit and efficiency in public appointments are sacrificed to family influences. I think it will hardly be maintained, even in public meetings called to discuss this subject, that persons should be excluded from public offices simply upon the ground of their connection, by hereditary descent, with the peerage. If it be an honour for the Crown to confer a peerage for military, civil, or diplomatic services rendered to the country, can it be supposed that any disqualification should at any time arise from connection or relationship with the person so honoured? It has always been the pride of this country that the aristocracy is so united with the other classes of the community that no distinct line can be drawn between them, and that in the Commons' House of Parliament and in all public employments a career is open to all without any distinction. It would appear from the argument of the hon. Member for Aylesbury that he supposes that the practice of appointing peers to high offices in the State has increased rather than diminished of late years; but a very superficial acquaintance with history and with the Administrations of the country at the end of the last and the beginning of the present century will show that the larger proportion of important offices in the State has been at all times filled by members of the aristocracy. When Mr. Pitt, after his remarkable triumph over the Coalition Government of Lord North and Mr. Fox, entered upon office and commenced his long Administration, he alone, in this House, sustained a great struggle against a coalition which united all the Parliamentary talents of the House of Commons, and he was unsupported by a single commoner in his Cabinet. That example proves in a remarkable manner the extent to which the Administrations of that day were formed almost exclusively of the aristocracy. The hon. Member for Aylesbury further attributes the misfortunes which have arisen in the conduct of the war to the sacrifice of merit and efficiency in the public appointments, and to "a blind adherence to routine." It is undoubtedly true that a blind adherence to routine is inconsistent with the proper discharge of administrative duties; but, nevertheless, a routine, or established system of practice, is necessary to the transaction of the business of the Government. I may ask, how could the business of this House be transacted if it were not for an adherence to routine? How could the business of the various courts of law be transacted if there were not a regular established system in existence? It is true, that if persons are sent suddenly to a distant shore to command an expedition such as that which is now in the Crimea, unforeseen circumstances may render a blind adherence to routine inconsistent with the proper discharge of administrative duties. But, at the same time, it is scarcely reasonable to expect of persons who have been trained all their lives in the ordinary performace of military or civil duties that, when they are suddenly placed in new and unforeseen circumstances, they should exhibit a genius which is the rare gift of a small number of persons, and should show in a novel and trying position those great abilities which under the most favourable circumstances, are seldom exhibited. For these reasons I am unable to assent to the Motion of the hon. Member for Aylesbury.

With regard to the Amendment of the hon. Baronet opposite, I will only remark that, if it were to be construed by the plain, simple, and straightforward meaning of the words used, and were not to be governed by the speech of the hon. Baronet, I could see no difficulty in accepting it. At the same time, I may be permitted to say that the necessity of a careful revision of our various official establishments, to which he wishes to pledge the House, is not, as has been remarked by my right hon. Friend the Member for the University of Oxford, justified by any omission on the part of the present or of previous Governments to carry that revision into effect. With the permission of the House, I will briefly call their attention to the steps which have already been taken for the revision of some of the principal departments of the Government. In the year 1848 a revision of the Home Department took place at the time my right hon. Friend, who is now Home Secretary (Sir G. Grey) was at the head of that department. I was myself Under Secretary for the department, and a revision took place after a careful examination, in which Sir Charles Trevelyan, then Assistant Secretary to the Treasury, assisted, and the result was the introduction of various reforms. In the year 1849 a revision of the department of the Treasury took place; after a careful examination, conducted by Sir Charles Trevelyan and Mr. Gibson Craig, certain reforms were introduced. In the same year a similar investigation was made into the Colonial Office with a similar result; and in 1852, under the Government of Lord Derby, an investigation was made with regard to the Chief Secretary's Office, Dublin; the Irish Office, London; the Privy Council Office, Dublin; and the Fines and Penalties Office, Dublin. Since that time there has been a revision of the War Office, of the Board of Trade, of the Poor Law Board, of the Privy Council Office, and of the Committee of Privy Council on Education; of the Colonial Land and Emigration Office, of the Copyhold Enclosure and Tithes Commission, of the Board of Ordnance, of the Office of Works, of the Post Office, and of the Office of the Registrar General. In all those cases extensive reforms have been the consequence. It will be in the recollection of the House that important reform has likewise taken place in the constitution of the Indian service, and a change has been made in the examination of candidates for that service. A consolidation of the War Department has likewise been recently introduced. The examples which I have quoted show that although the adoption of the Amendment of the hon. Baronet is perfectly consistent with the course which not only the present but former Governments have pursued, it is not needed for the purpose of stimulating them to revise the public departments, but that, on the contrary, they have already, of their own free will, pursued the very course now pressed upon them. With regard to the institution of tests, I will refer to the Order in Council, the origin of which has been explained by my right hon. Friend the Member for the University, and the provisions of which have been canvassed by several Members who have addressed the House. It is not my purpose to discuss at present the question whether the plan which that Order embodies sufficiently remedies all the evils which are said to exist in the present system, or whether it will be desirable to introduce into this country for the first time a system of admitting an unlimited number of candidates without the nomination of the head of any department. I will only remark that this Order in Council provides a great additional security for merit in administrative appointments beyond that which now exists. A regular examination, conducted under the superintendence of a board of persons who are independent of each department and unconnected with the heads of those departments, affords a greater security than has ever hitherto existed for the exclusion of unfit persons from the service of the Crown. Whatever difference of opinion may exist as to ulterior measures which it may be thought prudent or wise to adopt, surely it cannot be denied that the provisions of the Order, which has recently been brought into force for the first time, afford a guarantee for the merit of persons appointed in the different public departments, inasmuch as by prescribing a certain amount of qualification they will prevent any one from entering the service of the Crown who does not possess that requisite degree of attainments. I cannot but think that the Order in Council to which I have referred gives a practical proof of the efforts made by Her Majesty's Government for securing the efficiency of administrative departments, and goes much further in that direction than any of the very general recommendations which are offered at meetings out of doors. I will not trouble the House any further upon the subject. I will only state my conviction that so far as any measures for the advancement of the cause of administrative reform are concerned, the measures adopted by Her Majesty's Government go as far as it is in the power of any one to embody practically the suggestions which have been made. With respect to ulterior measures, I may add that they remain open to further consideration, and that their adoption can only take place after careful and anxious consideration."

VISCOUNT GODERICH moved the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 240; Noes 29: Majority 211.

Debate *adjourned* till *Monday* next.

COURT OF SESSION (SCOTLAND) BILL.

Order for Third Reading read.

THE LORD ADVOCATE stated that he should postpone the third reading of this Bill to Monday week, in order to give more time for the people of Scotland to express their sentiments upon it.

Motion made, and Question proposed, "That the Bill be read a third time upon Monday, 25th June."

MR. CRAUFURD hoped the hon. and learned Lord would withdraw the Bill.

MR. F. SCOTT agreed with the hon. Member. The Bill was hurried through to its present stage, and he hoped the hon. and learned Lord would withdraw it.

THE LORD ADVOCATE had no intention of precipitating or withdrawing the Bill. It was a Bill of very great importance.

MR. LOCKHART had never known a Bill pressed through with such haste. It was impossible the people of Scotland could know anything of its provisions.

MR. COWAN bore testimony to the repugnance with which the Bill was regarded by a considerable part of the legal profession in Scotland. He hoped the hon. and learned Lord would endeavour to make the Bill more conformable to the feelings of that profession, or, if that were impossible, that he would withdraw it.

MR. BLACKBURN deprecated a division in the absence of the Scotch Members.

MR. ALEXANDER HASTIE said, his constituents were opposed to the Bill also.

MR. JOHN MACGREGOR said, all the communications he had received on the subject were so strong that he should move that the Bill be read that day three months.

Amendment proposed, to leave out "Monday, 25th June," in order to add the words "this day three months," instead thereof.

Question proposed, "That the words 'Monday, 25th June,' stand part of the Question."

THE LORD ADVOCATE did not at all wish to take the opinion of the House on the Bill then, as he wished to take the sense of the people of Scotland still further on its provisions. He did not deny that the Bill had elicited a considerable difference of opinion. One part of the legal profession was against it; the other, the Faculty of Advocates, was for it. The object of the Bill was to remedy the evils arising out of the absolute right of choice given to suitors in the courts in Scotland seventeen years ago. The inconvenience created by their exercising this right was so great that, while one division of the courts was overtaxed with work, the other division was quite unemployed. In fact the delay almost amounted to a denial of justice, and demanded a remedy at the hands of the Legislature. He did not say he was bound to press the Bill this Session, but he thought it was a subject which required a remedy as soon as possible. He therefore hoped that the House would let him take the Bill on the Monday week.

MR. MALINS said, that if the House

went to a division he would vote for the Bill, although he thought it better that it should not be proceeded with now.

Mr. F. SCOTT thought the suitor would be placed at a disadvantage by the Bill. The Faculty of Writers to the Signet were unanimously opposed to it.

Mr. CRAUFURD said, the Bill would be all very well if the Court of Session were constituted like the English Court of Chancery. The object would have been attained by a joint court of appeal, but it was not wise to place it in the power of the Clerk of Session to partition the business. It would be better to postpone the Bill until next Session.

Mr. COWAN thought the people of Scotland deserved a little more consideration than could be given to their interests at that hour of the morning.

Amendment, by leave, *withdrawn.*

Third Reading *deferred* till *Monday,* 25th June.

The House adjourned at a quarter before Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, June 18, 1855.

Minutes.] Public Bills.—1ª Assizes and Sessions.

2ª Insurance on Lives Abatement of Income Tax Continuance; Cinque Ports.

FEES IN COUNTY COURTS, AND SALARIES TO COUNTY COURT JUDGES.

Lord BROUGHAM, rising pursuant to notice, to call the attention of Her Majesty's Government to the subject of County Court fees, said: I need not remind your Lordships that this is a subject of great importance in connection with the administration of justice in County Courts. I am aware that, according to the usual practice in your Lordships' House, the notice of an intention to put a question, on such a notice as I have given, has been made use of merely as the means of making a statement; but I most willingly waive my right to do so on the present occasion, because I have so often brought this matter before your Lordships that any lengthened statement on the subject would be not only superfluous but tiresome. I consider it quite unnecessary to go over the same ground again—the more so as no answer has been given, or even attempted, to my former arguments. The facts are therefore admitted, and the only observations with which I shall trouble your Lordships, apart from the immediate subject of my notice, shall be in answer to the assertion ordinarily made that these County Courts are merely small debts' courts, that the amount of business in them is limited, and that they are, therefore, of subordinate importance. That, however, as I shall easily prove to you, is not the fact. Upon the passing of the Act brought in in 1845 by my noble and learned Friend behind me (Lord Lyndhurst), which was a part, but a most important part, of the original Bill brought in by me both in 1831 and 1833, the amount of business done in the Superior Courts was reduced from 120,000 causes in the year to an average of between 80,000 and 81,000; and on the adoption, in 1851, of what is commonly called Mr. FitzRoy's Act, which extended the jurisdiction of the County Courts, and raised the maximum sum to be sued for from 20*l.* to 50*l.*—the Bills of 1831 and 1833 having gone as far as 100*l.*—it has been ascertained that 40,000 out of these 81,000 causes involve sums of 50*l.* and under—that is, sums to which the County Court jurisdiction, since 1851, applies. Such being the fact, I hold it to be utterly preposterous to treat these County Courts as small debt courts, when one-half the cases tried in the Superior Courts refer to those sums which can be sued for in the County Courts. Since the jurisdiction of these courts was extended by the Act of 1851, the number of causes tried there has amounted to 450,000, and of these, from 12,000 to 13,000 are for sums varying from 20*l.* to 50*l.* The extension of this jurisdiction was a most important step; but, I am grieved to say, it was vehemently opposed in the House of Commons by a learned Friend of mine, now Chief Justice of the Common Pleas, and then Attorney General. Nevertheless, the opposition of that learned person was offered in vain; he was defeated, and the Bill passed your Lordships' House without any opposition whatever on the part of the noble and learned Lords forming a portion of the Ministry at that time, and thus an indication was afforded that the opposition offered to the measure in the House of Commons was not the opposition of the Government. With respect to the County Courts "fees," as they are most incorrectly called — for it is not against the fair fees taken by the practitioners of the courts, but against the taxes levied by the Government, that complaint is made—they amount to 270,000*l.* a year. Now, look at the Superior Courts. The fees taken in those courts—where not only causes of moderate amount, in respect of which the County Courts have concurrent jurisdiction, are tried, but causes of a much larger amount, the parties to which are, therefore, much better able to pay these taxes—the fees taken in the Superior Courts are restricted by a recent arrangement, partly statutory, to 50,000*l.*, instead of 270,000*l.*, and the salaries of the Judges and other officers are paid out of the Consolidated Fund. The suitors in the Superior Courts are taxed to this comparatively moderate amount. I have stated the number of causes tried in the County Courts, out of the whole 450,000, which involve sums of between 20*l.* and 50*l.*; all the rest are for sums under 20*l.*, while some are for as many shillings, and the best proof I can give of the kind of suitors who go there, and are oppressed by the extortion of these fees, is the fact that the greater number of the poor people brought there for non-payment of their debts are persons who do not deny the debt, or even dispute the amount, but are brought into court by the creditors who try to obtain what they can of the money due to them. I have the authority of a most able and eminent Judge in one of these courts for saying that, in nineteen out of twenty cases the poor people, the debtors sued in his court, get an order to pay by instalment, to which, in hardly any case, does the plaintiff, the creditor, object. Yet these are the individuals on whom the Treasury plants its long and iron hand for the purpose of extorting from them sums wherewithal to pay the Judges' salaries, and to defray the other expenses attending the administration of justice, which it is the bounden duty of the State to defray. Another of the Judges states that it is no uncommon thing in his court for persons to be sued who are paupers or are receiving parish relief. My Lords, I find that the fees, or, to give them the right name, the taxes imposed by the Government, amount to 17½ per cent on the 1,500,000*l.* annually sued for in those courts, while upon the money actually recovered and paid into court they amount to 31 per cent. But these are only averages; the pressure, of course, is far greater in some instances. When I first brought this subject before the House I gave one or two instances of the way in which these taxes oppress the suitors, and I will now add, or rather remind your Lordships of one or two examples to show the effect of this oppression. In one case, where the amount sued for was between 13*l.* and 14*l.*, the attorney's fees and charges—the honest charges, as contradistinguished from the taxes—amounted to 2*l.* 16*s.*, while the court fees or taxes upon the cause were 4*l.* 18*s.* 6*d.* Think of taxes to that amount being imposed upon the recovery of a debt of 13*l.* In another case, where the amount sued for was 14*l.* 3*s.* 6*d.*, the taxes were 7*l.* 5*s.* 9*d.*, being above 51 per cent upon the debt. In a third case, where the sum sued for 18*l.*, the taxes amounted to 10*l.*, and the last instance I shall refer to was a case in which the sum of 5*l.* was sued for under the Optional Clause, in which case the taxes were 8*l.*, being not 17 nor even 70 per cent, but amounting to 160 per cent upon the sum sued for. I am sure I need go no further to induce your Lordships to concur with me in the hope that this shame, this scandal upon the administration of justice in England, should be removed as speedily as possible. In all other countries such a system has been abandoned, and I think it is high time it should cease here. My Lords, I wish now to say a word or two in reference to the salaries of the County Court Judges. I admit that at one time I held the opinion that a different salary should be paid in different County Courts. I leant to this view when I first brought in the County Courts Bill in 1831, and then in 1833; but since that time, upon mature consideration, my opinion has been changed. I believe it to be most injudicious—the most inconsistent with the judicial office, and with the due administration of justice —to pay these learned persons, as it were, by the piece, according to the amount of work done, for it is manifest that the same high qualifications, the same degree of learning, talents, industry, integrity, and high sense of honour are required in all cases alike, whether the duty which each Judge has to perform be greater or less. I affirm, my Lords, it is contrary to the nature—I will not merely say to the dignity—of the judicial office that such a state of things should be allowed to continue, and that these Judges should be paid either by fees or in proportion to the work done, or to the average amount of business brought before their respective courts. The tests adopted by the Treasury, in the exercise of their discretion, are confessedly nugatory, because they are not according to the facts, and each one of them differs from the other just as all alike differ from, and are inconsistent with, justice. Only think of persons filling judicial offices being told, "Your are to have a salary of 1,200*l.* a year at the lowest, but there is a further sum of 300*l.* a year with regard to which it is left to the Treasury to say not only whether you shall have all but any part of it." Accordingly, we find that, of this supplemental sum, the Treasury allows to one Judge 150*l.*, to another 100*l.*, and to a third 200*l.*, so that there may be Judges who receive only 1,200*l.*, others who are paid 1,350*l.*, another class 1,400*l.*, and a fourth class to whom is paid the whole amount of 1,500*l.* To such an arbitrary and preposterous system I object *in toto*, and I think your Lordships will agree with me in considering that these differences and distinctions ought at once to cease, and that there ought in future to be one fixed and uniform salary. There are many anomalies in doling out this additional 300*l.* a year, under the present system, which I might mention; for when I look into the practice of each of these learned Judges I find that in several instances the persons paid most had least to do, and the least important cases, while those who did the most work were paid the least. But I need not enter into further details. It is sufficient for me that the County Court Judges are not paid as all judicial functionaries ought to be paid—out of one fund, and by an equal and fixed salary. I may add, that in making these observations I have not one word to say against the able and learned person who is Secretary to the Treasury (Mr. Wilson), and who carries on the official correspondence with the County Court Judges on this subject. He is a gentleman of great eminence and ability, and it is from no spirit of unkindness towards him that I have made these remarks, nor have I the slightest idea of throwing any imputations upon that individual, whose writings were, I well remember, strongly recommended to me by no less eminent an authority than the late Duke of Wellington, and I found he had most justly vouched for their merit. What I have said has been simply prompted by a sense of justice, in condemnation of the system, and from a desire to see the evils to which I have alluded removed as speedily as possible.

LORD PORTMAN: I entirely concur in the observations of the noble and learned Lord upon the subject to which he referred in the latter part of his speech, and I feel convinced that very great injustice is done in the way he has pointed out to many of the County Court Judges. My attention has been more particularly called to this subject by a County Court Judge in the district in which I reside, who receives less than the full amount of salary, and who complains, as it seems to me with justice, not that the salaries given differ in amount, but that this difference is not based upon any fixed, distinct, or intelligible principle. There seems to me to be no principle upon which the distinction between the salaries is made. The will of the Treasury appears alone to determine the point, and for the reasons given by the noble and learned Lord I cannot but disapprove of any such distinction where it is founded on no sound principle. I could understand a difference being made in favour of those Judges whose courts were considered of greater importance, and whose judicial rank was looked upon as higher than others, in the same way as a higher salary is paid to the Chief Justices of the superior courts than to the Puisne Judges. But I cannot understand such a distinction in a case where all the Judges are equal, and I can conceive nothing more likely to affect, prejudicially, the independence of the Judges of these courts or indeed of any persons holding judicial offices, than that the amount of their salary should be made to vary according to the discretion of the Treasury. This is a state of things which, I think, should be at once put an end to; the Treasury Minutes on the subject are contradictory in themselves, and the elements selected, upon which this distinction of salary rests, appear to me to be insufficient to meet the justice of the case. Taking the various elements in question, I find that a fifth element is not included by the omission of which an injustice is committed as between individuals of the same status, which I think affords fair ground for complaint. This fifth element is the distance which a County Court Judge is obliged to travel, and the expense and physical labour which are in consequence entailed upon him in the discharge of his duties. The County Court Judge, to whom I have alluded, says, that he would not complain if any fair principle had been adopted upon which the present difference in the rate of salaries could rest. But the principle appears to be now rather to pay the County Court

Judges "by the piece," as the noble and learned Lord has said, than by the merits of the individual Judge. This certainly seems as if the Secretary of the Treasury had looked at the question in a light quite different from that pointed out by the law officers of the Crown. He says in defence of the present system, that there is no want of candidates when a judgeship falls vacant, from which he draws the conclusion that the mode of proportioning the salaries cannot be open to any great objection. But, my Lords, I think this is an erroneous principle to go upon, and is not the proper light in which to view the subject. The proper course is to see that an office is fully paid, and then to find the very best man who can be got for the office. Now I cannot help thinking that if your Lordships will turn your attention to the Minutes of the Treasury on this subject, which have been laid upon the table, you will come to the conclusion that it is not right or desirable that a body of gentlemen, sixty in number, occupying so important a position as these County Court Judges, should be dependent on the mere whim of the Treasury as to the amount of their salaries. The financial Secretary of the Treasury appears to have treated the matter as a fiscal question without any consultation with the law officers of the Crown. But I hope the noble and learned Lord on the woolsack, and my noble Friend the Lord President of the Council, will take this subject into their most serious consideration, and reflect whether an irresponsible body represented by Mr. Wilson should be allowed to interfere with the independence of these judicial personages and to have the regulation of their salaries. The Secretary of the Treasury talks of an insignificant class of cases tried by some portion of these gentlemen, and calls them insignificant because the amount involved in them is but small, on which account, these Judges are not, he argues, to be paid like the others. Now I cannot see that such cases are less important than those in which the amount involved is larger. The noble and learned Lord opposite (Lord Brougham) and the noble and learned Lord on the woolsack will not, I imagine, allow that any insignificant cases can be brought before the Judges. The ability required in the administration of justice should be the same, whether that justice be dealt out to the rich man or to the poor man—whether the sum sued for be large or small—and I submit that no distinction in the salary of the Judges ought to rest on such a ground.

EARL GRANVILLE: It is not necessary for me to remark upon the interest which any subject connected with the County Courts is sure to evoke, but I feel myself placed in a somewhat embarrassing position on the point referred to by the noble Lord who has just sat down because, not having been aware that the point was going to be brought before your Lordships, I have not been able to obtain any information on the subject, and do not, therefore, know the circumstances connected with the Minute drawn up by the Chancellor of the Exchequer and by Mr. Wilson. Still the subject appears to be one well worthy the attention of the Government. With regard to the evil which the noble and learned Lord (Lord Brougham) has so often brought under your Lordships' notice, I am not able to give any distinct pledge that it will be immediately remedied, although, at the same time, I am bound to admit the justice of the greater part of the arguments which the noble and learned Lord has adduced. It has frequently been a matter of complaint that the salaries of Judges of the superior courts should be defrayed by the State out of the Consolidated Fund, while the poorer class of suitors who repair to the County Courts are required to pay fees for the maintenance of the Judges of those courts. I do not, however, quite agree with those who would place the County Court Jndges on a level with the Judges of the superior courts, because I think there is great force in the argument that the Judges of the superior courts, employed, as they are, upon the more important cases, are great constitutional functionaries upon whom great constitutional questions often depend, and who are sometimes consulted and called upon to assist your Lordships in deliberating upon questions of the highest and the gravest character. Such a Judge, having general rather than local duties to perform, is in a somewhat different position to that of Judges who administer justice and decide upon cases brought to them in the various districts throughout the country, and the salary of such a judicial person is most properly paid out of the Consolidated Fund, and most properly remains fixed and permanent. I merely mention this as an argument I have heard used, and which seems to me to possess great force, in order to show that this is not a question to be settled without due deliberation. I hope that my noble and learned Friend (Lord Brougham) will be content with the assurance that the Lord Chancellor has very recently brought the matter under the attention of the Government, and although this is not a time when the Government are well able to make new charges upon the funds derived from public taxation, I can assure my noble and learned Friend that the whole question he has brought under notice will receive our most serious and attentive consideration.

LORD CAMPBELL: I am not prepared to go quite so far as my noble and learned Friend (Lord Brougham) and to say that no debtor in a court of justice should be called upon to pay his portion of the cost to which the country is put in affording a means of recovery. I may condemn the principle of taxing judicial proceedings, but, at the same time, I do not see anything erroneous in the practice of making the wrong-doer pay at all events a small sum towards maintaining the establishments requisite for the due administration of justice. Formerly, shameful sinecures existed in the courts, and all suitors were called upon to pay for the benefit of persons holding those sinecures. For a long period such offices prevented any reform in the law, but they have happily been got rid of, and I hope will never again be permitted to exist in any court. As regards the county courts, I certainly am of opinion that my noble and learned Friend has pointed out evils which ought to be remedied, one of which is that the plaintiff, under the present system, is obliged to pay an enormous sum in the shape of costs, whereas it often happens that, though the judgment of the court is in his favour, he never receives a single farthing of the sum for which he has sued; I cannot, however, see that it is any great hardship to call upon wrong-doers to pay their quota of the expenses of administering justice. With regard to the other point touched upon by my noble and learned Friend, if it really is the case that the Lords of the Treasury have power to raise or to lower the salaries of the County Court Judges as they think proper, I think such a principle is monstrous, and is one which cannot be endured.

THE LORD CHANCELLOR: The theory of this subject is extremely clear. It is the duty of the State, no doubt, to provide for the administration of justice, but I consider it equally clear that the State is entitled to reimburse itself upon

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the wrongdoer, to the extent of the whole of the expenses to which it has been put, if that be possible, or, at least, to the extent of a large portion of those expenses. If, then, the fees, or, as my noble and learned Friend has called them, "the taxes" levied in the County Courts were merely levied upon the losing parties to defray the charges to which they have put the country and the plaintiff, I should not think there was anything incorrect in that mode of proceeding, either in theory or in practice. But, unfortunately, these taxes are levied in only too many cases upon the plaintiff, the successful plaintiff—for the present arrangement is that the plaintiff should advance a per centage of something like two shillings in the pound upon the sum he claims in order to put the case in train. It is true that the plaintiff is entitled to recover that advance from the losing party on getting a judgment in his favour, but it is one thing to get a judgment in his favour, and quite another thing to get the money in his pocket. The result generally is, or, at all events, frequently is, that the plaintiff, having advanced the money in order to put himself into Court, gets a judgment to enable him to recover that money, together with the original sum claimed by him from the defendant; but then this defendant turns out to be a man of straw, and so the plaintiff has to pay for the privilege of litigation. Now, my Lords, this is a state of things which calls for a remedy, and the subject was inquired into by the County Court Commissioners, who made a Report eight or ten weeks ago, one of their recommendations being, that in this matter there should be considerable alteration. That has been under the consideration of the Government, and I can assure my noble and learned Friend, that one main reason why nothing has been done or is intended to be done in the present Session, is that the whole question of County Courts, which has so often and so ably been brought before your Lordships by my noble and learned Friend, still remains under consideration. The Government feel that this is a matter to which they can no longer shut their eyes; and they know that, whatever may be the other calls upon their attention, and however great may be the other burdens upon the country occasioned by the present state of things, this whole question must be looked into at once, and the County Court suitors must be relieved from that which they consider to be a very serious grievance. With regard to the latter part of my noble and learned Friend's observations, as to the salary of the County Court Judges, it certainly is not right that the amount of a Judge's salary should fluctuate at the discretion of the Treasury. I would remind the House that, at one time, when there was a considerable outcry against the amount of the Judges' salaries, Lord Denman, upon his appointment as Lord Chief Justice, with that honourable feeling which always characterised him, in deference to the prevalent feeling that the Judges' salaries were too high, consented to take 8,000*l.* instead of 10,000*l.* a year. The salary, however, remained upon that footing simply upon Lord Denman's agreement, and he had a right to call for the other 2,000*l.* whenever he liked. That was thought a very unconstitutional thing at the time, and a Bill was afterwards introduced into Parliament, with the full consent of his Lordship, to remove from this proceeding its unconstitutional character, and to fix the salary of the Lord Chief Justice at 8,000*l.* a year for the time past as well as for the time to come. Now, I think the present position of the County Court Judges' salaries is even more objectionable than that state of things, for it is certainly not right—I may say it is not to be endured—that the Treasury should have the power to say to one Judge, "You shall have 1,500*l.* a year," and to another, "you shall have but 1,200*l.*," there being no distinction made by which to point out who should be entitled to the higher salary. The Judge who presides over a Court in which only 150 cases are tried within a certain time, should not be told that he must be paid less than a Judge who tries 200 cases, because one Judge, however few may be the cases he tries, has spent as much time as any other in qualifying himself for the situation that he holds; and, as each Judge gives his whole time to the discharge of his duties, I think the salaries ought to be the same. It would be very improper to say that a man whose qualifications, whose knowledge, industry, and unsullied character bear comparison with those of any other in the same position;—that a man who has abandoned his profession, given up everything on receiving this appointment, and who devotes the whole of his time to the discharge of his duties, shall receive a smaller salary because in his district there happens to be less litigation than in another. Certainly that is a very inadequate mode of estimating the value of a Judge's services. Even by the present mode of calculation, under the present erroneous arrangement, an erroneous result is arrived at, because I do not think it is always the Judge who does the most work who now receives the highest salary.

LORD BROUGHAM: It will be unnecessary for me to trouble your Lordships with more than one or two words by way of reply to what has fallen from my noble and learned Friend. But I must protest against the doctrine that wrong-doers who have the misfortune to be called into Court ought to be made to pay the expense of administering justice. As well call upon those who have the misfortune to reside on an exposed part of the coast to defray the whole charge of the national defences.

LORD CAMPBELL: Such persons are not "wrong-doers."

LORD BROUGHAM: No, but they are unfortunates; and you single out those who have the misfortune to be defeated suitors, and make them pay a penalty, because you say they are in the wrong, without regarding the circumstances of each case.

LORD DENMAN stated, that as his name had been mentioned, he wished to explain the circumstances under which his lamented father's salary was reduced, for it had appeared to him hard that the salary which had been confirmed by Act of Parliament only in the July before the November in which the appointment was made should be taken away by a "side wind." The fact was, that when the salaries of the Judges were settled in the House of Commons, Mr. Denman had voted that the salary should amount only to a sum beyond its then fixed rate equivalent to the loss of saleable offices to which the Lord Chief Justice was entitled, but no such office was vacant during the period in which Lord Denman held his office, and he never regretted the reduction, and was glad to avoid discussion of the subject amongst those with respect to whose rights he would have to adjudicate.

His opinion always led him to allow the payment of "law taxes by those who set the law in motion;" and when causes below 50*l.* are tried in the Superior Courts, it shows that the suitors prefer those courts to the County Courts. Moreover, if you crowd those courts with actions for large sums, the delay that will arise in petty actions will greatly increase their expense, and the payment is only like the prepayment of the postage. The surplus above 1,200*l.* a year should depend on some fixed principle, to be ascertained by the County Court Judge, as easily as the fees in the office of county magistrates.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 18, 1855.

MINUTES.] PUBLIC BILLS.—1° Union Charges Act Continuance; Rating of Mines (No. 2); Youthful Offenders (No. 2); Christ Church (Todmorden) Marriages Validity.
2° Court of Exchequer (Ireland).
3° Consolidated Fund (£10,000,000).

TORQUAY DISTRICT CHURCHES BILL.

Order for Third Reading read.

Motion made, and Question proposed—"That the Bill be now read the third time."

MR. ROBERT PHILLIMORE strongly objected to that clause in the measure, under which the expenses incurred in its passing through Parliament could be defrayed out of the proceeds of the pew rents which might be received from any persons whatever during a period of thirty years. Such a provision would be a manifest violation of ecclesiastical law, and might be so used as to leave no seats for the poor in their own parish church. He also objected to that portion of the preamble of the Bill in which it was declared that its object could not be gained without the special intervention of Parliament. In his opinion all that was valuable in the measure could be attained by means of existing statutes, and that statement of the preamble was, therefore, he considered, inaccurate. Under those circumstances he should move, as an Amendment, that the Bill be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. MILES said, that this was a peculiar case, and stood upon its own merits. With respect to mortgaging the pew rents to persons from whom money might be borrowed, they had a direct precedent in the Act of Parliament called the Pimlico Act. Under the present Bill free seats were accorded to every inhabitant of the parish; and when the House considered the total want of church accommodation in Torquay, they could not fail to see that this was a Bill of necessity. The measure came down under very different auspices from the Committee to what it went up. They had now not only obtained the consent of the patrons—the Dean and Chapter of Exeter—but they had likewise obtained 1,000*l.* to be set apart immediately as a sum of money, the interest of which was to be given to the clergyman.

MR. LASLETT hoped that the Amendment would be withdrawn.

LORD SEYMOUR said, he should support the Bill, which was one much desired in the district to which it referred. An Amendment which he had suggested in the 23rd clause had been acceded to.

MR. HADFIELD said, he would not oppose the third reading, but he wished for some explanation with regard to the 32nd clause. Under that clause it appeared that not only all the Church Building Acts in existence were to be extended to this Act, but also all the Church Building Acts which might hereafter come in force. It was admitted that no person could understand those Acts, and therefore their extension to the present Bill would only make "confusion worse confounded." He certainly trusted that it was not intended by the present Act in any way whatever to throw an obligation upon the Church Building Acts in existence which should prevent their expiring in July, 1856.

MR. BLACKBURN said, that the clause in question was put in by the opponents of the Bill, and was accepted by the promoters.

MR. PALK said, that the population of Torquay had very much increased during the last few years, and the church accommodation had not kept pace with it. It was by the advice of the Bishop of Exeter that the promoters had applied to Parliament for the powers sought by the Bill, including the power which the hon. and learned Member thought so objectionable.

MR. GRANVILLE VERNON hoped the Amendment would be withdrawn.

SIR JOHN SHELLEY bore testimony to the necessity for further church accommodation at Torquay, and supported the Bill.

MR. ROBERT PHILLIMORE said, he would respond to the appeal which had been made to him, and withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 3°.

Further Proceeding *adjourned* till *Wednesday.*

ARMY BEFORE SEBASTOPOL COMMITTEE.

Report *brought up*, and read; to lie on the table, and to be *printed.*

IRISH CHURCH—QUESTION.

Mr. SWIFT asked the First Lord of the Treasury whether it was true that application had been made by the English Government to the Emperor of the French to secure his interference with the Holy See in regard to the appointment of a coadjutor bishop for the Catholic diocess of Elphin, such interference being supposed to be in favour of the Rev. Mr. Kilroe, Secretary of the present Bishop of Elphin, and a known political partisan of the Irish Attorney General?—2. Whether any such interference in respect to the appointment of a coadjutor bishop, if not made formally by the English Prime Minister to Count Walewski, had been made less officially through some subordinate Members or agent of the English or French Governments; or whether there had been any interference substantially of this nature or to this effect in any other form, or through any other channel?—3. Whether the Government had any objection to lay upon the table of the House the correspondence which is known to have taken place on occasion of the vacancy of the Catholic diocess of Armagh in 1850, and the letters, whether emanating from Members of Lord John Russell's Cabinet, or from subordinate Members of the same Administration, by which an attempt was made to secure in Rome the appointment to the vacant see of a nominee of the English Government?

Viscount PALMERSTON: No correspondence of the kind to which the hon. Member refers has taken place, and, in regard to any former correspondence on the subject, I have no knowledge whatever of it.

OUTRAGE ON A FLAG OF TRUCE AT HANGO—QUESTION.

Captain DUNCOMBE, referring to a statement in *The Times* of Saturday last with respect to a murderous outrage said to have been committed on one of the boats' crew of Her Majesty's ship *Cossack,* at Hango, while engaged in landing Russian prisoners under a flag of truce, inquired of the First Lord of the Admiralty whether he could state to the House the facts of the case, or lay upon the table any despatches received upon the subject?

Sir CHARLES WOOD: I am exceedingly sorry to say that the statement to which my hon. and gallant Friend alludes is only too true, I will state to the House what I believe did actually occur; and, in order that the fullest information may be laid before the public with reference to the subject, I will lay upon the table the despatches received this morning from Admiral Dundas, containing the full particulars of the transaction in question. It appears that some short time ago Her Majesty's ship *Cossack* took and destroyed some coasting vessels off Hango, and three persons were carried off as prisoners—namely, the captain of one of the vessels, his son, and another Finnish sailor. Admiral Dundas, anxious not to visit with any unnecessary severity the trade of the country, so long as the communications and supplies between the Gulf of Finland and St. Petersburg were interrupted, directed that the *Cossack* should put back to Hango and restore to liberty the persons so captured, and also four other prisoners, who had requested that they might be put ashore at the same place. The *Cossack* accordingly returned to Hango for that purpose, and, anchoring a short distance from the place, sent the cutter in under the command of Lieutenant Geneste with the seven Russian prisoners and an ordinary boat's crew. A flag of truce was displayed at least half an hour before they reached the jetty. Nobody, however, was seen but a single man, who ran away. The officers and prisoners landed, and put upon the jetty the baggage of the prisoners, the men remaining in the boat; when a body of Russian soldiers, thought to be 300 or 400 strong, came down to the jetty; upon which the British officer waved the flag of truce, and explained why they had come on shore; the Finnish captain also took the flag of truce from the lieutenant, and tried to explain both in English and Finnish the purpose for which the boat had come on shore. The officer in command of the Russians not only understood English, but spoke it, stating that they did not care for the flag of truce, they would show how the Russians could fight; whereupon some hundred Russian soldiers immediately fired on the officer and the Finnish prisoners on the jetty, killing them all, and then fired into the boat until every man fell. They then rushed into the boat, threw some bodies overboard, dragged one wounded man out, and bayoneted him on the jetty, and retired, leaving five bodies for dead in the boat. The boat not returning, later in the day the gig was sent, but could only ascertain from a distance that the cutter was moored by the side of the jetty, with some dead bodies in it. In the night one man—a black man—who was wounded by two balls, one in the arm and the other in the shoulder, contrived to cut the fastenings of the cutter and scull her from the jetty; and, in the meantime, the *Cossack*, which was standing in, in order to ascertain what had become of the crew of the boat, and to claim the men, supposing them to have been taken prisoners, picked up the single survivor upon whose statement the truth of the circumstances which I have detailed to the House must necessarily rest, he being the only one of the boat's crew left to relate it.

MR. HEADLAM inquired whether any British officer had availed himself of the protection of a flag of truce for the purpose of taking soundings, at Kertch or elsewhere?

SIR CHARLES WOOD: So far as any report has been received at the Admiralty, I believe any such statement to be utterly untrue.

The Despatches from Admiral Dundas on the subject were then laid on the table.

BUSINESS OF THE HOUSE—MORNING SITTINGS.

MR. DISRAELI: I see, Sir, that to-morrow there is to be a morning sitting, and I take this opportunity to express a hope that the noble Lord at the head of the Government has considered the question of such sittings since I made an observation on the subject a few days ago. I have not any intention now to dwell on the inconvenience which it will cause to Members of this House if we adopt the system of morning sittings; but I wish the noble Lord would consider the effect which the habitual holding of these sittings may have upon the labours of the right hon. Gentleman who sits in the chair, and upon the staff charged with the transaction of the business of this House. The fact is that if we, as a matter of course, adopt these morning sittings, the Speaker will very often have to sit in that Chair, with a slight interval, for more than twelve hours continuously. Then, the staff of this House are already overworked — their labours cannot be concluded within even that period of time, as, after the House rises, they have duties to perform of the most urgent nature, which cannot be omitted. And we must also remember that Mr. Speaker has not only to sit twelve hours a day in presiding over our proceedings, but he has likewise other important duties to this House to discharge, and those who are connected with the Administration of the House are in the same situation. Now, it is easy for us to agree to a morning sitting which very often surmounts a difficulty that would otherwise present itself in the conduct of our business; but what I wish to impress on the noble Lord is, that our resorting to this practice with facility tends to put a pressure on individuals which it will be really impossible for them to sustain. In my opinion, morning sittings, in connection with the transaction, ought to be quite the exception, and not be allowed to become a permanent feature of our procedure; and I make this observation not with reference to the convenience of Members of this House, except the right hon. Gentleman who occupies the Chair, but to the interest of those whom we are bound to consider—namely, those who have to fulfil most important duties, and duties which necessarily require accuracy and precision in their performance. To illustrate the working of the system, I may take the very case which has just now arisen. The first business set down for the morning sitting to-morrow is the Irish Tenant Compensation Bill; but upon that I find an hon. Gentleman has given notice of an Amendment which opens up the discussion of the principle of that measure; therefore, if we enter into that subject, Mr. Speaker will have to be in the Chair; and we may easily consume four hours in such a discussion. Now I think the noble Lord ought as much as possible to discourage the recurrence of these morning sittings; but, if he still perseveres in them, he should at least lay down some general principle to regulate their adoption. For example, if they are to take place, it is desirable that when they do so they should be limited to the consideration of the details of measures in Committee or in progress, which may, under those circumstances, be thus dealt with with advantage; but, certainly, morning sittings ought to be avoided as much as possible when the principles of Bills are to be discussed with the Speaker in the Chair, unless the measures concerned are of the greatest weight and of extreme urgency. If the noble Lord approves this suggestion, it would be much better for us not to enter to-morrow into the discussion of the Tenants' Compensation Bill at all, especially as the Chief Secretary for Ireland has informed us that the main clause is not then to be considered; but at once to fix for the morning sitting the second measure that already appears on the paper—namely, the Metropolis Improvement Bill, which stands for progress in Committee. If the noble Lord will direct his attention to this subject, and adopt the arrangement which I have suggested, it will greatly facilitate the course of public business, and tend to alleviate the pressure upon those whose comfort we ought not to disregard.

VISCOUNT PALMERSTON: I am quite as sensible as the right hon. Gentleman opposite of the great inconvenience not only to hon. Members, but to you, Mr. Speaker, to the clerks of this House, and, I will also add, to all official men, which arises from having to attend morning sittings, coupled with our late sittings at night. But, on the other hand, the House must feel that when there are important measures before it which it is desirable should become law, it is necessary they should leave this House after receiving its assent in sufficient time to be properly considered before the close of the Session by the other House of Parliament; and it is impossible that they can be duly discussed here while other propositions and Motions are brought forward, unless we combine morning sittings with those which we hold in the evening. Why, I am constantly asked by hon. Gentlemen having Motions to make, to give them a day for that purpose, and even to postpone public business on Government nights in their favour. If those applications should be systematically declined, the forms of the House may be taken advantage of, and Motion after Motion may be made upon the Question that the Speaker leave the chair before we go into Committee of Supply, and thus the Government may be left in a position in which it has no command over the progress of the business of the country. Therefore, if the right hon. Gentleman (Mr. Disraeli) would make his appeal to other persons as well as me, and entreat hon. Members who have Motions to make to content themselves with those days of the week which the rules of the House leave open to them, perhaps we might then be enabled to dispense to some extent with morning sittings. So long, however, as we have so many topics of discussion, and hon. Gentlemen—very properly, no doubt—avail themselves of the forms of the House to express their own opinions and invite the expression of those of the House on important questions; and so long, on the other hand, as the Government have measures of great detail and importance which they feel it their duty to submit to Parliament, in the hope that they may be passed in the course of the Session, I am afraid the inconvenience of morning sittings—great as I admit it may be—cannot at present be easily remedied. With regard to the business for to-morrow, I prefer adhering to the arrangement which has already been made.

MR. W. WILLIAMS complained of the inconvenience of morning sittings to Members who were occupied all day on Select Committees.

SIR HENRY WILLOUGHBY said, he considered the prolongation of the sittings of the House greatly owing to the excessive length of hon. Gentlemen's speeches.

ADMINISTRATIVE REFORM—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Amendment proposed to Question [15th June], "That this House views with deep and increasing concern the state of the Nation, and is of opinion, that the manner in which merit and efficiency have been sacrificed, in public appointments, to party and family influences, and to a blind adherence to routine, has given rise to great misfortunes, and threatens to bring discredit upon the national character, and to involve the Country in grave disasters:" —(*Mr. Layard*:)— And which Amendment was to leave out from the word "House," to the end of the Question, in order to add the words "recommends to the earliest attention of Her Majesty's Ministers the necessity of a careful revision of our various Official Establishments, with a view to simplify and facilitate the transaction of public business, and, by instituting judicious tests of merit, as well as by removing obstructions to its fair promotion and legitimate rewards, to secure to the service of the State the largest available proportion of the energy and intelligence for which the people of this Country are distinguished,"—(*Sir Edward Bulwer Lytton*,)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

VISCOUNT GODERICH said, he considered it a very fortunate coincidence which had led to the reading of the Report of the Committee on the Army before Sebastopol on the evening upon which the debate upon the question of administrative reform was to be resumed. He thought that the reading of that Report must have recalled vividly to the recollection of the House those circumstances which had led, in a great measure, to the excitement now prevalent in the country on the subject of administrative reform. The hon. Baronet opposite (Sir E. B. Lytton), in his speech the other night, stated his opinion that the demand for administrative reform first originated in the disappointment felt by the public at the course pursued by the noble Lord the Member for Tiverton soon after he took office. He was not inclined to deny that there had been a wide-spread disappointment at the course pursued by the noble Lord, but, at the same time, he could not concur in the opinion that the strong feeling which existed on the subject of administrative reform had its origin mainly in that circumstance. In his opinion it was the lamentable facts which had led to the appointment of the Committee to whose Report they had just listened, which had been the cause that had first awakened the attention of the country to this important subject. In 1848 the Government made some improvements in these departments, but no step had been taken which could be considered to indicate a real inclination on the part of the Government to grapple with the question of administrative reform, until, under the Government of Lord Aberdeen, the hon. Member for Dudley (Sir S. Northcote) and Sir C. Trevelyan were appointed to inquire into the state of the civil service, the results of which inquiry had already been laid before the House. The administrative system of this country had since then been put to the greatest of tests—namely, that of war, and the evidence taken before the Sebastopol Committee proved in what manner that system had endured that test. The evils which had befallen the army during the last winter had been described in strong language by the Ministers themselves, and he (Viscount Goderich) would not revert to them further than to say that the Government must not have recourse to small and insignificant measures if they intended to prevent the recurrence of those evils. He was led to make these observations on the origin of the great, and, he might say novel, interest which was now felt in this country on the question of administrative reform by the remarks which had fallen from the Chancellor of the Exchequer at the conclusion of his speech on Friday night. The right hon. Gentleman, after detailing the various measures which had been taken for the improvement of the various branches of the civil service, dilated on the two which had been adopted by the present Government, and concluded by saying—

> "I will only remark that this Order in Council provides a great additional security for merit in administrative appointments beyond that which now exists. A regular examination, conducted under the superintendence of a board of persons who are independent of each department and unconnected with the heads of those departments, affords a greater security than has ever hitherto existed for the exclusion of unfit persons from the service of the Crown. Whatever difference of opinion may exist as to ulterior measures which it may be thought prudent or wise to adopt, surely it cannot be denied that the provisions of the Order which has recently been brought into force for the first time afford a guarantee for the merit of persons appointed in the different public departments, inasmuch, as by prescribing a certain amount of qualification they will prevent any one from entering the service of the Crown who does not possess that requisite degree of attainments. I cannot but think that the Order in Council to which I have referred gives a practical proof of the efforts made by Her Majesty's Government for securing the efficiency of administrative departments, and goes much further in that direction than any of the very general recommendations which are offered at meetings out of doors. I will not trouble the House any further upon the subject. I will only state my conviction that, so far as any measures for the advancement of the cause of adminstrative reform are concerned, the measures adopted by Her Majesty's Government go as far as it is in the power of any one to embody practically the suggestions which have been made. With respect to ulterior measures, I may add that they remain open for further consideration; and that their adoption can only take place after careful and anxious consideration." [3 *Hansard*, cxxxviii. 2132.

He (Viscount Goderich) thought he was entitled to conclude, after such an expression of opinion on the part of the Chancellor of the Exchequer, that the Government considered there were scarcely any further measures required for the improvement of our administrative system, and he begged hon. Gentlemen to reflect on this before they gave their votes on the present occasion, for as the right hon. Gentleman had intimated his intention of voting for the Amendment of the hon. Member for Hertfordshire, he thought the House might form a pretty correct opinion of the amount of benefit which they might expect from the adoption of that Amendment. The two measures which had been introduced by the present Government for the reform of the administrative system were, first, that which had for its purpose the consolidation of the Ordnance with the other war departments; and the second, the issue of the Order in Council dated the 22nd of May. The first of these measures was, no doubt, a great improvement, and would tend to remedy several of the evils which had been complained of; but it did not deal, nor—judging from the speech of the Chancellor of the Exchequer—was there any intention on the part of the Government to deal with an important branch of the subject, namely, that of promotion in the army. If the Government did not—and it would be difficult to do so—give a sufficient answer to the statements on this subject made by his hon. Friend the Member for Aylesbury (Mr. Layard) he (Viscount Goderich) thought they must bear the blame of permitting a system to continue which was fraught with injustice and with manifold evils. They had heard nothing from the Government as to their intention with respect to the proposition made by Lord Grey in the other House, that all the military departments should be consolidated under one head. It had been objected to this, that it would be dangerous to intrust the patronage of the army to a political Minister of the Crown; but was it not more dangerous to intrust such patronage to the Commander in Chief, who practically was responsible to no one for the appointments which he made, and who certainly did not act under the same sense of Ministerial responsibility as the Members of Her Majesty's Government? With reference to the Order in Council issued on the 22nd of May, it was not necessary for him to say much after the speech of the hon. Member for Dudley, which proved how much that Order was worth, and he (Viscount Goderich) fully agreed with the hon. Member in thinking that if the persons who were to go before the examiners were to be selected by the Government and the right hon. Member for Wells (Mr. Hayter), this measure would be nugatory, and the examiners would not be able to withstand the appeals which might be made on behalf of each individual candidate. It appeared to him that the only means by which the examination could be rendered effectual for the purpose for which it was instituted would be to allow all persons to offer themselves as candidates irrespective of Government recommendation, and that after having been examined, they should be placed in classes, from which the Government should be obliged to make their choice of persons for appointments in the civil service. A curious passage occurred in *Taylor's Statesman*, a work written long before the time of Sir Stafford Northcote or Sir Charles Trevelyan, on this question of admission to the civil service. It was to the effect that probation alone, without examination, was not to be relied on, and that greater security was obtained against undue indulgence on the part of the examining authority when there was more than one candidate for a post, because an examiner would shrink from an indulgence the result of which would be an injustice to two or more individuals, but might not shrink from it if it only caused an injury to the public service. He admitted that the plan now adopted by the Government was an improvement, but he hoped it was not to be final, as he wished to see the abolition of the nomination system. He would suggest that it would be a great advantage to the public service and a great check upon the exercise of patronage if each year a return of every appointment made in the civil service were laid upon the table of the House, and that reasons were assigned for all staff appointments. The Chancellor of the Exchequer said that the Motion of his hon. Friend the Member for Aylesbury was tantamount to a vote of want of confidence in Her Majesty's Government. There were, no doubt, many hon. Gentlemen who would not be inclined to agree to such a vote, although they might otherwise concur in his hon. Friend's Motion; but he denied that his hon. Friend had brought forward the Motion as a direct vote of want of confidence. His hon. Friend did not intend to charge the present Government with being the sole cause of the evils which had produced that state of the nation which the Motion described the House as viewing with concern; and many of the facts and statements he had laid before the House could not with justice be applied to the present Government, but ought to be laid to the charge of previous administrations. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) had characterised the

Amendment of the hon. Member for Hertfordshire as vague. But if the Amendment of the hon. Baronet (Sir B. Lytton) was vague, the speech by which he supported it was vaguer still. In one part of it he referred to the language used out of doors on the subject of party influences on the administration of affairs, and said that party influences were the sinews of freedom. Now, he (Viscount Goderich) could not believe that it was for the advantage of free institutions to sacrifice to party either great principles or public interests. There was certainly no party now in that House for which it would be worth while to make such a sacrifice. Were there no differences upon the opposite benches? Was there a united party on that side of the House? The great parties which in former times contended for power no longer existed, and the House was divided into a number of disunited sections. He need say little as to the injury to the public service caused by the present system of Government after the speeches they had heard on Friday; but it appeared that the best managed of all the departments was the one under the control of the Board of Inland Revenue, and the right hon. Member for Oxford University had pronounced a warm eulogium on Mr. John Wood, who presided over that Board. What was Mr. Wood's opinion of the present system of patronage and appointment to the public service? Mr. Wood said:—

> "Let any one who has had experience reflect on the operation of patronage on electors, Parliament, and the Government. Over each it exercises an evil influence. In the electors, it interferes with the honest exercise of the franchise; in Parliament it encourages subservience to the Administration; it impedes the free action of a Government desirous of pursuing an honest and economical course, and it occasions the employment of persons without regard to their peculiar fitness. It is a more pernicious system than the mere giving of money to electors or Members of Parliament to secure their votes. It is bribery in its worst form."

That was a system which it could not be for the honour of that House to maintain. The hon. Member for Dudley, in his speech of Friday evening, had alluded to what he called the "Goderich pledge," and he might therefore be allowed to explain the reasons which had induced him to make the statement referred to. He had long felt that it was very unjust for people out of doors and for Members of that House to blame the Government for continuing a system which they themselves, by their own acts, helped to keep up. If the House of Commons really desired to put an end to the present system, and to deprive the right hon. Gentleman the Member for Wells of his patronage, they must begin by doing their own part in the matter, otherwise they would never convince the Government that they were really in earnest or force it into a course which would be more conducive to the interests of the public service. On the other hand, he was bound to say, that persons in the country who were desirous of entering the public service were not always to be blamed for making applications to Members of Parliament, because at present it was the only way in which such employments could be obtained. He believed, however, that if a better system were adopted, if admission by competitive examinations, for instance, were the rule, there would be a general disposition among the best of the candidates for the public service to enter it in that manner, rather than, as at present, by Parliamentary influence. An incident which had happened within his personal experience, strengthened him in that opinion. In the year 1853, he had received a letter from a gentleman—not a constituent of his—requesting him to make application on his behalf for a situation in the Customs. After some hesitation, knowing that there was no other way by which such an appointment could be obtained, and feeling certain that the gentleman in question, from his education and antecedents, was fully competent to discharge the duties of the office he sought, he promised to mention his name to the Secretary of the Treasury, declining, however, to make any direct application for him. Soon after this the first intimation was given, in Her Majesty's Speech at the commencement of the Sesssion of 1854, of the intention of Lord Aberdeen's Government to make an alteration in the system of admission to the civil service by instituting public examinations; and this gentleman wrote to him immediately, begging that no application might be made to the Treasury on his behalf, as he should infinitely prefer to enter the service by means of a fair and honourable competition. He must say, therefore, that the allusion to party influence in the Motion of his hon. Friend was, in his opinion, fully justified. But another expression in that Resolution—the words "family influence" had been very much criticised in the course of the debate, and the right hon. Gentleman the Member for the University of Oxford had endeavoured to combat the accusation embodied in that part of the Resolution by pointing out that in the Cabinet which had been the first to propose to relinquish all its patronage and open the civil service to all competitors he had been the only Commoner. The right hon. Gentleman's argument, however, cut both ways, for people out of doors might retort that he, the only Commoner in the Cabinet, was the ablest Member of it; and it could not fail to be remarked that this aristocratic Cabinet was turned out of office by a large majority of the House of Commons because it was thought that they had mismanaged the affairs of the country. He certainly thought that the system which confined the highest offices in the Government to one class was not a just one, and not only did he object to it on public grounds, but because it was likely in the long run to be injurious to the very class to which he belonged—the aristocracy. The people of this country were becoming more and more inclined every day to say, "The aristocracy have had the monopoly of employment, things have gone wrong under their rule, we will hold them responsible;" and he was afraid the time might come when they would say, "As the aristocracy have had hitherto too large a share of the administration of public affairs; for the future we will exclude them altogether." So many unfit Lords had been appointed to public offices that the people were beginning to think that all Lords were unfit, and the mere circumstance that the man appointed to a public office was a Lord, would be sufficient to raise an objection to him, whether he was competent for the office or not. Now, a system which created such a feeling as that inflicted great injustice upon the class whom it was supposed to benefit, and since the aristocracy ought to have nothing to fear in putting themselves in competition with all other classes of the community, he believed his hon. Friend was right in saying that family influence, when used as it had been, was alike as detrimental to the higher classes as to the public service. There was one point upon which little had been said, but which was yet of great importance. He referred to the extreme reluctance which Governments and Ministers seemed to feel against removing unfit persons from the public service. He (Viscount Goodérich) entertained very strong opinions as to the duty and necessity of removing unfit persons from office. He believed it to be nothing less than a crime for any Government or any Minister to retain any man in a post connected with the public service for which he had been clearly proved to be unfit. He wished, on this part of the subject, to read two extracts from the Blue-book on the reorganisation of the civil service. The first was the opinion of Sir James Stephen—

> "My own experience teaches me that a Secretary of State who should promote any one of his clerks over the heads of his seniors, must arm himself with the fortitude of a martyr. The inflictions he would have to undergo from the tongues or the pens of the kinsmen and kinswomen, of the patrons and the patronesses, of the private and the political connections of the many he had passed over, would leave him no rest day or night. And why is he to incur and brave all this animosity? Just in order that he may hand over his office to his future successor (some political antagonist) in the highest attainable state of perfection. I have no faith in the frequency of such martyrdoms."

He hoped, for the sake of the character of English statesmen, that the latter part of this extract was not true. The other extract was from the pen of the present Chancellor of the Exchequer. Sir George Lewis, after quoting the opinion of Sir J. Stephen, said—

> "It may be added, that where the head of any department makes the experiment of incurring the resentment of powerful persons in order to promote deserving subordinates, he will probably not be supported by public opinion. The disposition of the public is to regard an office as a life estate, and to sympathise with the holder of it, not only when he is passed over for want of merit, but when he is dismissed for positive misconduct."

No doubt, a Minister who was determined to do his duty in this matter would be very much attacked, and, if a combination of the friends of disappointed persons were formed against him, it might be too strong for him; but no Minister could propose to himself a more noble task; and if he were removed from office, not because he mismanaged public affairs, but because he endeavoured to reform the public service of his country, posterity would do him justice, although his contemporaries might not. The House must be prepared to support any Government that entered upon this course, and to oppose any Government that deviated from it. The hon. Baronet (Sir B. Lytton) had complained of the right hon. Gentleman (Mr. Gladstone) because he talked of gradual reform; but it appeared to him that the hon. Baronet did not go so far as the right hon. Gentleman, for the first step of the course advocated by the latter was the final step proposed by the hon. Baronet. Parliament must show an inclination to advance step by step in remedying the evils that existed and in preventing the recurrence of those from which we had lately suffered. The House had been engaged for many years in reforming itself, and in amending the commercial policy of the country, but had not had its attention directly turned to administrative questions. This must now be done at once. All would have to make sacrifices of one kind or another, and hon. Members would be called upon to sacrifice their personal, class, and party interests. The hon. Baronet (Sir B. Lytton) saw some danger to free institutions from the cry for administrative reform. There might be danger to free institutions unless they performed the task set before them, of proving that free institutions and good administration were not compatible. If Parliament did not apply itself to the duty before it, and if recent events were re-enacted, then there might indeed be a cry that good administration was better than free institutions. God forbid that such a cry should ever be heard! But if Parliament neglected its duty, there might be fatal truth in the words of the hon. Member for Aylesbury, and great disasters—not in this campaign, perhaps, or in this war—might threaten us unless we were determined to do that which it was our duty to do for the interests of freedom in this country and throughout Europe, to strive by every means in our power, regardless of personal or of party feelings, to show to the world that free institutions and good administration could exist and flourish together.

Mr. FREDERICK PEEL said, that after the noble Lord's allusion to the speech of the hon. Member for Aylesbury, which, he said, had received no reply, he must not be surprised if, passing by the somewhat vague speech just delivered, and which left him in great doubt as to the practical object that the noble Lord aimed at, and the manner in which he proposed to effect the regeneration of the public service; he stated that his object in rising was to endeavour to reply to that portion of the speech of the hon. Member for Aylesbury in which he criticised the existing state of the administration of the army, and in which he described, most erroneously, the principles of favouritism and family connection, and the system of suppression and absolute negation of merit, under which, according to the hon. Member, the patronage of the army was now dispensed. The hon. Member distinctly stated that there was much that was corrupt in the system; that the men who worked hard and had rendered good service to the country were allowed to remain unrewarded and unnoticed, while those who had done nothing at all, and who, having the opportunity, would be wanting in the capacity of doing something, were taken by the hand by the authorities at the Horse Guards and raised to the higher offices of the profession. If the hon. Gentleman had contented himself with general statements of this description, he (Mr. Peel) should have felt perfectly warranted in at once meeting them by as general a contradiction; but the hon. Gentleman attempted to substantiate his general assertions by citing particular cases, observing that he was aware he exposed himself, in taking that course, to the imputation of descending to vulgar personalities. The hon. Member ran no danger of the sort, for the citation of particular cases was a more useful course than general declamation; but the danger to which the hon. Member exposed himself was this, that, as soon as he entered into details he afforded an opportunity for testing the correctness of his details. Having had an opportunity of examining these matters, he (Mr. Peel) should be sorry for the present discussion to be brought to a close without an endeavour to remove the most erroneous and delusive impression which would get abroad if it were supposed that the speech of the hon. Member admitted of no contradiction. He would give an illustration of what he considered the heedlessness with which the hon. Member made charges, going from one case to another, and "taking suggestions as a cat laps milk." The hon. Member represented that the regimental officers were placed in the shade, and that for the staff officers and cocked hats were reserved all honour and distinction. Referring to the rewards conferred since the commencement of the war on regimental and staff officers who had distinguished themselves in the Crimea, the hon. Member said that the number of officers rewarded was ninety, and that out of that number only thirty were regimental officers. That statement was not only not true, but was precisely the reverse of the truth; for, instead of the staff officers, rewarded for distinguished services in the Crimea, being twice as numerous as the regimental officers, they were only one-half of the number of the latter. The hon. Member referred to a Parliamentary return, but he might have been shy of doing so after the statement he made on a previous occasion. He (Mr. Peel) held in his hand the Parliamentary return to which the hon. Member referred. It was presented on the 13th of March, and, according to that return, sixty staff officers and thirty regimental officers were rewarded. [Mr. LAYARD: Hear!] The hon. Member cheered; but it was not sufficient to refer to a return made three months ago, and it was for the purpose of obviating misconception that, when that return was presented, a note, of which the hon. Member must have had perfect cognisance, was appended to it, stating that "a further list of the names of majors and captains of regiments engaged in action, or who have distinguished themselves in the trenches, is daily expected to be received by the General Commanding in Chief from the Commander of the Forces in the Crimea." Now, if the hon. Member were anxious not to mislead the country on this subject, he would, seeing that the return was presented so long back, and that another list of regimental officers about to be promoted was expected, have inquired whether that additional list had been received. In fact, in about a month after the presentation of that return, the hon. Member, who said he studied the *Army Gazette*, would find in the *London Gazette*, of the 24th of April, a list of regimental officers promoted for service in the Crimea, captains being appointed majors, and majors being appointed lieutenant-colonels, which list entirely redressed the apparent inequality of the first return, and made the regimental officers rewarded twice as numerous as the staff officers, and four times as numerous as the hon. Member represented them to be. The exact number of staff officers rewarded for their conduct in the East was sixty-four, and of regimental officers 135. The hon. Gentleman commented on the word "connection," which formed one of the heads of information to be communicated by candidates for admission to the army, and he was incapable of understanding for what object this word could have been introduced, unless it was to intimate that none need apply at the Horse Guards for a commission who had not high family connections. To that criticism he would make a very short answer. It was well known that the army was officered by gentlemen. It was the study of the Commander in Chief—and we had seen within the last few days what a painful exercise of authority he was compelled to resort to in the discharge of his important duty—he referred to the case at Canterbury—to maintain among the officers of the army a tone of gentlemanly feeling, not inferior to that which prevailed in the best society. It was right, therefore, that the person charged with the admission of officers to the army should know who and what they were, and be informed as to their family and connections. If the hon. Gentleman thought that the connection of any individual with the middle class of society would prevent his being admitted, he was very much mistaken. If it were necessary he could cite hundreds of instances to the contrary, for, in truth, all that was required of candidates was, that they should have the education and the feelings and habits of gentlemen. Passing from that part of his speech, the hon. Gentleman proceeded to notice the case of Colonel Wilson. He said it was harsh that Colonel Wilson should have been required to purchase his commission under a regulation of which he had no knowledge, and he spoke of that officer as entitled to the sympathy of the House. Now, with regard to the first of these points, he would ask the hon. Gentleman whether he considered it right that Colonel Wilson should purchase his own commission, or that he should have had it purchased for him by the relatives of a deceased officer? It came precisely to that. Either the relatives of Colonel Mackinnon would have had to expend the money of that deceased officer for the purpose of giving Colonel Wilson his commission, or Colonel Wilson must pay the money himself. Then as to the hon. Gentleman's sympathy for Colonel Wilson, while he (Mr. Peel) had not the slightest wish to say one word against that officer, he must ask the House to remember that Colonel Wilson paid down his money in the purchase of a commission in consequence of the two officers above him having withdrawn their names for purchase—hoping to win their way by promotion—and that he did so in order that he might step over the heads of those two officers. In consequence of casualties in the field, however, vacancies were created by which those officers obtained their promotion. With regard to regimental appointments, the hon. Gentleman told the House that, while officers without interest were passed over without any notice, officers with interest were unduly advanced; and, to illustrate his position, he named five officers, four of whom were related to Lord Hardinge, the Commander in Chief — Colonel Hardinge, his son; Major Hardinge, his nephew; Colonel Wood, related to him by marriage, and Colonel Cunynghame, his son-in-law. With reference to Colonel A. Hardinge, the hon. Gentleman stated that that officer was placed on the staff in violation of an established regulation; and he observed, that regulations could be infringed when they operated prejudicially to one class of officers, while they were rigidly enforced against others. He said the regulation was, that no subaltern could be appointed an aid-de-camp within two years of joining his regiment, the object being to give him time to become acquainted with his regimental duties. That was a regulation enforced at home, but abroad it was dispensed with, as in the case of the Governor General of India's staff, and in the case of the personal staff of a general officer, when the army was on service in the field. He might cite, as an instance, the case of the Duke of Richmond, who was placed on the staff of the Duke of Wellington in the Peninsula, before he had been two years with his regiment. The regiment in which Colonel A. Hardinge was, proceeded to India, and there he was placed on the staff in the way he had mentioned. When the Sutlej war broke out in India he was appointed aid-de-camp to his father, who acted as second in command, under Lord Gough, and in consequence of this Colonel Hardinge had the advantage of being at the battles of Sobraon and Ferozeshah, where his regiment did not arrive in time. In consequence of his distinguished conduct in that campaign, he was allowed to become a lieutenant by purchase by Lord Gough, and there never was a lieutenancy better deserved. Afterwards he was allowed to purchase a company in another regiment. With regard to that purchase he should explain that it was the recognised practice to allow the commander in chief in India, when he resigned his command, to recommend an officer for promotion. Lord Hardinge was not commander in chief, but had been second in command in the Sutlej, and the Duke of Wellington gave him that privilege under the peculiar circumstances of the case, he having been at the same time Governor General and second in command. That was the way in which Colonel Hardinge got his company by purchase. He afterwards purchased into the Guards, and the rest of his career was well known from what had recently passed in the Crimea. He could not see, therefore, in what way the case of Colonel Hardinge supported the view of the hon. Gentleman that there had been extraordinary favouritism shown in his advancement. The next case was that of Major Hardinge. That officer had purchased all his steps up to that of senior captain in the Rifle Brigade; and the other day, when an additional battalion was raised, he, as a matter of course, succeeded to the new majority. [Mr. LAYARD said, his observations had applied to his position on the staff.] He would now direct the attention of the House to the next case of the hon. Gentleman, which was that Colonel Wood had been placed over the head of Colonel Brough. Colonel Wood was in the campaign in India, and was appointed assistant quartermaster general at the Horse Guards; the deputy quartermaster generalship became vacant in Dublin, and, according to the course of proceeding, for which precedents could be stated, he succeeded to that office. The two spheres of deputy adjutant general at Dublin and assistant adjutant general at Belfast were quite distinct, and one could not be said to be higher than the other. Then, with regard to the case of Colonel Cunynghame, that officer had, since the commencement of the war, been acting as assistant adjutant of the first division of the army, was present in all the battles, and never was absent a day from his post. The office of quarter master general to the Turkish Contingent had to be filled up, and Colonel Cunynghame was selected for that appointment and received a step of local rank. The hon. Member appeared to consider it a grievance that Colonel Cunynghame should obtain the step of major general upon being appointed to the Turkish Contingent, but, in every instance, with or without inflence, officers appointed to foreign levies received a step of local rank. The hon. Gentleman complained of Colonel Cunynghame being made major general, although he had been twenty-five years in the army, and somewhat later in his speech, the hon. Gentleman inconsistently quoted from the Report of the Commission last year the ages of major generals in the last war. He said—

"The Duke of Wellington was a major general at thirty-three; the Marquess of Anglesey, thirty-four; the Earl of Dalhousie, thirty-eight; the Earl of Strafford, thirty-six; Lord Hill, thirty-three; Lord Beresford, thirty-nine; Sir George Murray, forty; Lord Combermere, thirty-one; Lord Londonderry, thirty-two."

And he asked why the recommendations of that Commission were not acted upon. The Commission advised that young major generals should be appointed. Those he quoted could not have seen more than fifteen years' service. The appointment of Colonel Cunynghame as major general was an act of anticipation upon the axiom of the hon. Gentleman, *detur digniori*. Because Colonel Cunynghame was an experienced officer, and young enough to discharge the duties efficiently, he was created major general, and the hon. Gentleman showed little confidence in his own doctrines, for when they were acted upon he said it was for the purpose of favouring some particular officer. He had now gone through the case of Lord Hardinge's four relatives. In quoting the fifth instance of favouritism the hon. Member said—

"I will now refer to a case of a very opposite description. It is that of an officer, a young man (Captain S——) whose name has never been mentioned in any despatch, and whose services are wholly unnoted."

There was some inconvenience in giving even the initial letter of the names of officers, if it were intended to conceal them. It was well known this officer was Major Selsby Smith, but, so far from his services being wholly unnoted, he had gone through the campaign on the Sutlej. He would explain to the House why it was that Major S. Smith was elected to be deputy quartermaster at the Cape. Colonel Cloete had held the office, and, when he returned to this country, the senior captain of his regiment, who had been made major for his services, Major S. Smith, was appointed acting deputy quartermaster general during his absence on leave. Soon afterwards General Cathcart returned from the Cape and was succeeded by General Jackson. General Jackson, anticipating Colonel Cloete would resign, and that war was likely again to break out at the Cape, wrote to Lord Hardinge, earnestly requesting that he might be permitted to continue Major S. Smith permanently in the appointment of deputy quartermaster general. It was not an appointment which in all probability Lord Hardinge would have made himself, and yielding to the recommendation of the officer who was responsible for the tranquillity of the Cape Colony, a recommendation pressed solely on the ground of the public interest—Lord Hardinge acquiesced, and Colonel Selsby Smith was appointed deputy quartermaster general. He was the officer most conversant with the way in which it would be necessary to move troops to the frontier, and, performing also the functions of adjutant, he was responsible for the training and discipline of those colonial levies, which, if war had broken out, must necessarily have been raised. The appointment of deputy quartermaster general carried with it the brevet rank of lieutenant colonel. The hon. Member misstated the effect of these promotions. Referring to Colonel Smith attaining the rank of brevet major before he was appointed deputy quartermaster general; he said the first step placed him over the head of the senior major of his own regiment, while the second step of lieutenant colonel placed him over the head of Lieutenant Colonel B., who was lieutenant colonel of the same regiment. He need hardly explain to the House that the brevet rank this officer had attained did not alter his relation to the regimental officers of his regiment. When he returned to his regiment he would stand in precisely the same relation to the major and the lieutenant colonel as at the time he was appointed to the Staff as deputy quartermaster general. If these five cases were the worst illustrations which the hon. Member could produce, after all his researches, of the evils of the present system, he could confidently predict that under any system established in its stead there would arise cases of hardship to individuals infinitely worse than any of these cases—if, indeed, there was anything improper in any one of them. He had disposed of the first of the two classes, and would proceed to the other, which was composed of officers who were said to be pining under neglect. The first instance quoted was that of Lieutenant Buck, who was in the same regiment which Colonel Arthur Hardinge joined as ensign; and the point of the hon. Member was that, while Arthur Hardinge had become lieutenant colonel, poor Lieutenant Buck remained a lieutenant. Lieutenant Buck, it was true, was still a lieutenant. He entered the army, not simultaneously with, but subsequently to Colonel Hardinge. He would explain why Lieutenant Buck was still a lieutenant. He was one who had suffered by the system of purchase. [Mr. LAYARD: "Hear, hear!"] He had probably no means of advancing himself save by seniority, and thus had crept slowly through the grade of lieutenant. [Mr. Layard: "Hear, hear!"] But he was now senior lieutenant of his regiment, and the only reason he was not promoted to his company was because his regiment was not sent yet to the Crimea. His regiment consisted of twelve companies. The regiments sent to the seat of war were placed upon the war establishment of sixteen companies. Should his regiment be sent to the seat of war, it would be increased, and Lieutenant Buck would obtain his company as a matter of course without purchase, the same as Major Hardinge obtained the newly created majority upon his regiment being increased. The next case to which the hon. Gentleman referred was the case of Lieutenant Edwardes. He said that Lieutenant Edwardes was an officer who had served in the Peninsular war, that he had been engaged in several actions for which clasps and medals were conferred, and that after some forty years he still remained a lieutenant. But what was the case of Lieutenant Edwardes, which was to establish the charge of oppression? At the conclusion of the last war, Lieutenant Edwardes, like many other officers, was reduced to half-pay. He was made half-pay in 1818, and with the exception of about seven years, when he was brought on full pay and afterwards exchanged again to half-pay, he had been on half-pay from that time to this. Lieutenant Edwardes was now adjutant of the recruiting district of Liverpool, and the complaint of the hon. Gentleman seemed to be that Lord Hardinge would not appoint him to the captaincy of an unattched company without purchase. There was really no indisposition on the part of the Horse Guards to appoint Lieutenat Edwardes to the captaincy of an unattached company, whenever such companies fell vacant; for, he believed, three must fall vacant before the appointment could be made. He did not know whether the hon. Gentleman had ascertained from Lieutenant Edwardes that he would prefer an unattached company to his present position, but he apprehended it would not be to the interest of Lieutenant Edwardes, as it would involve the resignation of the adjutancy of the recruiting district. The third case to which the hon. Gentleman referred was that of Captain Carruthers. The complaint in his case was that he had been refused a majority which he had asked for. The authenticity of the very touching letter which was read by the hon. Member for Aylesbury in reference to that officer's case was not, of course, open to question, but he (Mr. Peel) was certainly a little surprised at it, for he could not say that any injustice had been done to Captain Carruthers. That officer was reduced to half-pay in 1818, and, with the exception of five years, he had remained on half-pay from that time to this. In 1842 he was appointed brigade major at Cape Town, an office which had hitherto been held by an officer of the rank of captain. He (Mr. Peel) admitted that when the Caffre war broke out the duties of Captain Carruthers were largely increased. At the termination of that war application was made to Lord Hardinge to confer the distinction of major in the army on him; but Lord Hardinge considered—and, in his (Mr. Peel's) opinion, properly considered—that, however useful and serviceable were the functions which had been performed by that officer, inasmuch as he was 600 miles from the seat of war, it was an honour that ought not to be conferred. He (Mr. Peel) did not think that it was an incorrect view of the mode in which patronage should be dispensed, when Lord Hardinge said that, on those officers who had been personally engaged against the enemy, risking their lives in an inglorious war, such a distinction ought to be conferred rather than on an officer at a remote distance, however well he might have performed his duties in another sphere. Then, what was the case of Lieutenant D.? This was the initial letter given by the hon. Member, but he would ask that hon. Gentleman to give him the name of that officer? [Mr. Layard: Daniell.] He (Mr. Peel) would not have felt justified in referring to a memorandum of Lord Hardinge if the hon. Gentleman had not stated the name. The House would recollect that the statement of the hon. Gentleman against the Horse Guards was that he had not been given an unattached company without purchase. He was stated to be the oldest subaltern in the army, and that he had applied to be appointed to an unattached company—but no, he had no friend at the Horse Guards, and therefore he was still a subaltern. The hon. Gentleman should now himself judge whether there was any just cause of complaint in withholding that appointment—

"Lieutenant Daniell, of the 75th, was an applicant for an unattached company without purchase, and, from his length of service, would have had a fair claim to obtain one; but when his case came under consideration in October last, attention was attracted to the fact, that he had exchanged from the 94th Regiment, then in India, but about to return home, and where he was the fourth lieutenant, into the 75th Regiment, on the 7th of April, 1854, and that this could hardly have been done for the object of remaining with the 75th Regiment in India, as he had returned to England. It was thought, therefore, necessary, before promoting him, to ask for some explanation with respect to the exchange, when Lieutenant Daniell admitted to the military secretary that he had received a sum of money on effecting it. It was, of course, impossible to promote an officer who had just made a profitable arrangement with regard to his commission, and it was to this cause that his not obtaining an unattached company at that time was attributable. The rule with regard to the promotion to unattached companies without purchase was generally to be guided by the length of service of the candidates, and there were now lieutenants on the list of longer standing than Lieutenant Daniell, who had lately preferred their applications."

He had now mentioned every case which had been referred to by the hon. Member for Aylesbury in regard to promotion, and he appealed to the House whether they thought he had succeeded in proving the case he had endeavoured to establish—that undue favour had been shown by the Horse Guards to particular individuals? The hon. Gentleman then proceeded to consider the staff appointments; and the first remark he made upon that subject was, that the certificates of the College of Sandhurst were disregarded. He said that only seven officers in the Crimea had received certificates of merit from that college. Now he (Mr. Peel) would tell the hon. Gentleman his opinion with regard to those certificates. He did not consider that a pass certificate of Sandhurst College ought to be received as an indispensable qualification to an appointment on the staff. No doubt scientific knowledge would be of great assistance to an officer on the staff; but his opinion was that men possessed of the highest scientific and mathematical knowledge, without at the same time possessing practical regimental knowledge, would be perfectly children in military operations, and that it would be of great disservice to the State if they were to decide that an officer who did not possess a certificate from Sandhurst should not be appointed. The hon. Gentleman had laid down the maxim—that the right man should be appointed to the right place. Now, he wished to deal plainly with the hon. Gentleman on this occasion. He (Mr. Peel) admitted that a man might be an excellent staff officer who had not a certificate from Sandhurst; but he had been asked whether it was not a fact that on his own application, a relative of his had been appointed to the staff, such relative never having obtained a certificate from Sandhurst College? That man might, no doubt, be a very goon staff officer without having obtained a certificate, and it was, of course, very proper that a man should exert himself for his own relative; but he did object that the hon. Gentleman should turn round upon the Government and make it a matter of reproach against them for having done that which he himself had been instrumental in doing. The hon. Gentleman had spoken of the case of Colonel Yea and others, and said how hard it was to pass over those colonels of regiments who had gone through the campaign of the Crimea and had acted for years in the service, and that the Horse Guards should have appointed to brigades in Malta two colonels who had not seen service in this war at all. The hon. Gentleman drew a distinction between the brigadierships conferred at Malta and the acting brigadierships held in the Crimea; but the rank of brigadier-general being only temporary, one brigadiership was just as good as another, and there was no difference in the nature of the brigadierships held by the two officers to whom the hon. Gentleman had referred and that held by Colonel Garrett in the Crimea. Now, did the hon. Member think that if, instead of sending out Colonels Williams and Rumley from this country, the appointment of brigadiers at Malta had been offered to Colonels Garrett and Yea, these officers would have left the Crimea, where the path of honour was open to them, to accept such a position as Malta? An army of reserve, numbering from 5,000 to 10,000 men was in course of formation at Malta, and it was necessary to place in command of such troops officers who were peculiarly conversant with the mode of rendering young recruits serviceable soldiers. Colonel Williams had been selected for this duty as one of the oldest colonels in the army; and Colonel Rumley, because he had for some time commanded the Provisional Battalion at Parkhurst, and had shown his ability in the discharge of such duties as he would be required to perform as brigadier at Malta. The hon. Gentleman next referred to the manner in which rewards had been conferred upon officers in the Crimea. Now, such rewards were of two kinds—those which were conferred by the general commanding in chief, and those which it was the especial prerogative of the Crown to bestow. Every one must lament that such officers as Colonel Egerton, who had displayed so much valour on all occasions, should fall in battle before they could receive the honours they had so richly earned; but it must be remembered that if such honours as the decorations of the Bath were conferred for every battle, the power of bestowing them would soon be exhausted. The general commanding in chief had conferred such rewards as were at his disposal upon those officers whose conduct had been most distinguished. The rewards the general commanding in chief could confer upon officers of high rank were colonelcies of regiments, and since the commencement of the war four colonelcies had been given to young major generals—Sir Colin Campbell, Sir R. England, General Bentinck, and General Pennefather—solely on account of their conduct in the campaign. As a better proof of the manner in which the general commanding in chief administered the patronage he possessed, he (Mr. Peel) might inform the House how Lord Hardinge had filled up the commissions issued in consequence of the augmentation of the regiments of Foot Guards. Last year additional companies were added to each battalion of the Guards, and one-half of the new commissions were given to officers of the line who had distinguished themselves in the service. He found that ten officers had been appointed to the Guards from regiments of the line in consequence of distinguished service, including Captain Butler, who successfully defended Silistria, and who subsequently died of his wounds; Lieutenant Rowland Hill Gordon, who was appointed to the Guards solely in consequence of his having been mentioned in Lord Raglan's public despatches for having gallantly resisted the enemy's attack in the trenches; Major Montgomery, Captain Wetherall, and other officers, all of whom had seen service in India, at the Cape, or in the Crimea. The hon. Member for Aylesbury proposed to reform the present vicious system by abolishing the plan of promotion by purchase, but the hon. Gentleman admitted that the evils of that system were not of such magnitude as to justify the country in incurring the expense of compensating officers who would be injuriously affected by the abolition of the system. The hon. Gentleman found, however, that out of about 4,500 commissions some 2,500 had been conferred without purchase, and he proposed that in future no officer who had received a commission without purchase should be allowed to sell his commission. He (Mr. Peel) had given careful attention to the subject, but he did not see how the hon. Gentleman's proposal could be carried out without seriously affecting vested interests. If they told a lieutenant colonel, who after purchasing an ensigncy had obtained his subsequent steps without purchase, that he was not to be allowed, on leaving the army, to receive more than he had given for the commission of ensign, he would naturally say, "I imagined after twenty or thirty years' service, although I received my commission without purchase, that on retiring from the army I should be allowed to realise its full value." Indeed, he (Mr. Peel) did not see how officers in such a position could be deprived of the right of realising the pecuniary value of their commissions without a serious disturbance of vested interests. The hon. Gentleman had further suggested that no officer should in future be appointed to the staff who had not gone through a prescribed course of education. He (Mr. Peel) did not deny that there was value in that suggestion; but, as a Committee of that House, presided over by the right hon. Member for Portsmouth, was now engaged in considering whether the Royal Military College at Sandhurst could be so enlarged as to afford the means of educating officers for the staff, he thought he might pass by this point. The next proposal of the hon. Gentleman was to abolish the privileges of the Guards. The right hon. Gentleman the Member for the University of Oxford complained of the Amendment of the hon. Baronet the Member for Hertfordshire, because, while urging upon the Government the importance of reforming the civil service of the country, it took no notice whatever of the exertions which had been made to effect that object during past years. But if his right hon. Friend considered that that was a well-founded complaint against the Amendment of the hon. Baronet, how much better a complaint had he (Mr. Peel)? In recommending the abolition of the privileges of the Guards, the hon. Member entirely overlooked the fact that, during the last ten months, a blow had been inflicted upon the privileges of the Guards, which was as severe as could be received at one single stroke. Until the passing of the warrant of October, 1854, there was no difficulty in getting a lieutenant colonel of the line to exchange with a captain and lieutenant colonel of the Guards. An entire change, however, was effected by the warrant of 1854, because that warrant required that no lieutenant colonel should succeed to the full rank of colonel until he had served three years in the command of a battalion, and he need not say that a captain in the Guards, though a lieutenant colonel, did not command a battalion. It was said that the Government had paid no attention to the recommendations of their Commissioners. Now, the Commission of 1854 recommended the employment of younger men as general officers. The hon. Member for Aylesbury read a list of general officers employed in the Crimea whose ages were chiefly over sixty, but the hon. Gentleman might also have read the list of major generals, when it would have been seen that the recommendations of the Commissioners, instead of having been disregarded, had been scrupulously attended to, no doubt to the annoyance and disapprobation of several general officers. When the army was sent to the Crimea no major general was appointed commander of a brigade, but the command of each brigade of cavalry, and of the first, second, third, and fourth divisions of infantry, was conferred upon a colonel. With the exception of Lord Rokeby and Major General Barnard, since that Report had been made, no major general had been appointed to the command of a brigade in the Crimea. He had now nothing further to say with regard to the speech of the hon. Gentleman; but, with regard to the Resolution submitted to the House, he thought it came too late, and that it altogether exaggerated the state of feeling which prevailed throughout the country. In the first place, it spoke of disasters, but he (Mr. Peel) did not think that this country had met with any disaster in the true sense of the term. Any disaster that could befall a nation like England must be one that would lower her in her own estimation and in the estimation of the world, and he did not believe that this country stood now one jot lower than she did eighteen months ago. To show that this was really so, he need only refer to the state of feeling in the Colonies. Throughout our colonial Empire a wish had been expressed to draw closer the bonds of union between the Colonies and the mother country, and he believed that that desire had arisen in consequence of the manly courage and chivalrous fortitude that had been displayed by our troops, and, also, because the colonies felt the justice of our cause. That there had been great calamities sustained in the war and great sufferings endured, no one could deny; but he rejoiced to think that, at all events, they had now passed away, and that at present the army in the Crimea was more numerous, and better appointed in every respect than any that had ever been brought together under the command of a single English general. Whatever might have been the case hitherto, at the present moment that army was in the highest state of efficiency and order with regard to its food, its means of transport, its stores, and the state of its hospitals. The hon. Member for Aylesbury endeavoured by his Resolution to attribute any disaster that might have occurred to the public appointments that had been made, but he (Mr. Peel) did not understand that the Report which had been read that night designated any individuals as being themselves the causes of any disasters that might have taken place. At all events, it was considered that, to a great extent, the system was responsible for what had happened. Although he could not agree in the Resolution of the hon. Member, or in the words in which it was framed, yet he was as favourable as any member of the Reform Association to the principle of obtaining properly qualified men for the public service. He acknowledged that great mischief and even ruin might follow from unwise and imprudent counsels in the management of public affairs, and, knowing that this country teemed on every side with ability, he agreed in the desire that was felt at all times to place the Government of the country in the hands of the most steady and experienced persons.

MR. DRUMMOND: Sir, the noble Lord (Viscount Goderich) has dwelt upon the inefficiency of the present Ministry; but that is not the matter now under discussion: the meetings which have been held, the speech of the hon. Member for Aylesbury, and the whole argument of the noble Lord deny the sufficiency of any person on either side of the House who has ever been employed in the administration of public affairs. The noble Lord is evidently looking forward to the establishment of an Utopia, for he has declared that what he desires can only be attained by a total sacrifice of selfish or party wishes or consideration; the sacrifice of every individual, of every party, and of every class, both within and without the walls of Parliament. At the elections, after the repeal of the corn laws, the universal cry throughout the country was, that we had now got rid of class interests; that, henceforward, all laws would be equal for all classes, and none would have any preference over another; yet the very persons who arrogate to themselves exclusively the name of Liberals, are now agitating in every corner to get up a cry to exalt the middle classes and to lower the upper classes. They began with a clamour against the aristocracy, but they seem now to be conscious that they were talking nonsense, for that, in this country, it is impossible to define what is meant by the term; so now they have shifted their ground, and raise a cry for what they call administrative reform—a term as senseless as the other. The hon. Member for Aylesbury piqued himself, the other night, upon being the only man in this House who dare stand up and speak the truth, and defined what he meant by speaking the truth, which was the abuse of the Government. So far, however, from this requiring any courage, it is the meanest and lowest road to fame; and if he wants to show courage in these days against real danger he had better stand up against the *civium ardor prava jubentium*, and not against those from whom there is no cause of fear. The most judicious writer in the English language has said—

> "He that goeth about to persuade a multitude that they are not so well governed as they ought to be, shall never want attentive and favourable hearers; because they know the manifold defects whereunto every kind of regiment is subject; but the secret lets and difficulties, which in public proceedings are innumerable and inevitable, they have not ordinarily the judgment to consider."

Under the pretext of administrative reform these people are attacking every kind of rule and order. But "order is heaven's first law," and not to be violated without paramount necessity. Their arguments are equally valid against the planetary system, and, according to them, it is a mere piece of red-tapism that the sun does not come down out of his place, and warm us in this cold summer, and ripen our corn. The Motion of the hon. Member contains certain assertions, not one of which is true, and not one of which has he attempted to prove.

Taking all these assertions for granted, however, and that the whole body of statesmen who have held office on either side of the House are incompetent, a body of persons have come forward and volunteered to govern us for the future. Let us, therefore, examine a few of the most prominent of these Gentlemen. Mr. Wyndham, in his speech against volunteers during the last war, said that volunteers were like soldiers, but were not soldiers; just as a picture was like a man, but was not a man; and so I suspect we shall find these volunteer statesmen; however like statesmen they may be, yet, after all, they are no more real statesmen than pictures are real men. One of the principal of these volunteers is the hon. Member for Tynemouth, and he comes forward to drive out all the upper classes as bad administrators, and to put in himself as a good one. I find, however, in the records of the police office, that about two years ago that Gentleman was, to use a Bow Street expression, "had up" for not fulfilling a contract he entered into to convey some poor emigrants, in the ship *Swarthmore*, to Australia. Now, I do not mean in the least to insinuate that the hon. Member acted in the smallest degree dishonestly by them, nor cruelly, nor unkindly; but the better his intentions were, the more honest his intentions, and the more kind, the more did he show himself a most incompetent administrator, even in matters of his own business and of daily occurrence. This, however, is not all: it appears from a correspondence, which was published also in the newspapers, that the same hon. Member for Tynemouth entered into a contract with a shipbuilder to build him a ship, which he named by the euphonious appellation of *William Schaw Lindsay;* he, however, subsequently spoilt it by additions which he made to it, and then abused the builders for building a bad ship; the builders replied that they had adhered to their contract, but that Mr. Lindsay, being a ship-broker, and not a ship-builder, had interfered in a business which he did not understand, and had, therefore spoiled a good ship which they had delivered into his hands. Here, then, is another proof that this Gentleman meddles with matters which he does not understand, and is a very bad administrator.

Another of these volunteer statesmen is the hon. Member for Pontefract. This Gentleman has avowed himself by many Motions made in this House, extremely concerned in the sale, and, perhaps, in the manufacture, of wine. Any gentleman so employed might find sufficient on his hands in reforming the wine trade, without extending his exertions over other matters. I suppose all Members have read the Report and evidence on the state of the wine trade, which was presented by a Committee of this House a few years ago; but lest they should not, I beg to remind them of a remarkable fact which came out in evidence, and which was this. The King, George IV., asked one day at dinner for a particularly fine kind of wine, for which he had not called for a very long period; liking the wine, he desired the same to be served at another dinner His Majesty was about to give a few days afterwards. The butler, next day, ran in dismay to a wine merchant in the City, stating that he had drunk all the wine himself, and concluding that when they found out what had occurred, His Majesty would dismiss him and ruin him. The wine merchant told him to be under no alarm, to send him a bottle as a sample, and he undertook to send a mixture so exactly resembling it, that the King should not discover the fraud. This was done; the King praised the fabricated wine, and the butler saved his place. The fraud in wine is so extensive, that there are many fewer pipes of port wine imported into England now than there were in 1812, although the population has been greatly increased between those periods. That same Report also stated the great extent of plantations of elder made in Portugal by the English wine manufacturers there, to say nothing of jeripiga, sloe berries, &c. Dr. Hassall has also just published an account of all the analyses made by the Commission, which Mr. Wakley organised, for the examination of various articles used as human food, and the German papers, in reviewing this work, have said that as Napoleon called the English a nation of shopkeepers, now they must be called a nation of the greatest rogues in Europe.

These volunteer middle-class statesmen, stated moreover, in their meeting at the London Tavern, that the hon. Member for Aylesbury was "hounded down," (as they called it) for only expressing an opinion contrary to the opinions of the majority of this House. This assertion is entirely false; and I am an impartial witness in the matter, for I not only took no part in the discussion, but I agreed in much that that hon. Member said. I regretted that he made several misstatements, and it was natural that the friends of the officers referred to should be indignant; but I was sorry to see a gentleman, who possesses great energy and singleness of purpose, get into any difficulty. When I see a person attacked by a majority, I instinctively take the side of the weaker party, and I do not think that we have too many men of his intelligence in the House to enable us to afford to lose any one. The thing, however, of which they falsely accused the House of Commons of having done, they did actually themselves; for when a poor Mr. Walker got up only to state his opinion, they positively silenced and refused to hear him.

But let us take another example of the capacity of the middle classes to govern us, and let us try them by their acts. They clamoured for what they call local self-government, and they got it: and the consequence is, that Newcastle-on-Tyne has been victimised by cholera, lately, more than it ever was before. Newcastle has at its head philosophers, scientific men, merchants, shipbuilders, &c., the very elect of the middle classes; they are all reformers, liberals, and intelligent, and yet they have not sufficient administrative talent to clean and drain their own town: they have quarrelled together for ten years, and done nothing: yet, of all places, it is one of the least difficult to cleanse, for it stands on the side of a river with high banks, and nothing could be wanted but to cut ditches from the top to the bottom of a rapid descent. Croydon is another place in which the middle classes boast that they are competent to self-government, and the end of their administrative faculties was, that they produced a virulent fever which destroyed hundreds of human lives, owing to their bungling and incompetence. As to London, we know what a mess that is in, and has been ever since the shopkeepers had the management of their lighting, and drainage, and supply of water. It has been in such a state of confusion and mismanagement, owing to nothing whatever but the incompetence of the shopkeepers to manage such affairs, that at length the Government has been urged to take the matter into its hands, and a Government officer has been appointed, and the right hon. Baronet has introduced his Bill accordingly.

But look at a greater case than either Newcastle or London; look at India, a place wholly governed by merchants, and see whether their civil departments are better managed than they are in this country. The Commissariat is decidedly worse; the accounts more in arrear, although there is no titled First Lord of the Treasury over it. As to injustice with respect to promotions in their army owing to red-tapism, I know an instance of an officer who has been employed in every branch of the service, and received approbation for his conduct in each; he has also served with distinction in the field under fire; he has been declared by the Duke of Wellington, by Lord Raglan, by Lord Hardinge, by Lord Gough, by Lord Broughton, to be deserving of his promotion; but this has been refused him, owing to some form not having been gone through; the Court throwing the blame on Lord Dalhousie, and he is now about to return to India with all his juniors promoted over him: a grosser act of cruelty, injustice, and wrong, was never heard of; and this by a government administered by merchants.

See again the case of railroads, which are all projected and carried on by the middle classes: look at the immense amount of capital which has been expended, and the average return upon it is said to be under 2 per cent. When the proprietors get into such difficulties that they cannot extricate themselves, they are frequently obliged to have recourse to some noblemen or gentlemen to relieve them. In one case they appointed the Marquess of Chandos, in another General Anson, in another Mr. Francis Scott, and they turn this last gentleman out of the South Western, because, being a gentleman, he was determined to stand by the engagements which the company of middle classes had entered into, and which engagements these middle classes repudiated, when they found it to their pecuniary interest to do so.

The hon. Member for Aylesbury said, that in all literary and scientific societies which he frequented, he found everybody agreeing with him in his opinion of administrative reform. I think this is very probable, for of all classes of human society, literary and scientific men are the least competent to manage men and things belonging to this sublunary world. All statesmen agree in this opinion; and Napoleon, who was truly a statesman, writes to his brother Joseph, "mistrust all literary and scientific men; treat them like coquettes; amuse yourself with them; but do not try to make wives of one, nor statesmen of the other." Swift, another true statesman, had an equal contempt for literary and scientific men, as statesmen, and he refers to a species of them which is perfectly applicable to our present subject. In his imaginary travels, he says—

"In the school of political projectors I was but ill entertained, the professors appearing in my judgment wholly out of their senses, which is a scene that never fails to make me melancholy. These unhappy people were proposing schemes for persuading monarchs to choose favourites upon the score of their wisdom, capacity, and virtue; of teaching Ministers to consult the public good; of rewarding merit, great abilities, and eminent services; of choosing for employments persons qualified to exercise them, with many other wild and impossible chimeras that never before entered into the heart of man to conceive, and confirmed in me the old observation that there is nothing so extravagant and irrational, which some philosophers have not maintained for truth."

The noble Lord the Member for Huddersfield said, that constitutional government was now on its trial, and that it was on the verge of being brought into contempt. In my opinion, Sir, constitutional government has been tried, has run to seed, and is now worn out. Its natural tendency was towards republicanism, and the Whigs have fanned this tendency, and have now accomplished by law that substitution of the power of this House for that of the Crown, which they effected by blood in former times. This House has thrust itself into the Executive, instead of confining itself to purely legislative functions. Committees on things may be useful; but Committees sitting on the conduct of individuals will prove as tyrannical as they ever have proved, as bad as the Star Chamber itself. The hon. Member for Aylesbury thinks that the army will thank him for the exertions which he supposes to be in its favour; but he will only effect distrust and discord between superior and junior authorities: the army on the whole will feel itself insulted by his interference, and will sooner or later revenge itself by again putting us out of this building, and by taking the administration of all affairs into its own hands; but whether this is the administrative reform after which he is longing, I leave it to him to determine.

Mr. JOHN MACGREGOR said, he thought the House had lost sight of the true course of proceeding, for notwithstanding all the complaints which had been made of the faults of the system, he believed that if they had the proper men at the head of each department, everything would go on well. A similar state of things to the present existed from 1744 to 1750, when the King was compelled to send for Mr. Pitt, whom he mortally hated, and that great statesman soon changed everything; and what was now wanted was a Minister who would "bell the cat" in a similar manner. He (Mr. Macgregor) would take upon himself to tell the bold truth—when Mr. Pitt held the seals of office he would not permit any of the offices of State to be filled by any but efficient men; and what was now wanted was a Prime Minister who would have the courage to act upon the same principle. He had the highest esteem for the noble Lord now at the head of the Government, and thought him a man of great administrative ability; but he believed that circumstances had prevented him from filling up the offices in his Government according to his own natural sagacity. He felt similar confidence in the Secretaries of State for the Colonies and for Foreign Affairs. Then there was their Indian Empire, with its 150,000,000 of inhabitants, including only 15,000 British residents, exclusive of the army. Looking to the financial, military and social position of that great Indian Empire, it was the duty of the First Minister to get the very best men to place at the head of the Board of Control; and he would say, without disrespect to the right hon. Gentleman (Mr. Smith) that the country was astounded when they found who was appointed. He regarded the position of our Indian Empire with alarm. He must say, however, that his right hon. Friend (Sir C. Wood), for the short time he was at the Board of Control, ruled India with great sagacity and ability, and he believed the right hon. Gentleman would also fill the place he had now got with ability, for when he was Secretary to the Admiralty he took great pains to acquaint himself with the business of that department. The right hon. Gentleman was not very popular in the House or the country—but the truth was, he was too honest to truckle and give very polite answers. Then with regard to the Board of Trade. The President and Vice-President should be well acquainted with the commerce of our own country and the commercial affairs of all other countries, as well as those of India and our Colonies, and should also be fully capable of managing that important branch of their department, the railway department. He thought, too, that the Board of Inland Revenue and the Customs, under their present heads, were in a state of efficiency. In all the departments he believed the underlings would efficiently perform their duties if they were placed under proper chiefs; but in the present Government he considered that, with the exception of the Prime Minister, the First Lord of the Admiralty, and the Secretaries of State, all the higher offices had been filled without due care and without due regard to public opinion. In all other European States he found that ability for office was considered before office was conferred; and indeed there was no country with which he was acquainted in which, in appointing to office, so little regard was paid to fitness as in England. He denied that there was any feeling in the country against the aristocracy, but he would not deny that there was dissatisfaction at the preference which appeared to have been shown to the claims of consanguinity in the formation of the Ministry, nor that there was an opinion abroad that the noble Lord had been obliged to yield to superior influence in filling up the great offices of State.

COLONEL LINDSAY said, he did not rise so much for the purpose of addressing himself to the question before the House as with a view to notice two cases to which the hon. Gentleman the Member for Aylesbury had referred in his speech on Friday last. The first of these cases was Lord Eustace Cecil. It would perhaps be in the recollection of the House that a few weeks ago he (Colonel Lindsay) had made some remarks upon that case, after it had been brought under their consideration by the hon. Gentleman the Member for Aylesbury. He was not aware at that time that the hon. Gentleman was about to allude to that subject, and he took the precaution of informing the House that he was not speaking from any personal knowledge, but from information communicated to him by other parties. He had since found that there was an inaccuracy in the statement he then addressed to the House; but it was not an inaccuracy of any magnitude; and if it had been, he should have taken an earlier opportunity of publicly correcting it. He said that Lord Eustace Cecil had exchanged into the forty-third; but upon that point he had been misinformed; and he had since learned that Lord Eustace Cecil had not exchanged, but had sought and obtained a commission in that regiment. The hon. Gentleman told them, on Friday last, that the promotion of Lord Eustace Cecil was in direct opposition to all the regulations of the service; but upon that point the hon. Gentleman was in error, for there was nothing in the regulations prohibiting the promotion of the noble Lord, who had been two years in the position of a subaltern. The hon. Gentleman had further stated that he

(Colonel Lindsay) had excused that promotion; but he begged leave to observe, that upon that subject also the hon. Gentleman was mistaken, as he (Colonel Lindsay) had merely stated what he had believed to be the facts of the case, and he had not attempted to offer any defence in that House of the conduct of his commanding officer. Indeed, he conceived that it was in no way a part of his duty to submit to the House any such defence. The hon. Gentleman had further said, "Lord Eustace Cecil had exchanged from every regiment which was seeing service. His regiment is at the seat of war; he is placed in a battalion which is at this moment in Dublin, and Lord Eustace Cecil is within a mile of this House, or was so within a very few days." Now he (Colonel Lindsay) would state what were the facts of that case. An officer on joining a regiment was immediately sent to the depôt, where he had to learn his duty, and until he had learnt it be was not allowed to go with his regiment. When Lord Eustace Cecil's time to leave the depôt came he embarked for the Cape. The Kaffir war was at that time going on; but when he arrived at his destination that war was over. The regiment next went out to India; while in India he sought an exchange into another regiment, and his father, knowing his wishes with respect to service, got him a commission in the eighty-eighth, which embarked for the seat of war, in April. Lord Eustace returned from India on leave, having a severe liver complaint, and never joined the depôt of the eighty-eighth; and he subsequently obtained his promotion into the Coldstream Guards. That was, he believed, the promotion of which the hon. Gentleman complained; and upon that subject he (Colonel Lindsay) would simply state the facts as they had occurred, without pretending to submit them to the House either in the way of justification or of excuse. The hon. Gentleman said that Lord Eustace Cecil had changed from every regiment that was seeing service; but the fact was that at the time he left the forty-third it was not seeing service, and that at the time he got into the eighty-eighth it was seeing service. He afterwards got into the Coldstream Guards, one battalion of which was seeing service; but he had not left England, and he was still in England for reasons which he (Colonel Lindsay) would proceed shortly to state. When he got into the Coldstream he was told he was to proceed to the East forthwith, and his preparations were in progress accordingly. About that time Lord Rokeby was placed in command of the brigade. The regiment had then ten lieutenants and captains at the seat of war and only three at home. A young officer named Wellesley was selected as aid-de-camp by Lord Rokeby; and immediately after the order in reference to Lord Eustace Cecil was countermanded, and he was obliged to remain at home. But it might be asked why he had not gone out since? the reply to which was that a number of officers were brought from the line into the Coldstream, who, being already at the seat of war, were ordered to join the battalion there, so that the noble and gallant Lord had now to wait for his turn. The hon. Member (Mr. Layard) had also referred to the case of Captain Blackett, who, he said, had received his promotion through the influence of Colonel Upton, with whom he had gone on a pleasure excursion. Now what were the facts of that case? Colonel Upton was sent out in command of detachments from several regiments, one detachment of which—that from the ninety-third regiment—was commanded by Captain Blackett. The men were all young, raw, and unformed; and in the course of the voyage Colonel Upton observed that Captain Blackett showed a great deal of merit and tact in the performance of his duty. Colonel Upton, on finding that the Coldstream had no officer to promote, wrote home to his brother to procure Captain Blackett a commission, and accordingly a commission in the Coldstream was presented. The hon. Member for Aylesbury had spoken of a breach of the rules of the service; and no doubt these rules were made to be observed; but it should, on the other hand be remembered that the rule fixing two years' service before appointment to the rank of captain had been made before the war, and was principally intended for times of peace; and everybody must know that five or six months of actual hostilities gave an officer more knowledge and experience of his profession than he could gain in even four or five years of peace. Great injustice had been done to an officer of the name of Amherst who had been severely wounded at the battle of Inkerman, and who had the misfortune of being an "honourable," and in consequence of the debates in that House he would have to serve the usual two years, and ten to twelve men placed above him for promotion, notwithstanding the gallant manner in which he had performed his duty. In his opinion that was not altogether fair or just. He agreed with the hon. Gentleman opposite (Mr. Peel) that a heavy blow had been struck at the brigade of Guards; and very great injustice had been done in consequence. The consequence was that an officer of the Guards, except in time of war, would have no chance whatever with the rest of the service. If ever there was a case in which a body of men was thoroughly "done," that body was the Guards. Thanking the House for having heard him so attentively, he should conclude by expressing his opposition to the Motion of the hon. Member for Aylesbury.

MR. J. G. PHILLIMORE said, he rejoiced that this question had been taken from the political atmosphere in which it was originally enveloped, and brought before that House in a tangible shape, in which it could be deliberately and satisfactorily discussed. He concurred in many of the observations which the hon. Member for Aylesbury had made with regard to the army. He (Mr. Phillimore) thought that the exclusive privileges conferred on the Guards were inconsistent with the spirit of the constitution. The complaint against those privileges was as old as the period of Junius, and no doubt the privileges enjoyed by the household troops were borrowed from the practice of continental countries. It appeared to him (Mr. Phillimore) that of all the absurdities that it ever entered into the mind of man to conceive, one of the greatest was that of establishing a system of competition by examination for appointments to the public offices. He did not object to an ordinary examination, suited to the duties which the candidates for employment had to perform; but such a system of examination as that mentioned in the Blue-book which had been referred to on the subject, deserved strong condemnation. He was astonished at the proposition of the hon. Member for Dudley (Sir S. Northcote) that they ought to have two sets of clerks —one for the intellectual work, and the other for that which was merely mechanical. Such a proposal was worthy of the author of the Report, than which a more thoroughly pompous and pedantic production, or one betraying more consummate and stupid ignorance of human nature, was not to be found even among the Blue-books, or among the works of the school of which the hon. Baronet was so striking and exact a specimen. With respect to the system of examination for employment in the public service, he therefore disagreed with the hon. Member for Aylesbury, as what he proposed he (Mr. Phillimore) thought was neither definite nor useful. He (Mr. Phillimore) thought also that, far from the present state of the country being a subject for alarm, it was one for satisfaction and encouragement. The hon. Member had proposed as a remedy for the alarming state of the country that clerks in the Colonial and Foreign Office should pass an examination previously to being admitted to that office. But the hon. Member had himself stated that he was surprised and amazed at the amount of knowledge which he had discovered in the clerks on a visit to the Foreign Office, and yet these very clerks had undergone no examination. He (Mr. Layard) therefore had disproved his own case. He (Mr. Phillimore) thought that the only principle by which a country like ours could be well governed was, by a party Government; and that it was just as absurd to attempt to charge the evils that had befallen the country, from the misconduct of subordinate officers, on the aristocracy as a class, as it would be to charge the middle classes with the bankruptics and failures which had happened in the country during the last few years. Although he did not mean to impute improper motives to those who were raising the present agitation, yet it appeared to him that, arguing from the abuse of an institution against its existence was as gross a fallacy as could be employed to impose upon reasonable men. He would conclude by saying that those who raised class against class in this country would give birth to such a state of feeling as would go on increasing, and which would arrive at such a head that all the wisdom of Parliament would be insufficient to subdue it; and he therefore trusted that, whatever measure the Government might adopt on the present occasion, they would rest it on those great and solid principles which had for so long tended to the welfare of this country.

MR. DISRAELI: Sir, I should not have deemed it necessary to say a word in support of the Amendment of my hon. Friend the Member for Hertfordshire, had it not been for some remarks made in the course of the debate, and especially one by my hon. Friend the Member for West Surrey, who with that Rabelaisian humour which is peculiar to him, sneered at the term of administrative reform, and said that he could not annex any meaning to it, and doubted whether those who made use of it were more competent to give a definition of the term. Now, Sir, as I think I am the individual who first used that expression in this House, I do not consider it would become me to shrink from assuring the hon. Member that I think that expression is capable of definition—that I annex to it a precise meaning in my own mind, and that it expresses a principle which, if acted upon, would, I think, be most beneficial to the State. The right hon. Gentleman the Chancellor of the Exchequer dilated very much on the improvements which have for some years been made in the public service, and he did me the honour of acknowledging that during the period Lord Derby's Government were in office, they were not remiss in their exertions to obtain that improvement in the public service which the right hon. Gentleman admitted had been effected. The right hon. Gentleman the Member for the University of Oxford was also pleased, in a manner still more ample and liberal, to acknowledge that, during the time of the administration of Lord Derby, steady and rapid progress—I think those were the words he used—was made by their efforts to render the public service more efficient. I may be permitted to tell the Member for Surrey that measures which render the public service more efficient are measures of administrative reform. The right hon. Gentlemen the Chancellor of the Exchequer and the Member for the University of Oxford stated, that as early as 1848, measures had been taken to revise the constitution of several public offices, and among others, those of the Treasury and of two of the Secretaries of State, and that when we were responsible for the conduct of affairs, we lost no time in revising several branches of the public service, particularly those connected with the administration of Ireland, following, as they would wish the House to infer, the precedent which had been set before us. But I would take the liberty of stating, that the course which we adopted in issuing Commissions to examine into several departments was not influenced by those precedents, however respectable they might be, to which the right hon. Gentleman referred. The fact is, that previous to our accession to office a very significant event had occurred which exerted much more influence on our Government, and which must have exerted much more influence on the conduct of any Government, of whatever party it consisted, or of whatever materials it was formed, than could have been exercised by any isolated precedent which might have been found on the table of the House for the examination, revision, or reconstruction of any department of the State. Before we had arrived at office, the extraordinary scandal respecting the administration of the Customs had taken place; a Committee had been appointed, which had conducted with great ability an elaborate inquiry on this subject, and had presented to the House a Report, with which, no doubt, many Gentlemen are familiar. It was this which caused to devolve upon us, at least the prospect of having to deal with this important subject, and which induced us to consider what measure could best be applied, in a remedial sense, to such a state of things, and which, had our Government continued, would have been almost the first we should have submitted to the House. It was while examining into the administration of this, one of the most important branches of the public service, that our attention was attracted, and our consideration given to, the general administration and management of the various public offices of the State. After giving the subject the consideration which it demanded, it was impossible to resist the conclusion that the public offices of this country required considerable change, that they had not made an advance proportionate with that of the various matters with which they are connected, and that they were not so efficient as a country like England had a right to expect. We had, then, to consider the position not only of the Customs, but also of all the public departments; and it was after consideration, I hope not shallow but comprehensive, of a question so vast that we arrived at the conclusion that the changes associated with what is now popularly understood as administrative reform (an expression which I used in this House nearly three years ago, for the first time, to describe the meaning of the then Government), were imperatively required, and that no Government could continue without making them. There was another cause, I admit, which induced us to come to that conclusion—we were of opinion that the financial system of the country required revision, and that the principles of taxation which then obtained demanded considerable alteration to render them more just; and, of course, in order to effect the changes we contemplated, it was our interest to have as large a surplus as possible at our command. We were therefore, of course, anxious to increase the surplus revenue of the country by effecting practical and judicious economies in the public service. Although this was one of the prime motives that induced us to consider the changes to which I have referred, I am bound to state that we had not long investigated the question before we became persuaded that efficiency was the true parent of economy, and that by obtaining what was efficient we should be the more sure to obtain that reduction of expenditure, that economical result, which we desired to secure. It was with these feelings that I, as the organ of the Government, applied to my noble Friend the Member for Buckingham (the Marquis of Chandos), then a Lord of the Treasury, to undertake that revision of the Irish Departments which has been several times referred to in the course of the debate. The then Government decided on that revision as an experiment to try whether the result of rendering this branch of administration as efficient as possible would be economy or the reverse. My noble Friend undertook the operation with no limit as to expenditure, and with only one instruction, which was to render the Irish service as efficient as he possibly could. It was with that view that my noble Friend, with the present Accountant-General of the Navy, undertook the revision of the Chief Secretary's Office in Ireland, the Privy Council Office in Ireland, and the Irish Office in this country; and the consequence of the reforms he effected was, to place those offices in a most efficient state, and, at the same time, to make a reduction of expenditure to the amount of 25 per cent. After this experiment, and after due consideration, the Government of Lord Derby had resolved to bring under the consideration of the House, as soon as it was in their power to do so, the whole question of administrative reform. Of course, on the present occasion I shall be most careful not to speak of the mere intentions of that Government, which some may regard as afterthoughts; and, therefore, I am not now pretending to express all that was intended, but still scrupulously confine myself to those measures of which I, as the organ of the Government, had given notice in this House. And, first, I gave notice the moment certain actual measures which we had brought forward had been disposed of—if they had been disposed of in our favour—to bring under the consideration of the House the whole question of administrative reform, with the view of rendering the public administration of the country more efficient, and the service of every department more consistent with the requirements of the age. I should then have stated what we intended to do. I, as the organ of the Government, should have expressed our general views as to the principal alterations which we thought ought to be made in the civil service, and I should have informed the House that we had recommended Her Majesty to issue a Royal Commission to inquire into the conduct of all the departments of the State, with the view of drawing from their report the regulations necessary to effect the reforms we had in view, which would then have been sanctioned and enforced by an Act of Parliament. And it certainly appears to me, after listening to all the improvements and alterations which have been counselled and suggested on all sides, that that course ought to have preceded all the recommendations that have been made; because what we want at present is, to learn from authority how the public service can be carried on in the most efficient manner, without reference to any theory or any existing circumstances, and to have placed before us from the labours of a Royal Commission, composed of the highest practical authorities, results which may guide us in coming to a conclusion upon that question. I think I have now shown the hon. Member for West Surrey that there is something definite to be associated with the phrase "administrative reform." I should indeed have had the honour, if I had remained in office, of bringing forward two measures of administrative reform, one of them being, of course, a measure for the better administration of the Customs, the introduction of which was necessarily the first duty of the Government which succeeded us. The hon. Member for West Surrey will not pretend for a moment that the measure introduced on that subject by the succeeding Government was not a large measure of administrative reform. Many Gentlemen may have suggested a different form of measure, some may have supposed that other remedies might have been devised more efficient than those recommended by the Government; but no impartial person can deny that the measure was a large and efficient measure of administrative reform. Another measure of administrative reform has been passed, to which I think I may say the country is indebted to the Government of Lord Derby, although we had not the honour of passing it—I mean the measure which caused the gross revenue of the country to be paid into the Exchequer. The hon. Gentleman opposite (Mr. Williams) will remember that I gave notice of my intention to introduce it, and that the right hon. Gentleman who succeeded me carried it, with our assistance, through the House. That was a measure of administrative reform; because I deny that you could have had without it a complete system of public accounts, and it had long been recommended by the highest practical authorities in order to secure that, without which, all administrative reform is illusory—a complete balance-sheet of the receipt and expenditure of the country. I think I have now shown the hon. Member for West Surrey that the phrase he treated with such agreeable levity is one which, although I may associate with it other ideas than those I have heard expressed in some quarters during the debate, was, at least as far as I and those who act with me are concerned, associated with practical measures of great advantage to the public; and I believe the principle of those measures ought to be developed in much greater magnitude than we have hitherto been promised that it shall be.

A great deal has been said as to the changes which ought to be introduced into the civil service. I should be very sorry if I were induced for a moment to defer to a public cry which I did not think was to be justified, or if I could under such circumstances be induced to express any opinion on the subject which I was not prepared to express, nearly three years ago, when I was in a much more responsible position. I scrupulously refrain, therefore, from expressing on this subject other opinions—if I entertain them—than those which I was then prepared to propose for the adoption of the House. I am of opinion — and all that has since passed has necessarily confirmed my opinion—that great changes are necessary in the civil administration of the country, and that those changes would be attended with great advantage to the public. I am also of opinion, in the first place, that entrance into the civil service should not be obtained by mere favouritism, but should be made subject to a substantial and real test of fitness—and I think that the idea of a substantial and real test of fitness is not illusory, but essentially practicable. In the second place, I think that the rewards of our public civil servants should be on a higher scale; and I am convinced that the result of such a change would be public economy, and not increased expenditure. I think the rewards of our public servants in these departments should not be merely of a pecuniary nature, but that they should be educated to look up to those more spiritual rewards which animate and ennoble the conduct of man. I am also of opinion that the civil service of this country ought to be, and must be made, strictly and completely a profession, and that the great permanent offices in it should be reserved for those who have been trained and educated in the permanent civil service. These, I believe, would be sound and judicious changes; they are administrative reforms, and they are changes which every Minister ought to adopt and carry out, and with nothing short of which this House ought to be satisfied. They are changes which I advocate not in deference to any popular clamour, but which I was prepared to advocate long ago, when there was not sufficient clamour in this House to support me in recommending them to your adoption; they are changes, moreover, which would result in the great improvement of the public service, a great advantage to the country, and a prevention of much of that maladministration the evil consequences of which we have recently had so much cause to deplore. But, Sir, I would still impress upon the House that though by these changes you would elevate the tone of the public service, and secure for it a higher degree of talent, although you may reward in a becoming manner that high degree of talent, although the general result of those changes will be satisfactory, salutary, and successful, still the step which ought to precede all these changes is to obtain from the highest authority a clear and distinct idea of the most efficient manner in which the public service in all its departments can be carried on; and when you have obtained that, you ought to devise the means by which that idea can be carried into effect. Sir, I know no means by which this could better be done than by means of a Royal Commission, consisting of practical men—of men who have filled the highest posts in the civil service, and who have shown the greatest amount of administrative talent, mixed, however, as every such Commission should be, with a certain portion of the political experience and statesmanlike knowledge which is to be found in the House of Commons. If the Royal Commission which we meditated had been appointed, and if it had been formed of the individuals whose names we should have recommended to Her Majesty, I am persuaded that the public offices of this kingdom would have been in a very different state to that in which they are now.

These being my views — views upon which I and my colleagues were prepared to act—I am called on to-night to consider the Motion of the hon. Member for Aylesbury. Now, Sir, that Motion, as I read it, is one which is far from embodying that policy which I would recommend the House to adopt, and which very indifferently meets the wants which I have indicated to the House this evening. It calls upon us to assent to assertions to which I cannot with sincerity give my assent. It tells us that the misfortunes which we all deplore are to be attributed "to the manner in which merit and efficiency have been sacrificed in public appointments to party and family influence and to a blind adherence to routine." Now, Sir, I think I have sufficiently shown that I am no blind adherent to the routine of our public offices. I think I am conscious of their deficiencies, and I feel I am prepared to remedy them if opportunity offers by measures equal to the occasion; but I cannot agree that our late disasters have been occasioned by a "blind adherence to routine in the public service," or to a want of merit and efficiency in the officers. It is more than possible—I think it is very possible—that the public services might be rendered more efficient, and that much of the routine which at present exists might be modified or altered, but I should be expressing that which I do not believe if I were to attribute to routine and to the deficiencies of clerks disasters which I think were caused by an incapable Ministry—by a Ministry which the House of Commons, by an overwhelming majority, only a few months ago, declared to be incapable, a verdict which has been completely confirmed by the mature investigations of a Select Committee, and which a Report, such as was never before read aloud in this House, has repeated in the most emphatic manner. It would be miserable hypocrisy, it would be trifling in the last degree, after a declaration, pronounced by an overwhelming majority of the House of Commons, repeated by its Committee, and confirmed by the unanimous voice of the country, that these disasters were caused by the incapacity of the Government, to pretend now to attribute them to a few inadequate clerks and to the routine of our public offices. No, Sir: I believe, with the House of Commons, the Select Committee, and the nation, that these disasters are to be attributed to the existence in this country of a Cabinet formed of men who, though possessed of the highest abilities and great political experience, were not bound together by that public sympathy and private regard which are essential to render any Cabinet a successful Administration. Therefore, Sir, irrespective of all other considerations, I think it most unwise, by consenting to this Motion, to take away, as it were, from the Government that responsibility with which they have been fixed, and which they must bear, and thus to provide a conductor to avert from their heads the public indignation which has been so justly raised against them. This being the case, I have now to consider the Amendment of my hon. Friend the Member for Hertfordshire. This Resolution, in my mind, embodies most accurately what the House ought to feel on the subject. It does not come forward to tell us in exaggerated language that the misgovernment and misconduct which have so saddened the spirit of the country are to be attributed to the system of administration which has so long prevailed, and under which, with all its shortcomings, we have accomplished so many successes and achieved so great glory. It does not come forward with assertions which cannot be proved, but which this House, in deference to a popular clamour, is asked heedlessly and thoughtlessly to consent to; but it does express in language which I believe is definite, precise, and capable of proof, and which, I think, will be sanctioned by the mature approbation of public opinion, that which is the real state of affairs and that which in the calm and thoughtful view of the country is actually required at this crisis. It calls for a careful revision of the various establishments of the country, and it tells us the object which that careful revision ought to attain; namely, to simplify and facilitate the transaction of public business. That is precise, and that is administrative reform. Let me remind the hon. Member for West Surrey that it tells us to institute a judicious test of merit—that we ought to remove obstructions to fair promotion and legitimate rewards. The recommendations contained in this Resolution are such as receive my entire adhesion; they express precisely the policy which the Government of Lord Derby was prepared to recommend. If they are adopted—and I am told that they will receive the concurrence of the Government—I hope it will not be as a mere machine to avert from them the injurious consequences which might result from carrying the Motion of the hon. Member for Aylesbury, but that the Government will adopt them in the spirit of sincerity and truth, as the imperative recommendation of the House of Commons, and will be prepared to act upon them to the full extent of their meaning. Well, Sir, if the Government mean to act in that way, I say they ought to take the same efficient steps that we were prepared to take to solve the question how the public business and the business of the Government can be carried on in the most efficient manner. They ought to institute a Royal Commission to report to Parliament; they ought from that report to draw out regulations for the conduct of the public offices; and they ought to call upon the House of Commons to sanction those regulations by Act of Parliament, so as to secure every public office from the caprice and wilfulness of any political chiefs who may be placed at its head. It is possible to go further, but I am not prepared to go further when we have done so little. Let us carry out that which I have sketched, and rely upon it, many advantages will accrue to the country, and will be obtained in a manner consistent with the utmost respect for all existing institutions, and that need not alarm the most timid of those who desire improvement. I do not pretend or believe that by any fanciful machinery we can destroy the evil consequences of favouritism or the exercise of patronage. I think that when we come to place against the evils that may result from patronage ill exercised the countervailing advantages of power exercised by those who are responsible to the representatives of a free people, we shall find the countervailing advantages so preponderant that I would not risk those advantages for what may be but a fanciful and Utopian result. If you secure, as I believe you may secure, that the entrance into the civil service of this country shall be an object of ambition, not to the least competent, but to the most competent members of a family—if you make the qualification for the civil service to consist in the fitness of the applicant from the possession of the moral and intellectual qualities that are requisite—if you do this, and if you add to this the security to the successful aspirant of an honourable and sufficiently remunerative professional career, you may rely upon it that, in the main, those who enter the civil service of this country will be equal to the occasion and to the opportunity. Entering by merit they must rise by merit; but the judges of that merit must be found in the higher walks of the service, in the Ministers of the Crown, and must not be left to a fanciful system of competitions utterly foreign to the manners, the genius, and the fortunes of this country. When, Sir, I hear of appointments being made independent of the Ministers of the Crown, I ask what is the meaning of a Minister of the Crown if it is not to appoint the most fitting men to public appointments? We are told that Mr. Pitt once said to some one, whose name is unknown, that in the course of his long political career he had never been able to put the right man into the right place. I doubt this anecdote. We heard the other day, too, that a deceased Prime Minister, whom we all rerecollect, was afraid to open his letters lest he should hear of the death of a bishop. That, I believe, has been mentioned as an instance of a pure and patriotic spirit shrinking from the exercise of patronage. I look upon it as the trait of an indolent and epicurean mind. Why, Sir, what is the first qualification of a Prime Minister? It is not administrative talent, for he must look for that to others. It is perception of character and knowledge of man; and it is the duty, and the highest duty, of a Prime Minister to take care to appoint pious bishops and wise judges, and to appoint to the discharge of the highest functions of the State the most eminent and best qualified persons. I say that these are the most important offices that a Prime Minister can exercise, and they form one of the principal reasons why a Prime Minister exists. I say that you may render, as you ought to render, the entrance into the civil service of the country a step only practicable to those who are really competent to enter it, and that you may have, as you ought to have, in my opinion, a complete and efficient test of fitness from a properly qualified and independent board of examiners; that you ought to render the civil service a complete profession, and to offer to it not only those rewards which are offered in all other professions, but those rewards, of another and a higher character, which induce men to exert themselves, and reward them for such exertions; that you ought, above all, to take care that the great places in the civil service are secured to those who have been trained in it. But with these conditions, I say you must leave the exercise of the patronage, as it is called—that is, the choice of the fitting instruments or the selection of the right men—you must leave it, I say, to the men in eminent positions, who only occupy those positions for the purpose of selecting the most fitting persons, and of taking care that the best qualified should be secured to the service of the State.

Sir, I have ventured to-night, in no spirit of boastfulness, to state what we proposed to do in 1852, and to vindicate the course that would have been taken by us. I do not grudge that it may fall to others to accomplish all that we desired, and to fulfil more than we were able to accomplish; but I think we have a right to expect some assurance and security from the Government that we shall at least obtain as much, and that, if they do shield themselves from the injurious and inconvenient consequences of a Motion for administrative reform by adopting the wise and judicious Amendment of my hon. Friend the Member for Hertfordshire, they will be prepared to act upon that recommendation, and not treat it as a convenient mode of saving them from being in a minority. That Motion recommends to the House of Commons definite and precise subjects of the highest importance, and the House ought to feel that that recommendation will bear speedy fruit for the acceptance of the country. I am bound to express my opinion that, so far as I can form an opinion from the conduct of the Government, my expectations are not of a very sanguine character. I do not see, in the manner in which the Government have conducted themselves with regard to this question, nor have I seen this Session, any evidence that they are prepared to act in the spirit of the policy which they announced they were about to undertake, and which the Amendment they are about to adopt recommends them immediately and amply to follow. We have had one Motion, hurriedly and hastily brought before us, with regard to the consolidation of military offices. I think my hon. Friend (Sir B. Lytton) has acted with a wise discretion in not mixing up that vast subject with that of the civil service. But the House will recollect that this is the only measure, not of administrative reform, but of administrative alteration, that Her Majesty's Government have yet recommended to us, and so far as I can form an opinion upon their plan it seems to me to have been crudely and hastily adopted. They are the recommendations of bygone days, with little reference to the dearly-bought experience of the present, and I have yet to learn that the alterations which they recommend are such as meet the public exigencies, or recommend themselves to the approbation of those who have greatly and gravely thought of this matter. If we look to the civil service, we see even less to approve in the conduct of Her Majesty's Ministers. They had an opportunity a few days ago of proving to the civil service that they were resolved to act more in that spirit which I believe a majority of this House, and the wiser and calmer opinion of the public, have sanctioned. Three places among those highest in station and remuneration were created. To my surprise, I found three persons appointed, who may be no doubt most respectable and most competent for the office, but none of whom were trained for the civil service; and I venture to say that we could have no difficulty in naming a dozen men members of the civil service who are competent to fulfil the duties of those or any other civil offices. Why, some of these men have been twenty-five years, some thirty years, and some even more, toiling in the public offices of this country—the mainstay of Ministers, the columns on which, in distress, they have leaned—whose conduct in public life—if, indeed, you can call theirs public life—has been admirable—whose devotion, assiduity, intelligence, acquirements, and unwearied industry no language of mine can attempt to paint or describe. What must be the feelings of these men on finding, when an opportunity occurs to place them in an eminent position in the profession which they so early embraced and have so sedulously and faithfully pursued, and to put them, for the moment, in the light of day with an improved income most honourably and deservedly earned, that Her Majesty's Government pass them over in silence, and that three individuals—whose fitness I will not contest, for that has nothing to do with the question, but whose fitness certainly did not exceed their own, and who during the same period had not been devoting their unseen energies to the service of their country—are preferred to them, are adopted by the Government, and have their names circulated throughout the country, thus not only depriving the faithful servants of the civil administration of their due reward, but intimating to the country that the civil service cannot supply the State with men competent to discharge the required duties? I could have placed in that Royal Commission the names of individuals who would have performed the high duties imposed on them in a manner which no language of mine can do justice to, and yet these men are not selected to fill the offices, which strangers occupy. A merchant is selected—Mr. Howell, competent, I have no doubt, for his office—but every one feels that, because there is a certain cry in favour of merchants, this was considered a compliment, which, for aught I know, might influence a division. However, what is sport to the Minister is death to the civil service; and that, therefore, is an appointment of which this House should express disapproval. I shall not speak of the middle classes in the tone which the hon. Member for Surrey has employed. I shall leave him in the enjoyment of those caustic vagaries in which he indulges; but if he had stood forward to vindicate the claims of that most useful class of men, the civil servants of the country, he would have done more good than by the airy comments with which he favoured the House. I saw the other day a gentleman appointed, I think, Accountant General for the Secretary for War. That gentleman, Mr. Smith, has been, I believe, forty years in the public service, and is admirably qualified for the office. He is appointed to that place after forty years of service, and possessing qualifications which cannot probably be rivalled in this country, at a less salary than one of these strangers, introduced by the new appointments into the public service, receives with smaller claims. A stranger receives 1,500*l.* a year, and Mr. Smith, being a member of the civil service, gets an appointment with 1,200*l.* a year. These are little but significant instances. I say that, if Ministers are really sincere in the opinion which they have not expressed, but which they are about to take shelter under, that the civil service of the country ought to be recognised as a real profession, and that the great prizes ought to be reserved for those who have been trained as civil servants, these appointments, which were made only a few weeks or days back, could never have taken place. Well, what are the intentions of the Government? The Chancellor of the Exchequer has spoken in this debate. I listened to his speech with that attention which is always due to whatever falls from a Gentleman in his position, but I confess I was unable precisely to ascertain from his statement what the Government intended to announce as their policy. The Chancellor of the Exchequer said, indeed, that the Government intended to vote against the Motion of the hon. Member for Aylesbury, because, in his opinion, it was a vote of want of confidence, and being so, he said, if that Motion were carried, he and his colleagues meant to resign. Now, let me say this in a friendly spirit.—The right hon. Gentleman is an individual highly respected in this House. He is a scholar, and a man of amiable character, but he is not very experienced in Parliament; and I really must say, only in a whisper, that, in the present state of the Government, I think it is unwise to make these declarations, for I assure the noble Lord opposite, who is more wary, that if he knew the excitement which prevailed on these benches upon that declaration of the Chancellor of the Exchequer, he would have been alarmed at it, and it required great powers of self-respect for hon. Gentlemen on this side of the House afterwards to adhere to the Amendment. I must impress upon the House that the Government are in a very peculiar position. The other day I brought forward a Motion, which was intended as a very mild censure on them, preliminary to the holidays. The Government immediately declared that the Motion was a vote of want of confidence, and insisted upon a great body of Gentlemen who agreed in the Motion voting against it. Now, to-night, another Motion is brought forward by a Gentleman, who voted against my Motion, and it is supported by all the Gentlemen who formed the majority on that occasion; and now we are informed by the Government that this is a vote of want of confidence. If, then, this Motion should be defeated by the aid of Gentlemen on my side of the House, I must say that if you put the two minorities together there will be found a great majority in favour of want of confidence in the Government. I think, therefore, this is not a prudent course on the part of Government to pursue; and they ought to consider the remarkable position in which they are placed. They are a Government condemned by the largest majority ever told in the House of Commons, and by the longest report ever produced from a Select Committee. Under these circumstances, the steering of those who do not wish the Government to resign is extremely difficult. I am bound to acknowledge the somewhat favourable position which the Chancellor of the Exchequer and the President of the India Board possess in this House, they being the only two Ministers in respect to whom the country has not expressed want of confidence. Therefore, I think that most unauthorised sneers have been indulged in at the expense of those two Members of the Government, for I look upon them as the strength of the Cabinet. I think it a great thing for the noble Lord opposite to be able to say that there are two Members of his Cabinet whom the House of Commons has not condemned. I was endeavouring to infer, from the speech of the Chancellor of the Exchequer, the course which the Government would take to-night, and I have alluded to what the right hon. Gentleman said with respect to the Motion of the hon. Member for Aylesbury. But what did he say with regard to the Amendment of the hon. Member for Hertfordshire? I understood him to say that there was no harm in that Amendment; but it depended on the interpretation put upon it, and that, if that interpretation were unfavourable to the Government, then the Government would not accept the Amendment. I wish the Government to accept it, but I cannot put an interpretation on it favourable to the Government; and when the Government asks the Opposition what they should do, it would require powers of appreciation such as the noble Lord opposite may possess to extract from such a course a vote complimentary to the ability or capacity of the Government. On the contrary, if the sincere opinion of the Government is that the policy recommended by the Amendment should be pursued, they ought long ago to have taken a course which would have anticipated the claims of Parliament and discounted the demands of the people; and, instead of accepting now an Amendment of such a decided character as that moved by the hon. Member for Hertfordshire, they ought to have risen in their places and said, "We have had a great deal to do—laborious negotiations, which have not succeeded, and a war of doubtful fortune, and we have not had time to mature large and comprehensive measures necessary for the regulation of the great public offices, but we have given evidence of our intentions, and we direct attention to our last three appointments." "See," they might have said, "what course we have adopted as Ministers of State, and how we have selected from the civil service, on which we are always bestowing our fulsome praises, three Gentlemen, whom we found the most capable servants of the public." If the noble Lord had acted in that way, then I could have believed that the noble Lord would have accepted this Amendment in the spirit of sincerity; but the Chancellor of the Exchequer referred to the Orders in Council, and said that all that had been recommended of a practical nature had been anticipated by those Orders, and we will hold out no prospect of anything else being done. Now, I will not depreciate the Orders in Council. They are not equal to what I would wish, but I am willing to take them for what they are worth, and they are not worth much. But the Orders in Council are only a small part of that which even the most moderate of us feel the necessities of our civil service require. They give no security for the professional character of the service. They do not secure to the permanent civil servants of Her Majesty the enjoyment of the great prizes of the profession in which they toil; and therefore, when the right hon. Gentleman wants to ride off on the Orders in Council, and offers them as a practical solution of the difficulty, then, I say, I am not satisfied myself, but, more than that, the Government is not justified in accepting the Amendment of the hon. Member for Hertfordshire.

Sir, there is one topic on which, before I sit down, I cannot help touching. I have already referred to what were the intentions, and not only to the intentions but to the measures that were to have been immediately brought forward by the Government of Lord Derby in 1852. I remember that after we had felt it our duty to resign, a distinguished person, who was a political opponent, regretted our resignation of office at that time. He said he was sorry we had done so, and that it was not necessary for us to go out. I believe we were to have been turned out at Easter, but we anticipated by going out at Christmas; and this eminent person, while he deplored our fate, which he had wished to retard, said, "What could be done for a set of men who based the policy of their Government on such an incomprehensible crotchet as administrative reform?" I have often remembered that incident since. I believe our sympathising Friend is now in a responsible position, and I do not doubt has become a warm administrative reformer.

Sir, I remember also the circumstances under which we retired from office. It was impossible, at that time, that we could have remained with honour in office, because from the moment we accepted that trust the noble Lord the Member for the City of London pursued us with such unceasing combinations to eject us from office that it was a hopeless task from the first to attempt to remain. Considering that the noble Lord had retired from office in 1851—that he had resigned office in 1852—that in no case had his retirement or resignation been occasioned by the conduct of the Opposition, but by the distrust of his own friends, and by quarrels and misunderstandings with his own colleagues—considering that Lord Derby, in 1851, had refused to accept the responsibilities of office, because he felt that office without a majority in the House of Commons was a position which he ought not to fill—considering that the noble Lord the Member for the City of London had himself recommended Her Majesty to send for Lord Derby—I have always thought that for a constitutional politician like the noble Lord it was a most extraordinary thing that before we could accept the trust we did take, absolutely because his own Government had crumbled away—before I could stand before my constituents for re-election, or take my place in this House, to undertake its business, the noble Lord had called his friends together and was bidding for support to eject us from our posts. I assure the noble Lord I do not make this observation with the slightest regret for what has passed, but rather because, as time goes on, and events develope themselves, it is possible to avail myself of it to "point a moral." What were the offers made by the noble Lord at the famous Chesham Place meeting, by which the liberal party was to be reconstructed, and we, who had taken the reins of power because the noble Lord was on two occasions incompetent to hold them, were to be ejected from office which we had not coveted with any eagerness? The noble Lord on that occasion called every section of the liberal party to his house in Chesham Place. There was the school of Manchester with its vigilant and justifiable ambition; there were all the Administrative Reformers in the shell; there were the inexorable asserters of pure radical principles, men of Spartan virtue, who only sought for power to assert a principle and would never take office except to carry it into successful execution. There they were, a mighty group, and had they only supported the noble Lord with the same unanimity which they showed at that meeting he might still have been Minister. It was a meeting of men to perform a deed which, when executed, filled them with some alarm. And what was the address of the noble Lord on that occasion? [Lord J. RUSSELL: There is no authentic statement of that address.] No authentic statement! I dare say the right hon. Gentleman the Member for Wells has a much better knowledge of its authenticity than I have; but there must have come from some one who was present the heads of an address that had such remarkable success. But what was that address? The noble Lord, before the new Government hardly was sworn in—a Government, remember, which had only thrown itself into the gap of the constitution from which he had fallen—the noble Lord said that he sincerely deplored all that had occurred; that he deplored bitterly the great want of mutual intelligence among the members of the Liberal party, and was willing to take a great part of the blame of that want of intelligence and good mutual understanding to himself; he said there had been complaints that the Government had been constructed on too narrow a basis—that he was not disposed to quarrel with that complaint—that he, profiting by experience, could assure them that if they would all draw together—if the whole of the Liberal party would be unanimous in supporting him—there should be formed a broad-bottomed Administration—that the area should be extended and the basis made as wide as they liked; that the men of the people should be found themselves in the Council chamber of the Sovereign, and that all they had to do to achieve these purposes was to terminate as soon as possible the Administration which the noble Lord himself had recommended Her Majesty to call into office. What has happened? You turned us out of office when we were about to give you an exemplary measure of Administrative reform. Have you got such a reform? You turned us out of office in a state of profound peace;—and I declare most solemnly my conviction that our leaving office has entailed upon you a dangerous, not to say, disastrous war. But where is the Government on a broad basis that you were promised? Where is the Administration on an extended area? Where are the men of the people in the Council chamber of the Sovereign? You have not only lost what you might have gained—administrative reform; you have not only gained what we lament and deplore—a dangerous war—but you have placed in power a Government framed on a most restricted and exclusive basis, and the principal occupation of your future careers will be to vote confidence in men who take every opportunity to treat you with the contumely you deserve.

VISCOUNT PALMERSTON: Sir, before I advert to the Motion which is now before us, I must say a word or two personal to myself with reference to accusations which were brought against me by the hon. Member for Aylesbury (Mr. Layard), at a meeting which lately took place in Drury Lane theatre. In that speech, made on an occasion with regard to which I am not wrong in saying that many persons represented as being there never were there at all, and that, with regard to there being public discussion, it was arranged that only two or three of the persons who had convened the meeting should speak upon the matter—at that meeting the hon. Member for Aylesbury is reported to have used the following expressions—and I conclude he was accurately reported, as he has not since contradicted it. Speaking of me he said—

> "This was the only time he had seen a man jesting upon the sufferings of the people and making light of their unfortunate condition—and this, too, was done at a moment when all Europe was looking to the British Parliament for an example of wisdom, order, and liberal Government. Indeed, he must acknowledge, that he had never seen Lord Palmerston in earnest except when vilifying the people of this country."

I am unwilling to make use of any expressions contrary to the rules of this House, but the hon. Member having made these charges in public—equally in public, and to his face, I tell him, that there is not a word of truth in the assertions which he then made. I never jested at the sufferings of the people; I never made light of their unfortunate condition; and, so far from having vilified the people of England, the whole course of my conduct, and every word which ever fell from my lips, here or elsewhere, has attested the respect and admiration which I feel for the people of this country, and the pride with which I am animated in belonging to a nation so noble and so distinguished. Sir, I wonder that when the hon. Gentleman made that statement a blush of shame did not suffuse his face at making charges which his conscience ought to have told him—if on points of this sort he has any conscience at all—were utterly and diametrically the reverse of the truth. I shall say no more about the Drury Lane private theatricals. Now, Sir, the Motion which we are now discussing, as explained by the speech of the hon. Member for Aylesbury, has turned upon the army, upon diplomacy, and upon the civil service. The hon. Member did not in his speech at all discuss that question of which, upon former occasions, so much has been made—namely, the composition of the Government. That he entirely omitted. With regard to the composition of the Government, I, and I only, am responsible. I received the command of my Sovereign to submit to Her a list of persons to form my Government. In the selection I was led by no family connections—there is no Member of the Government who is related to me by any family connection. I looked out for those men who, being most distinguished by experience and talents in public life, who, as proved by their Parliamentary conduct, were most in agreement with me in their public principles—with whom I was most likely to be able harmoniously to act, by whose assistance the Government of the country would be most efficiently carried on. Therefore, to say that the Government is constituted on family principles, or on personal considerations, is a charge which the very existence of the person at the head of it entirely and completely disproves. With regard to all those charges which the hon. Member has made as to the administration of the army, and which my hon. Friend the Under Secretary of State for the War Department has gone through one by one, and entirely disproved every assertion, it is unnecessary I should trouble the House. With regard to the diplomatic arrangements, I was surprised to hear what fell from the hon. Member for Aylesbury. I was surprised, because he was criticising that department in which he was himself for a time employed. And employed how and why? When he charged the Government with systematic disregard of talent, and a dry, dogged adherence to routine and favouritism, did he forget that he himself is a living proof of the falsehood of those charges? Why was he made Under Secretary of State for the Foreign Department? Was it for family connection? Was it for routine? Was it for any other consideration that my noble Friend, then Secretary of State for Foreign Affairs, without any personal knowledge of the hon. Member, acting entirely upon what he heard of his talents and energy—which no man will dispute, whatever he may think of the discretion of his conduct—brought him from being nothing but paid *Attaché* at Constantinople to be Under Secretary of State here, and proved, therefore, the recognition of merit by the Government, and the desire to introduce into a Government department any one who was thought to possess capacity to aid it? It is said, that none but the aristocracy are employed in the diplomatic service, and two persons were picked out for examples; the hon. Member saying that we have only two Ambassadors, and both those Ambassadors are Peers. Well, what Peers are they, and who are they, and how came they to be Peers? Lord Stratford de Redcliffe, our Ambassador at Constantinople, was not made an Ambassador because he was a Peer, he was made a Peer because he was an Ambassador. The peerage which adorns his brow was granted for long and meritorious and distinguished services. It was because he had well served the public during the course of a long and honourable career that he was made a Peer, and it was not because he was a Peer that he was selected for the office which he now holds. Who is the other Peer? Lord Cowley. And how came Lord Cowley by his peerage? Why, his peerage was conferred on his distinguished father for his services to the State. He served during a long and honourable life, and, towards the close of it, was raised to the peerage as a reward for his services; and Lord Cowley inherits, with the peerage transmitted by his father, those qualities which pointed out his father for the favour of the Crown, and made him a worthy nephew of the Duke of Wellington and the Marquess of Wellesley. I will not go into the whole string of invidious criticisms upon which the hon. Member has thought fit to enter, but I cannot help adverting to one part of them. He admitted that the consuls were well chosen, that they did their duty well; but he said in the East there were a number of persons, consular agents, who are guilty of great abuses? Why, when the hon. Gentleman was in the Foreign Office, did he not put an end to that system, which he says is so full of abuses? With his personal knowledge and local experience, why did he not represent to his chief that some change ought to be made in a system which was liable to be so converted to such bad uses? These agents are persons who serve without pay on account of the advantages and privileges which the position confers on them, and there would be great inconvenience to the commerce of the country if these agents did not exist, and great expense if we had to send persons from this country to fill those offices with salaries. The hon. Member makes great complaint that there is no promotion in the consular service, that the consuls general are not appointed from persons who have held situations in the service. I hold in my hand a list of consuls general, and there is hardly one who has not risen to that office from the post of vice consul, or from inferior situations in the consular service. Then, Sir, the hon. Gentleman is pleased to make a personal reflection on the noble Lord who holds the office of Minister at Florence—he doubts the noble Lord's capacity for that situation. Why, that noble Lord has held high and important offices in the State and elsewhere, and I say it is an unheard-of effort of ill-will on the part of the hon. Member to intimate that he is not competent and not capable of performing the duties of the office which he now holds. Then we come to that which has formed the most important part of the discussion in this debate—namely, the civil service of the Crown. The right hon. Gentleman who has spoken on the other side (Mr. Disraeli) has informed the House of all the great plans which the Government to which he belonged had intended to carry into effect, had it pleased Parliament to allow them to do so. We know what a broad pavement good intentions make. The intentions of that Government would apparently have extended over a very considerable area, but they were not laid down. Those intentions, excellent, no doubt, have however, in a great degree, been carried into effect by the present Administration. And here I must observe on the way in which those who are disposed to criticise the Government deal with matters of this sort. When anything is not done it is magnified into a thing of the utmost importance. No sooner is it done than they underrate its value. If we do not do a thing they say, "Why, here, you have not done that, the want of which has been remarked upon for years, which has been recommended by Committees and Commissions, and in debates of this House, and how blamable you must be for not doing it." No sooner is it done than they say, "Lord a'mercy! it has been thought of for years. What is the merit of doing that? It has been recommended by every man who has had any experience or knowledge, and we do not give you the slightest credit whatever for doing it. We want you to invent something. We want you to do something nobody has ever thought of. We want you to correct evils never discovered, and adopt remedies no human being has ever imagined. Then we will say, yours is a Government deserving our confidence." We are told—and with great reason—that it is desirable to insure the appointment in the civil service of young men qualified to perform the duties of their situation. In many of the departments a very rigid examination has long been established. It has been said, "Aye, but that examination is merely a form." The right hon. Member for Wells the Secretary to the Treasury (Mr. Hayter) can testify to the contrary, and that in those large establishments connected with the revenue of this country young men are constantly rejected, on account of their not being able to pass the examination required. I can say that a young man I myself recommended not long ago was rejected by the examiner. I regretted it on the young man's account, but I was glad to find that the examiners exercise such scrutiny as to the competency of young men who are candidates for appointments. However, the Government were not content with this local and separate examination; there was an Order in Council issued the other day for the purpose of establishing a uniform and general system of examination in all the public departments; and I trust that that will be attended with considerable advantage to the public service. I trust that, if that examination be conducted as it ought to be, it will be found that no young man will hereafter be appointed unless he possesses the qualifications requisite for the discharge of the duties belonging to the particular office to which he is nominated. But we must not deceive ourselves as to the attractions which the public civil service possesses. Even if the appointments to that service should be held out to public competition—which I contend it would not be at all advisable to propose—and even if you were to open an office to which young men might come to be examined, and put their names down as candidates for vacancies as they arose, still you must not imagine that with the salaries now given to the persons who are now employed, with the degree of labour which they are obliged to undergo, with the sacrifice of health, and lengthened hours of confinement they have to endure, and with the time they have to wait before they arrive at the head of their profession—you must not, I say, imagine that the civil service of the country, with these incidents, will ever hold out such a temptation to men of superior minds and talent as will induce them to refrain from those more promising modes of industry, which open to the energy of youth and enterprise a road to fame and fortune much more facile than the public civil service can possibly hold out. I say this to warn the House from entertaining undue expectations from any system of examination for the public service. I do not, however, say it to undervalue that system. I think it is a system which if entrusted to men of great ability, industry, and attainments will result to the interest of the public. But, as the noble Lord opposite has properly said, these changes cannot be brought on upon the sudden; you must wait many years before you can reap the fruits of changes of this kind; and therefore, while on the one hand, you cannot expect to find that men of first-rate genius will be attracted to your service by appointments at 90*l.* a year, so, on the other hand, it must not be expected that any great benefit will immediately arise from the institution of the proposed examinations. There are two very contrary opinions broached on this subject. The Gentlemen below the gangway have said that we ought not to follow mere routine in the appointment of men to the higher and more responsible offices in the Government; but that in selecting men to offices of responsibility and heavy duties we should go afield and make our selection from commercial men, men of sagacity, and who are by experience capable of performing the duties required. Well, the hon. and right hon. Gentlemen on the other side of the House hold exactly the contrary doctrine. They say, make the civil service a profession by itself; make the higher offices a reward for the well performance of the duties in the lower offices, and when a vacancy occurs give it to somebody that has sprung up from the lower offices in the service. I think neither of these modes of action ought to be the invariable rule. It must depend upon the circumstances of the case. The appointments made the other day are examples of the two systems. When the office of permanent Under Secretary of State for the Foreign Department became vacant by the retirement of the gentleman who had long held it with great advantage to the country, my noble Friend Lord Clarendon appointed to that high and important office a most distinguished man holding office in the Foreign Department, and who had worked himself up by his talent, energy, perseverance, and ability, and who was a man possessed of great variety of attainments. Being deemed in every respect fit for the situation, to the honour of Lord Clarendon, and to the great advantage of the public, Mr. Hammond was appointed to fill that vacancy. That is an advantage of the system which the right hon. Gentleman recommends. The other instance I refer to is the appointment made by Lord Panmure. He had to appoint a person to superintend an important branch of the public service; he took Mr. Howell, who, though he had been employed in business very much connected with Government, had never yet actually held office under it; but, being a man of attainments, talent, knowledge, and general ability, he was reckoned perfectly competent for the duties he had to perform; and I have the satisfaction of saying, that even during the short space of time that Mr. Howell has filled that department, he has effected a very considerable saving in the expenditure of the establishment. Well, then, another vacancy occurred connected with the Army Clothing Department, and whom did Lord Panmure appoint to that? He appointed Sir Thomas Troubridge—one of those heroes who had received a most severe and afflicting wound before the enemy in the Crimea, and who was an object of general interest on that occasion when those gallant heroes lately received rewards for their heroic services from the hands of their Sovereign. That is an appointment which shows that my noble Friend is not insensible to the merits of the gallant army whose services he superintends, and that while, on the one hand, he takes from the commercial world the fittest man for the discharge of the duties he is appointed to fulfil, on the other hand, he takes a distinguished officer for the performance of duties which are peculiarly referable to the profession to which he belongs. Well, these things show that Her Majesty's Government are alive to the duties which they have to perform.

Sir, we are asked whether we accept the Resolution of the hon. Member for Aylesbury? It is unnecessary for me to go into objections which are evident as regards that Motion, because, as far as I can judge from the course of the debate, it is not likely that the minority on that Motion, even added to the minority on the Motion of the right hon. Gentleman opposite before Whitsuntide would give the majority which the right hon. Gentleman has endeavoured to make out by arithmetical calculation. I must observe, that when the right hon. Gentleman says we (the Government) are condemned by a vast majority of the House of Commons, I say, on the contrary, favoured as we have been by the vote of confidence of the right hon. Gentleman himself, we have a very large majority in this House; and we are certainly indebted to the right hon. Gentleman for that vote of confidence. For, though the right hon. Gentleman came to us in enmity, he parted friends—

> "He came to curse and remained to bless."

He brought on a Resolution intended to do disservice to the Administration, but which resulted in a most satisfactory vote in its favour. With regard to the Motion of the hon. Member for Aylesbury, I feel myself absolved from the necessity of entering into any argument why the House should not accept it. When he talks of disasters impending over the country, and of discredit being done to the national character, why, I say that the national character never stood higher, and, so far from disaster, I think we have grounds for anticipating events of a very different and opposite character. We have in the Crimea, an army which, having recovered from the sufferings of a long and severe winter, is now in as fine a condition as ever a British army was that ever entered the field, and which, in point of numbers, health, equipment, spirit, and, in point of confidence in their officers, is equal to the army of any country—an army fighting, too, side by side with an ally on whom this country may confidently depend, and, combined with whom, they are an equal match to the troops of the whole world, and with whom were they to give battle, I may safely prophecy a victorious result. So far from any discredit to the country, or from anticipating any disasters, I am sure there are not ten persons in this House who will vote with the hon. Gentleman who entertain a sentiment so little in consonance with the feelings of the country and with the prospects we are entitled to look forward to. We have been asked whether we will accept with sincerity the alternative proposed in the hon. Baronet's Amendment. I say in sincerity we do accept it. That Amendment pledges the Government, no doubt, to pursue that system—if you will so call it—of administrative reform, or official improvement which the country and this House require; and I can assure the House there is every disposition on the part of the Government to pursue that system. How is it possible that the Government can have any interest in pursuing any other course? Every Government must know and feel that any advantage it could derive from indulging friends or constituents with appointments, any strength it might acquire from conciliating individuals, are as nothing in the scale compared with the advantage, with the credit, and with the strength which it must derive from the efficient performance of the services it has to conduct. Sir, it must be the interest, as it is the duty, of every Government to endeavour to arrange the official establishments of the country in such a manner as may be most conducive to the public interests. This is undoubtedly a matter which cannot be effected without much inquiry, without much consideration, and without a considerable lapse of time. It is very easy to say, "Consolidate offices, and you will save money and accelerate the public business;" but if you consolidate offices by putting together offices the business of which is not the same kind, you add things different in their nature, and, instead of producing economy and despatch, you occasion nothing but confusion and mistakes in the conduct of business. It is, therefore, requisite that you should select departments of the same kind, and by consolidating them you will insure unity of decision and despatch in the transaction of business. We have done that with regard to the Ordnance—a department the rearrangement of which has for a long period been considered an object of great public necessity; but now, forsooth, we are told that this is nothing—that it is an old story—that there was no merit in doing it, and that there is doubt whether the new arrangement will be attended with any advantage. I anticipate great advantages from these arrangements in the Ordnance Department. It will be our duty to look into all other departments, and if we find that either by consolidating departments which are now separate we can procure more unity of direction, or that by any redistribution of business we can effect any material economy, we shall no doubt feel it our duty to pursue that course. I should be glad indeed if there was any prospect that the House of Commons would be disposed to give more adequate remuneration to some of those who are engaged in the civil service of the country; but I cannot forget, and the House I am sure has not forgotten, that not very long ago hon. Gentlemen opposite originated a proposal for reducing by 10 per cent the salaries of all clerks in the public offices. Those hon. Gentlemen then maintained that the salaries, which they now say afford inadequate remuneration to men of talent, enterprise, and ambition, should be reduced 10 per cent, without regard to the ability or fitness of the clerks, but according to an unvarying rule to be applied to every office. I must say, however, that if there was any reasonable prospect that some of these salaries might be made more commensurate with the decent maintenance of those to whom they are assigned, I should hail with satisfaction such an inclination on the part of the House; but in the meanwhile I repeat that in accepting the Amendment of the hon. Baronet we accept it as a pledge on our part that we will direct our serious attention to a continued revision of the different offices connected with the civil service of the State, and that any improvement we can make, any administrative reform which we may think practicable with advantage to the public service, and with justice to the persons concerned, it will be our pride and our pleasure to adopt. I have only to add that, while I oppose the Motion of the hon. Member for Aylesbury, I shall be perfectly ready to accept the Amendment of the hon. Baronet the Member for Hertfordshire.

MR. LINDSAY rose, amid loud and general cries for a division, and moved the adjournment of the debate. He said,—My reason for moving the adjournment arises from what has fallen from the noble Lord, the tone of whose speech leads me to suppose that he thinks everything is perfect, and who accepts the Amendment of the hon. Baronet because it suits his purposest But I have another and more important reason for my Motion. This House is aware that in another place I made certain statements connected with the maladministration of the Government. I heard that the Government intended to contradict those statements. I have sat patiently upon these benches for two evenings, expecting that the Government would do so, because the statements I made were very important, and I am not the man to make statements which I am not prepared to confirm. I desire the adjournment of the debate that I may repeat in my place in this House what I stated at Drury Lane. (*Cries of* "Go on," *and* "Divide.") I will go on if the House desires it. I place myself entirely in the hands of the House. [*Cries of* "Go on," *and* "Divide."] As I think it will be the more convenient course, and as I have other still more important statements to make, which will show the Government the necessity of thorough administrative reform, I prefer moving the adjournment of the debate.

ADMIRAL BERKELEY: I, too, have waited here all the evening, in the hope that the hon. Gentleman would get up and make those statements in his place which he thought proper to make at Drury Lane. I did not think it becoming to the House that I should take notice of such virulent untruths. I am prepared, when the hon. Gentleman repeats those statements in this House, where he is supposed to do so upon the character and honour of a representative of the people, to meet him fairly, and to tell him to his face that the statements are not founded in fact.

MR. OTWAY: I am sorry that the gallant Member who has just resumed his seat differs so essentially from the noble Lord (Viscount Palmerston) as to the propriety of answering statements made elsewhere, for the noble Lord did not think it unbecoming to reply to the arguments which were urged by my hon. Friend (Mr. Layard) at Drury Lane. But the gallant Admiral who uses such courteous and Parliamentary language has not considered it right to accept now the invitation of the hon. Member for Tynemouth (Mr. Lindsay). As that hon. Gentleman has said that, in addition to the statements which he made elsewhere he is prepared to bring charges of a still heavier nature against the Government, and as the gallant Admiral says he desires nothing more than an opportunity of meeting those charges, I think there is conclusive ground for continuing this debate, and a still stronger reason is, that there are many hon. Gentlemen who desire, on a subject of such great national importance, to offer some observations to the House. I therefore beg to second the Motion that the debate be now adjourned.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 83; Noes 336: Majority 253.

MR. LAYARD, in resuming the debate, appealed to the indulgence of the House while he said a few words, not in reply, but in explanation. He regretted that the debate had not been adjourned after what had fallen from the gallant Admiral who had lately spoken, especially as he had made some observations couched neither in very courteous, nor in very Parliamentary language, respecting the veracity of his hon. Friend the Member for Tynemouth, which that hon. Gentleman ought to have the opportunity of setting right with the House. With regard to that which fell from the noble Lord concerning the words he was reported to have used at the Drury Lane meeting—and which were not, perhaps, quite accurately reported—he had this explanation to make: He thought he could appeal to this House to say if, while the heart of this country was wrung with a deep feeling of pain, and sorrow pervaded the land, the noble Lord did not in this august assembly rise more than once in his place upon subjects of grave importance, and treat them with a levity which created the greatest astonishment throughout the country. He believed and trusted, however, that the tone of the noble Lord had since improved. If his hon. Friend the Member for Stoke (Mr. Leveson Gower) was in his place, he begged to assure him that when the other evening he made an allusion to Earl Granville, he had not the smallest intention of making any reflection upon that nobleman, but merely intended to say that the governing classes were confined very much to families, illustrating this by quoting his Lordship's remark that he had three cousins in the Government of Lord Derby. It was quite foreign to his intention to make any personal charge on Earl Granville, and he should always gratefully remember that noble Lord's kindness to himself. At the same time, he trusted he (Mr. Layard) should never be like the man in the small boat, to whom allusion had been made that evening, and if ever he did get into the ship he hoped he should never forget that there were others who wished to get in as well as himself. He was sorry to find that on another point his words on a former evening had been misinterpreted and had given pain in some quarter. When he spoke of the officer commanding the artillery, he had not alluded either to Brigadier Generals Strangways or Dacres, but to the officer commanding the artillery engaged at Inkerman. As to the cases brought forward by the hon. Gentleman the Under Secretary for War (Mr. Peel), he did not think he had anything to say in answer to them, for they did not in any way invalidate his observations, which bore, not on individual cases, but on the system. The hon. Gentleman had merely shown that there had not been any personal ill-will towards those gallant officers; and, accepting this declaration, he was quite willing to leave the issue as regarded the system where it rested between himself and the hon. Gentleman. The hon. Member had, however, fallen into one error concerning Colonel Smith, who, he was assured, was never on the Sutlej at all; so that he (Mr. Layard) had stated what was strictly accurate. The hon. Gentleman asked him why he did not ask for a return. Now, he had had the misfortune to ask the hon. Gentleman for returns, and never got them, although some of them would have very much strengthened his case. With regard to the staff, he did not say that every officer on the staff should be provided with a certificate from Sandhurst, but that every such officer should be educated in a place recognised as a place of education for the staff. He would now ask the House to allow him to offer a word of explanation regarding a personal matter. It was true that a brother of his was on the staff, and that he (Mr. Layard) had, on the very night he left the Crimea, mentioned to Colonel Steele that his brother knew French and Italian well, and asked why he did not employ him as an interpreter, and he was employed as interpreter on the staff a few days afterwards; but he (Mr. Layard) had no idea they would put him on the staff. He had another brother employed in the island of Ceylon, whom scientific men thought had rendered great service to science. He returned home to this country in ill-health, and he (Mr. Layard) had been pressed to back up a memorial which had been presented to the Duke of Newcastle soliciting an inferior post for him in New Zealand. This, however, he had refused to do. With respect to the vice consuls, he was still of opinion that those officers were, for the most part, very unfairly treated, and that the cases where vice consuls had been promoted to the office of consuls general were very few indeed. He could not call to mind any instance except the recent appointment to the consulship at Beyrout, in which a vice consul had been promoted to that rank. There was one point upon which, before sitting down, he wished to offer some explanation to the House. An hon. and gallant Gentleman had been pained by supposing that he had applied the term "scandalous" in a personal manner to the conduct of Lord Hardinge. Now, he could assure the hon. and gallant Gentleman that he had no such intention, and he much regretted that such an impression should have been created.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 46; Noes 359: Majority 313.

List of the Ayes.

Alexander, J.
Bell, J.
Bowyer, G.
Brockman, E. D.
Brown, H.
Cobden, R.
Dillwyn, L. L.
Dundas, G.
Dunlop, A. M.
Fitzgerald, W. R. S.
Fox, W. J.
Goderich, Visct.
Greaves, E.
Grogan, E.
Hadfield, G.
Keating, H. S.
King, hon. P. J. L.
Langton, H. G.
Laslett, W.
Lee, W.
Lindsay, W. S.
Lowe, R.
Maguire, J. F.
Mangles, R. D.
Miall, E.
Michell, W.
Mowatt, F.
Murrough, J. P.
Oliveira, B.
Otway, A. J.
Parker, R. T.
Pechell, Sir G. B.
Pellatt, A.
Price, W. P.
Reed, J. H.
Roebuck, J. A.
Scholefield, W.
Scobell, Capt.
Scully, V.
Smith, J. B.
Thompson, G.
Tite, W.
Vance, J.
Warner, E.
Williams, W.
Wise, A.

TELLERS.

Layard, A. H.
Clifford, H. M.

List of the Noes.

Acton, J.
Adair, H. E.
Adair, R. A. S.
Adderley, C. B.
Anderson, Sir J.
Annesley, Earl of
Antrobus, E.
Archdall, Capt. M.
Atherton, W.
Bagshaw, J.
Baines, rt. hon. M. T.
Baird, J.
Ball, E.
Ball, J.
Baring, T.
Barnes, T.
Barrington, Visct.
Bass, M. T.
Bateson, T.
Beamish, F. B.
Beaumont, W. B.
Beckett, W.
Bective, Earl of
Bennet, P.
Berkeley, A.
Berkeley, C. L. G.
Berkeley, Sir G.
Bethell, Sir R.
Biddulph, R. M.
Biggs, W.

Bignold, Sir S.
Blackburn, P.
Bland, L. H.
Booth, Sir R. G.
Bouverie, rt. hon. E. P.
Bramley-Moore, J.
Bramston, T. W.
Brand, hon. H.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Buck, G. S.
Buckley, Gen.
Burroughes, H. N.
Burrowes, R.
Byng, hon. G. H. C.
Cabbell, B. B.
Cairns, H. M‘C.
Campbell, Sir A. I.
Cardwell, rt. hon. E.
Carnac, Sir J. R.
Castlerosse, Visct.
Caulfield, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cecil, Lord R.
Chambers, T.
Chaplin, W. J.
Child, S.
Clinton, Lord R.
Clive, R.
Cobbett, J. M.
Cockburn, Sir A. J. E.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Collier, R. P.
Colvile, C. R.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Cubitt, Mr. Ald.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Deedes, W.
Denison, J. E.
Dent, J. D.
Dering, Sir E.
De Vere, S. E.
Disraeli, rt. hon. B.
Divett, E.
Dod, J. W.
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Duncombe, hon. W. E.
Dundas, F.
Dungarvan, Visct.
East, Sir J. B.
Egerton, Sir P.
Egerton, E. C.
Ellice, E.
Elliot, hon. J. E.

Elmley, Visct.
Emlyn, Visct.
Esmonde, J.
Evelyn, W. J.
Ewart, W.
Ewart, J. C.
Farnham, E. B.
Farrer, J.
Fenwick, H.
Ferguson, Col.
Ferguson, Sir R.
Fergusson, Sir J.
Filmer, Sir E.
FitzGerald, Sir J.
FitzGerald, J. D.
FitzRoy, rt. hon. H.
Floyer, J.
Follett, B. S.
Forester, rt. hon. Col.
Forster, C.
Forster, Sir G.
Forster, J.
Fortescue, C. S.
Franklyn, G. W.
Freestun, Col.
Freshfield, J. W.
Galway, Visct.
Gardner, R.
Gaskell, J. M.
George, J.
Gilpin, Col.
Gladstone, Capt.
Glyn, G. C.
Gooch, Sir E. S.
Goodman, Sir G.
Gore, W. O.
Gower, hon. F. L.
Graham, Lord M. W.
Granby, Marq. of
Greene, T.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Guinness, R. S.
Gurney, J. H.
Gwyn, H.
Halford, Sir H.
Hall, Sir B.
Hamilton, Lord C.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Hankey, T.
Hanmer, Sir J.
Harcourt, Col.
Hastie, Alexander
Hastie, Archibald
Hayes, Sir E.
Headlam, T. E.
Heard, J. I.
Heathcote, Sir G. J.
Heathcote, G. H.
Heneage, G. F.
Henley, rt. hon. J. W.
Herbert, H. A.
Hervey, Lord A.
Hildyard, R. C.
Hill, Lord A. E.
Hindley, C.
Holford, R. S.
Horsfall, T. B.
Horsman, rt. hon. E.

Howard, hon. C. W. G.
Howard, Lord E.
Hughes, W. B.
Ingham, R.
Irton, S.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Jones, Adm.
Jones, D.
Keating, R.
Kendall, N.
Keogh, rt. hon. W.
Kerrison, Sir E. C.
Kershaw, J.
King, J. K.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langston, J. H.
Langton, W. G.
Legh, G. C.
Leslie, C. P.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Lockhart, W.
Lovaine, Lord
Lowther, Capt.
Luce, T.
Lushington, C. M.
Lytton, Sir G. E. L. B.
Macartney, G.
MacGregor, Jas.
Malins, R.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Marjoribanks, D. C.
Martin, J.
Massey, W. N.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Milligan, R.
Mills, T.
Milner, Sir W. M. E.
Moffatt, G.
Molesworth,rt.hn.SirW.
Monck, Visct.
Monsell, W.
Montgomery, Sir G.
Moody, C. A.
Morris, D.
Mostyn, hon. T. E. M. L.
Mowbray, J. R.
Mulgrave, Earl of
Mullings, J. R.
Mundy, W.
Neeld, J.
Norreys, Sir D. J.

North, Col.
North, F.
Northcote, Sir S. H.
Oakes, J. H. P.
O'Brien, Sir T.
O'Brien, C.
O'Brien, J.
O'Connell, D.
O'Flaherty, A.
Osborne, R.
Ossulston, Lord
Packe, C. W.
Paget, Lord A.
Pakington, rt. hn. Sir J.
Palmer, Robt.
Palmer, Roundell
Palmerston, Visct.
Paxton, Sir J.
Peel, Sir R.
Peel, F.
Pennant, hon. Col.
Percy, hon. J. W.
Phillips, J. H.
Phillimore, J. G.
Phillimore, R. J.
Pilkington, J.
Pollard-Urquhart, W.
Portal, M.
Portman, hon. W. H. B.
Price, Sir R.
Pritchard, J.
Pugh, D.
Repton, G. W. J.
Ricardo, O.
Ricardo, S.
Rice, E. R.
Robartes, T. J. A.
Robertson, P. F.
Rolt, P.
Rumbold, C. E.
Rushout, G.
Russell, Lord J.
Russell, F. W.
Sadleir, J.
Sawle, C. B. G.
Scrope, G. P.
Seymer, H. K.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelburne, Earl of
Shelley, Sir J. V.
Shirley, E. P.
Smith, rt. hon. R. V.
Smith, W. M.
Smith, A.
Smyth, J. G.
Smollett, A.
Somerville,rt.hon.SirW.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Starkie, Le G. N.
Steel, J.
Stephenson, R.
Stirling, W.
Strutt, rt. hon. E.
Stewart, Sir M. R. S.
Stuart, W.
Sullivan, M.
Sutton, J. H. M.

Talbot, C. R. M.
Tancred, H. W.
Taylor, Col.
Thesiger, Sir F.
Thornely, T.
Thornhill, W. P.
Traill, G.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Vane, Lord H.
Vansittart, G. H.
Verner, Sir W.
Vernon, G. E. H.
Vernon, L. V.
Villiers, rt. hon. C. P.
Vyse, Col.
Walcott, Adm.
Walpole, rt. hon. S. H.
Waterpark, Lord
Welby, Sir G. E.
Wells, W.
West, F. R.
Whatman, J.
Whitbread, S.
Whitmore, H.
Wickham, H. W.
Wilkinson, W. A.
Williams, M.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wyndham, Gen.
Wyndham, H.
Wynn, Lt.-Col.
Wynne, W. W. E.
Wyvill, M.

TELLERS.

Hayter, W. G.
Jolliffe, Sir W.

Words added.

Main Question, as amended proposed—

> "That this House recommends to the earliest attention of Her Majesty's Ministers the necessity of a careful revision of our various Official Establishments, with a view to simplify and facilitate the transaction of public business, and, by instituting judicious tests of merit, as well as by removing obstructions to its fair promotion and legitimate rewards, to secure to the service of the State the largest available proportion of the energy and intelligence for which the people of this Country are distinguished."

Mr. LINDSAY moved the adjournment of the debate, and said, that he was sure, after what had been stated by the hon. and gallant Member (Admiral Berkeley), that the House would afford him (Mr. Lindsay) an opportunity of stating the grounds upon which he had made the statements which had been referred to.

Viscount PALMERSTON thought, under all the circumstances, and considering the lateness of the hour, and also that the House was to meet at twelve o'clock, that it would be better to agree to the Motion of the hon. Member.

Mr. DISRAELI hoped that the noble Lord would consent to the Metropolitan Improvement Bill being taken before the Tenants' Compensation Bill.

Viscount PALMERSTON said, that there was nothing like standing to an arrangement, and, therefore, the Irish Bill would be first taken.

Mr. DISRAELI then gave notice that, if he were present, as he hoped to be, when the House met at twelve o'clock (this day), he should move that the Metropolitan Improvements Bill should take precedence of the Irish Bill.

Debate *adjourned* till *Thursday*.

The House adjourned at half-past Two o'clock.

HOUSE OF LORDS,

Tuesday, June 19, 1855.

Minutes.] Public Bills.—1ª Consolidated Fund (£10,000,000); Spirit of Wine.
2ª Friendly Societies; Duchy of Lancaster Lands (1855); Militia (No. 2).
Reported—Insurance on Lives Abatement of Income Tax Continuance; Cinque Ports.

CARNEGIE'S RESTITUTION BILL—EARLDOM OF SOUTHESK.

The LORD CHANCELLOR said, a Petition had some years ago been presented by Sir James Carnegie, claiming the Earldom of Southesk, which Petition had been referred to the Committee of Privileges, and the claim was dismissed on the ground of attainder. Her Majesty, however, had now been pleased to signify Her assent to a reversal of the attainder, and he had now to move that a Bill to that effect be read a first time.

Bill to relieve Sir James Carnegie of Southesk Kinnaird, and Pittaron, Baronet, from the effect of the Attainder of James Fifth Earl of Southesk, and Baron Carnegie of Kinnaird and Leuchars in Scotland, *presented* and read 1ª.

FRIENDLY SOCIETIES BILL.

Lord PORTMAN, in moving the second reading of this Bill, said that the societies to which it applied were 20,000 in number, and it affected nearly 3,000,000 of persons who were members of registered societies, and nearly a million and a half more who were members of unregistered societies, making in all 4,500,000 of the 9,000,000 which constituted the male population of this country. The capital embarked in friendly societies amounted to about 6,000,000. It was obvious, therefore, that the subject to which the Bill related was of very great importance, and he trusted that, before they went into Committee, their Lordships would direct their attention to the provisions of the Bill. It had been found that it was not desirable to tie the societies down to any fixed tables, because the circumstances that affected them were very various, and depended so much upon locality and other causes, that it would be most unwise for Parliament to give anything like a guarantee that this or that set of tables was the safer, thereby inducing them to rely on the authority of Parliament rather than their own care and vigilance. The House of Commons, after three Special Committees of Inquiry, had agreed to the present Bill, which it was anticipated would work well and satisfactorily. In Committee he should draw their Lordships' attention to two or three of the clauses. He would now move the second reading of the Bill.

LORD MONTEAGLE said, that those who were parties to the passing of the previous Act with which the present Bill proposed to deal would remember certain circumstances which at the time excited a painful impression among the public. He alluded to cases of the murder of children, calculated to create a criminal interest leading to the perpetration of that unnatural and atrocious act. After due deliberation, some clauses were framed and passed by Parliament for the purpose of preventing that horrible crime, and he believed that they had had the intended effect; but he noticed that those clauses were omitted in the present Bill, and he trusted that when the Bill went into Committee the noble Lord would explain the reason of their omission.

LORD RAVENSWORTH observed, that the 39th clause, by which building societies found themselves subject to a new fiscal burden in the shape of stamps from which they had been previously exempt, had created great dissatisfaction. He was given to understand that it was not in the power of their Lordships to amend that clause, as it was one affecting the privileges of the House of Commons, and, if the clause was allowed to pass in its present shape, he wished it to be understood that it was only on account of the reason he had just mentioned.

LORD CAMPBELL observed, that the clause in question being a money clause could not be altered by their Lordships without interfering with the privileges of the other House. The removal of the exemption was in the nature of a supply granted by the House of Commons to the Crown, and by interfering with it they would interfere with the undoubted privileges of that branch of the Legislature.

Bill read 2ª, and *committed* to a Committee of the whole House on *Tuesday* next.

LAW OF SETTLEMENT AND REMOVAL.

LORD BERNERS *presented* a petition from the Committee of Metropolitan Association for the abolition of the Laws of Settlement and Poor Removals, and for the Equalisation of the Poor Rate, praying the repeal of the said laws and for a measure by which all rateable property may be compelled to bear its fair share of the expense of providing for the relief of the poor. The noble Lord said he had thought it right to give notice of this petition from a consideration of the great experience which the petitioners had on the subject to which it referred, and also from a regard to its very great importance. The petitioners were the representatives of thirty-six unions and parishes in London, and of no less than 9,780,000*l.* of property rated for the poor. He might remind their Lordships that these two questions were considered of such great social importance that they had been the subjects of inquiry by Select Committees of the House of Commons in 1844, 1845 and 1846, and that in their Lordships' House two Committees sat in the years 1846 and 1850, while the subject was referred to in Her Majesty's speech from the Throne last year. The returns before the House showed that the direct local taxation paid by the land amounted to 14,320,000*l.* while that paid by manufacturers was, 4,432,000*l.* It had been repeatedly said that the incidence of local taxation could not be defended on any principle whatever; and the late Chancellor of the Exchequer, who was a great authority on the other side of the House, had stated, that the principle of our law was, that personal, just as much as real property, ought to be the subject of local taxation. In 1850 the Committee of that House adopted Resolutions in which they declared that it was expedient to rate all property alike, and that the relief of the poor was the national object for which no description of property should be called to contribute more than another. Some time ago he laid a Bill upon their Lordships' table which embraced the subjects of rating and settlement, but he withdrew it upon a pledge being given on the part of Her Majesty's Government that they would forthwith bring forward a measure dealing with these questions. Early in Session 1854 such a measure was brought forward by the Government; but, although it was notorious that it was a matter of discussion whether such a measure should be applied to Ireland or not, the Bill was thrown over at the end of April on the plea that it did not apply to Ireland. The petition he had to present to their Lordships stated in the strongest terms that the present law was unjust, partial, cruel, and oppressive in its operation, and threw a most heavy burden upon those parishes in which there were many small houses. The petition further stated that the existing law curtailed the means of the poor man's labour, rendered it difficult for him to obtain a home, robbed him of domestic comfort, and depraved the habits of the people; and that not only was the law cruel and oppressive to the poor, but that it was attended with great expense to the ratepayers. The petition went on to describe the injustice to which the rate payers were subjected, and stated that the poor were the common property of the country and ought to be supported and relieved by the country at large. If their Lordships referred to the Reports of the Poor Law inspectors, they would find that many of the most wealthy parishes which derive the greatest advantage from the labour of the poor, were nearly altogether exempted from any contribution to the poor-rates. The petitioners represented that the value of property rated to the poor was 67,320,000*l.*, and the total sum expended for the relief and maintenance of the poor in the year ending March, 1854, was 5,282,000*l.*, which was a considerable increase upon the expenditure of the preceding year. The average amount of the rates was 1*s.* 6¾*d.*, in the pound, the lowest rate being ½*d.* in the pound, and the highest 5*s.* 7½*d.* The petitioners, therefore, prayed their Lordships to repeal the present law relating to the settlement and removal of the poor, and to equalise the poor-rates. He thought one reason why it was imperative that the Government should devote their attention to the subject, with the view of establishing a more just and equal system of rating, was that the tendency of the existing law was to throw the burden upon the land rather than upon towns. There was also another reason—namely, that in consequence of the establishment of the militia, a large number of persons—the wives and families of militiamen—had been thrown upon the parish for support. An order had been issued to the Colonels of the various militia regiments, empowering them to discharge those men whose families had become burdens upon the parish, and the consequence had been that, in the Leicester regiment, 136 privates, being nearly one-seventh part of the regiment, had been sent home to their respective parishes. An additional pressure would also be thrown upon the land in consequence of the withdrawal of the regular troops from the various counties and the consequent increase of the local police. He, himself, had recently received a notice from the chief constable of the county of Leicester, stating that it was desirable to increase the police force of the county one-fourth, owing to the withdrawal of Her Majesty's troops from the county. If this augmentation of the police force were made, the result would be that a considerable addition would be made to the county rates.

Earl GRANVILLE, in reply to the noble Lord, said he hoped he might be excused from entering into any detail upon so complicated a question. Her Majesty's Government did not intend to introduce any measure upon the subject this Session, because last year a Bill was brought into the other House of Parliament, and was referred to a Select Committee, and that Committee, which sat last year and a portion of this year, had only reported last week. As Parliament at present had so much business before it, he could not hold out any hope that the Government would make any proposition upon the subject this year.

Petition to lie upon the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 19, 1855.

Minutes.] Public Bills. — 1° Administration of Oaths Abroad; County of Lancaster Trials.

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

Viscount GALWAY said, that in the absence of the right hon. Member for Buckinghamshire (Mr. Disraeli), he should move that the second Bill upon the paper (the Metropolis Local Management Bill) take precedence of the Bill now before the House.

Mr. SPEAKER said, that the proper form was for the noble Lord to move that the debate be adjourned.

Viscount GALWAY accordingly moved the adjournment of the debate.

Sir JOHN V. SHELLEY said, he thought that the House ought to have some consideration for Mr. Speaker, who had occupied the Chair until past two o'clock on that morning. If the debate went on there would be no chance of getting the right hon. Gentleman out of the chair until four o'clock, and then at six o'clock he would have to take the chair for the evening sitting. He thought this was rather too hard upon the right hon. Gentleman, and that the morning sitting ought to be confined to Bills in which progress could be made in Committee.

MR. MAGUIRE said, that the Bill now about to be brought forward had been before the House in one shape or another for the last twenty years. It was of a thousand times more importance than the Metropolitan Management Bill; and much as he sympathised with the Speaker, he should persevere in thinking the Bill ought to be proceeded with.

MR. HORSMAN said, he must beg to explain that it was only proposed that the first thirteen clauses of the Bill should be taken at the morning sitting. Those clauses related only to prospective compensation, about which, he believed, there was no difference of opinion. With regard to the other principle involved in the Bill, that of retrospective compensation, an appeal had been made to him by the hon. and learned Member for Wexford (Mr. McMahon), and by the hon. and learned Member for Wallingford (Mr. Malins), who represented that the fourteenth clause, which involved that very important principle, ought to be debated at an evening sitting, as some gentlemen of the legal profession, who were anxious to take part in its discussion, could not be present in the morning. He (Mr. Horsman) communicated with the noble Lord at the head of the Government, who authorised him to assent to their suggestion; and the Government arranged to give Thursday evening to the discussion of that 14th clause. He trusted, therefore, that the noble Lord opposite and his friends would hardly take the unusual course of preventing the Government from pursuing their own course with their own Bills. As for the Amendment, of which notice had been given by the hon. and learned Member opposite (Mr. Peacocke), it was in itself an irregularity, as it would be raising a discussion in Committee on the principle of the Bill, which had already been raised and disposed of, a majority of 160 to 50 being in its favour upon the occasion of the second reading. If it were the object of the hon. and learned Gentleman to raise the question of retrospective compensation, he might raise it more properly on Thursday evening, when the fourteenth clause came to be discussed.

MR. NAPIER said, he would beg to point out that it was of the greatest importance that this question should be settled as soon as possible, for it was doing great mischief in Ireland to leave it in its present state.

COLONEL DUNNE said, he was not aware of any such arrangement between the Government and the Opposition side of the House as the Chief Secretary for Ireland had described. He objected on principle to this Bill, as it would give rise to practices of evasion and fraud.

SIR JOHN WALSH said, that he was one of those who objected to the prospective, as well as to the retrospective operation of this Bill; and he thought the principle had not yet been sufficiently argued. He saw no reason why the relation of landlord and tenant should be so entirely altered in Ireland. It was now half-past one o'clock, and he would ask was there any chance of making any progress with the clauses? The Metropolitan Local Management Bill had already been in Committee, and some progress might be made with it.

SIR GEORGE GREY said, he wished the House to decide at once whether the Bill should go into Committee then, or be postponed; if hon. Gentlemen persisted in debating the principle of the Bill at that moment, the whole morning would be wasted.

Motion made and Question put "That the debate be now adjourned."

The House *divided*:—Ayes 65; Noes 117: Majority 52.

Question again proposed "That the Speaker do now leave the chair."

MR. PEACOCKE said, he rose pursuant to notice, to move that the House resolve itself into Committee on the Bill upon that day three months. Considering that property to the extent of 15,000,000*l.* had changed hands under the Encumbered Estates Court, and that these purchases had been made under the sanction of a Parliamentary title, and subject to no liabilities except what were set forth at the time, he could not consent to saddle these purchasers with encumbrances that to a very considerable extent would be imposed upon them by the Bill now under discussion. It seemed that about forty Irish Members were in favour of this Bill, and that to obtain their support the noble Lord at the head of the Government regarded the great interests involved in this Bill as trivialities comparatively unworthy of his attention. He was strongly opposed, not only to the retrospective, but also to the prospective clauses of the Bill, and he could not but admire the calm and placid indifference of English landlords when witnessing the application of a principle to which, in their own cases, they would strongly object. If there were a people that more than another wanted, it was said, to be taught that they ought to rely upon their own exertions, and not look to Parliamentary aid and interference, it was the Irish nation and people. This was no grand original theory that had never been tried, for this principle of compensation had been tried and signally failed in some parts of England. Where the practice prevailed as in parts of Surrey and Sussex, under the name of an inventory, it was the curse of the country; it exhausted the capital of the incoming tenant, and was a main cause of the inferior cultivation of the soil in those districts. By this absurd and bungling stroke of legislation they proposed to convert the landlord in Ireland into the nominal owner of his property. They would create a class of encumbered proprietors, and saddle them with liabilities that they never expected, and they would include in this class those who had purchased their estates under the operation of the Encumbered Estates Court, and who were at the present time working out the regeneration of Ireland. If this Bill once passed they would hear little more of the introduction of fresh capital and enterprise in Ireland, for it would require something more than ordinary courage to introduce capital into Ireland after the passing of this Bill. This grand measure for the regeneration of Ireland was a fair specimen of the political quackery with which that country had been habitually regenerated. We were told that capitalists were the great desideratum for Ireland; and they proposed to drive them out. We were told that middlemen were the great curse of the soil; and they proposed to bring them in. We were told that the evil of her social system arose from her complicated land tenure; and, instead of simplifying, they proposed to complicate it still further. We were told that that complicated land tenure arose from penal laws and confiscation. How did they propose to remedy it? By adding one confiscation more. We were told that England and Ireland should be governed by the same and equal laws. They now proposed to constitute one code for Ireland and another for England. We were told that her people should be taught the doctrine of self-reliance; and they now taught her peasantry that Parliament was ready and willing to interfere in their behalf, even to the extent of spoliation. He considered that the very entertaining this question was pernicious to the prosperity of Ireland. They excited futile hopes and paralysed self-exertion. The laws of political economy had never been violated with impunity, and never would be; and, above all, they were not to be violated for the sake of an empiric measure like the present, which, weakly assented to by a weak Government, was powerless for good and powerful for evil. If they really wished to benefit Ireland they must reverse their policy; they must legislate upon principle, they must not legislate for cries; for, by the strong and firm administration of just and equal laws they could alone hope to rescue her from the reproach which had been but too truthfully addressed by their ablest historian—that she was indeed a member of the empire, but a withered and distorted member, adding no strength to the body politic, and reproachfully pointed at by all who feared the greatness or envied the glory of England.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

SIR GEORGE GREY said, he must appeal to the House not to enter upon any discussion of the principle of the Bill, but to take the advice of the right hon. and learned Gentleman opposite (Mr. Napier) and allow the House to go into Committee. The principle of the Bill had been affirmed by both Houses of Parliament, and by successive Governments. The second reading had been carried by a majority of 163 to 51, and he trusted that those hon. Members who were anxious for the progress of the Bill would abstain from discussing the question, and agree to consider the clauses in Committee.

SIR JOHN WALSH said he could not subscribe to the principle enunciated by the right hon. Baronet, that because a previous division upon this subject had taken place in both Houses of Parliament, hon. Gentlemen, who might upon that occasion have happened to be in the minority, were to be precluded from reurging their opinions upon a subsequent occasion. Such a doctrine appeared to him to be subversive of all the rights of a minority; for according to that doctrine a minority must never speak again, or renew a question once determined against them. Had this principle, he would inquire, been heretofore applied to Catholic emancipation, parliamentary reform, or the ballot? On the contrary, the opinion of a minority had been repeatedly carried by perseverance; and the doctrine laid down by the right hon. Baronet was destructive of representative Government and the rights of free discussion. The right hon. Baronet said, the opinion of the House had been taken on the second reading. On that occasion the hon. and learned Member for Wexford (Mr. McMahon) had spoken ably against the Bill, but had not divided or even moved an Amendment, consequently the division was taken by surprise and without previous expectation of it, and the opinion of the House had not been fairly tested. Although, therefore, the Amendment was now slightly irregular, it was not open to the reproach of being obstructive or improper, but was only for the purpose of securing a fair and proper discussion of the question. Great subjects of this nature were not adequately discussed and disposed of at these morning sittings, and therefore he had voted for the postponement of the debate. The morning sittings could not be properly attended, and to bring forward such Bills at those sittings was not fair. He did not think that English Members ought to be excluded from entering into the discussion of Irish measures. As the retrospective clauses were to form the subject of a future discussion he should confine himself at present to the prospective enactments. The prospective portion of the Bill had by no means been disposed of by prior discussions. Indeed, he did not quite understand the present position of the Bill. The hon. and learned Member for Kilkenny (Mr. Serjeant Shee) had brought in a Bill, and the right hon. Gentleman the Irish Secretary had offered to adopt it if certain modifications were consented to. This offer was conditional entirely. Subsequently the noble Lord the Member for Tyrone (Lord C. Hamilton) asked a question, to which the hon. and learned Serjeant replied discreetly that he was ready to place the Bill in the hands of the Government, but declined to adopt the Amendments to be proposed, reserving the right of an independent Member, and inserting in the Votes notices of Amendments contrary in spirit to the conditional proposal of the Secretary for Ireland. Therefore the hon. and learned Serjeant and the Secretary for Ireland were at issue and had come to no agreement. The tenant-right party, on the other hand, were quite discontented both with the measure of the hon. and learned Serjeant and with that of the Government. Therefore this measure, which was to restore peace to Ireland, was repudiated and rejected by all parties. What prospect was there of arriving at a satisfactory settlement of the question by passing the measure? The Government would not deny that this was a great departure from sound principles on the subject. The laws of property were, for special and partial purposes, to be departed from, and the principles of justice violated. The question was argued on special grounds, and on the peculiar character of Irish landlords or of the Irish laws. But there were peculiarities in the Irish tenants not less than Irish landlords. The noble Lord (Viscount Palmerston) had eulogised the tenantry of Ireland, and declared that with due encouragement they were industrious and improving. He (Sir J. Walsh) agreed in this opinion in general, but in England, Scotland, and Wales, and not less so in Ireland, there were indolent, litigious, and fraudulent tenants; and there were more tenants of that kind in Ireland than in England. His objection to the prospective clauses was, that they were not only not necessary, but that they put into the hands of the tenant a weapon with which he might fight his landlord and hold him at bay. He objected to the system of notices, because they assumed that landlords had neither any interest in the improvements nor control over them, whereas the landlord was a much better judge of what improvements were required, and was more fit to superintend them than the tenant. He denied that the landlords in Ireland were a mere rentcharge on the estates; on the contrary, they were often great improvers themselves, guiding their tenants in the right direction, and exercising a salutary control over them. Improvement on estates ought to be a subject of mutual consultation and agreement between landlord and tenant. For instance, it might be very convenient to a tenant that a road through his farm should be made, and he might give notice of such an improvement; but the landlord of the estate might, on examination, find that a road in another direction would not only accommodate that particular farm, but half a dozen others. Under this Bill, however, a hostile tenant would be able to press his own improvement to the detriment of the general improvement of the estate. In point of fact, the provisions of the Bill would have the effect of handing the estate over to the tenant, securing the landlord a mere rentcharge. It had been said that the principle of the Amendments had been adopted by more than one Government, but the fact was that these prospective clauses had been pressed on them by the organised efforts of a numerous body of Members whose votes were useful to the Government, and it was a reflection upon the present state of representative government in this country that this question should, by a sort of juggle of parties, be suffered to attain a proportion which it never ought to have arrived at, being forced on the Government because it was a matter of essential interest to them to enlist the support of a section of the House. For these reasons he should support the Amendment.

Mr. I. BUTT said, he considered that the House was bound to let the Bill go into Committee, and try and amend it; or, failing in that to reject it on the third reading. It had been argued that this was a revolutionary and novel Bill. Why, in its principles and details it was similar to that laid upon the table by the right hon. and learned Gentleman (Mr. Napier) the late Attorney General for Ireland, heralded by publications under his auspices, and sanctioning the retrospective principle. And yet the opposition to the Bill was now put entirely upon that principle. On the introduction of the Bill by his right hon. and learned Friend, his hon. Friend (Mr. Grogan) had not objected to the retrospective principle, and had declared, "that the measure would give general satisfaction." That was a Bill containing the retrospective principle. Principles of this kind ought not to be made the instruments of party; and the Bill of the right hon. and learned Gentleman was a pledge to the tenantry of Ireland that its principles should be carried out. Those Members who now opposed the Bill should have resisted it on that occasion, and not allowed such a pledge to be given, which now compelled him to vote for the going into Committee. Those who resisted it must pretend that a principle was right in the hands of one Gentleman (Mr. Napier), and revolutionary in another.

Mr. GEORGE said, he was ready to go into Committee on the portions of the Bill not objectionable in principle, and he had prepared Amendments upon the prospective clauses. But he had never approved of the retrospective clauses, and when his right hon. and learned Friend (Mr. Napier) introduced his Bill he had objected to that principle. Nor had he consented to the Bill of the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) going to a Committee. He was prepared, however, to agree to the prospective portions of the Bill, and to redeem his pledge by going into Committee upon them. He had given credit to his right hon. and learned Friend (Mr. Napier) for skill and learning in the preparation of his Bill, but had never pledged himself to its details.

Colonel DUNNE said, he, at all events, had never approved of the principle of the Bill, which he considered would be very prejudicial to Ireland. The principle of giving a tenant money to be laid out in improvements with the consent of his landlord was right; but the Bill went to a most iniquitous extent, and the principle enunciated by the right hon. and learned Member for the University of Dublin (Mr. Napier) had been repudiated throughout the country. The Chief Secretary for Ireland had no confidence in his Bill, and showed himself insincere in its support by the Amendments he proposed, confining it to the most narrow limits. The whole affair, he believed, was a mere traffic in party support. It was his opinion that its only object was to gain temporary popularity, which would not be gained, because of the insincerity which was shown by the Government. How did the Government intend the Bill to work as to existing contracts? Were new contracts to be made? The old contracts were made on the supposition that improvements were not made by the landlord. The provisions of the Bill were wholly unsatisfactory and unintelligible, and he defied the right hon. Gentleman the Secretary for Ireland to explain them. They would be a fertile source of litigation, and bad feeling would be created between landlord and tenant.

Mr. MOWBRAY said, he was surprised that the supporters of the Bill did not rise to uphold it. Great principles were involved in the Bill, and which ought not to be made playthings of party. The hon. and learned Member for Youghal (Mr. I. Butt) had referred to the Bill brought in by the right hon. and learned Gentleman (Mr. Napier) in 1852, but that did not bind Members not in the House at that time, added to which, the principles laid down by the Irish Attorney General were most monstrous and pernicious.

Mr. RICE said, he was decidedly of opinion that the principle involved in the various clauses of the Bill ought to undergo full consideration; and therefore it was most necessary that they should go into Committee.

Question put, "that the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 129; Noes 46: Majority 83.

Main Question put and *agreed to.*

House in Committee, Mr. Fitzroy in the Chair.

The preamble was *postponed.*

Clauses 1 and 2 *agreed to.*

Clause 3,

Mr. SEYMOUR FITZGERALD said, he would beg to move the addition of words limiting the application of the clause to improvements made during existing tenancies, with the view of avoiding litigation as to improvements made during tenancies which have already expired. He also would propose to add a proviso that persons holding under leases should not be entitled to claim compensation for improvements made after the passing of the Bill without the consent in writing of the landlord for the time being.

Mr. FRENCH said, he should oppose the addition of the words, as calculated to sweep away the whole system of tenant-right in Ulster.

Mr. HORSMAN said, he thought the proposal would apply with greater accuracy to the 14th clause. He would, therefore, suggest that notice should be given of the addition, as the words opened up an important question, which he did not think the Committee was at this moment in a position to consider.

Mr. GEORGE said, he thought the Amendment of the hon. and learned Member (Mr. S. Fitzgerald) was included in words which he (Mr. George) had given notice of as an Amendment on the 14th clause.

Mr. CAIRNS said, he feared that the Committee were premature in considering this Amendment at this portion of the Bill.

Mr. Mowbray

Mr. SEYMOUR FITZGERALD said, he would postpone his Amendment for the 14th clause.

Clause *agreed to.*

On Clause 4.

House resumed; Committee report progress.

THE ORDNANCE SCHOOL, CARSHALTON —QUESTION.

Mr. MILES said, he rose to ask the hon. Gentleman the Clerk of the Ordnance what the Government proposed to do with the boys at the Ordnance School, Carshalton, who were eligible and ready for examination on Tuesday and Wednesday, the 5th and 6th of June instant, but were not examined; why they were not examined; and whether they would be on the 8th of July; or, if not, how the Government proposed to deal with them?

Mr. MONSELL said, he must beg to state that any boys fit for examination would be examined at the earliest possible opportunity. The delay which had taken place was owing to the state of transition in which the whole arrangements connected with the Ordnance had been for some time placed. He must, however, at the same time state that the decision which his noble Friend the Secretary of State for the War Department had come to was to abolish altogether the preparatory school at Carshalton; but that would be done in such a manner as not to interfere with existing nominations. With regard to admissions into Woolwich generally, as it had been decided upon altering the system of admission into the academy, he could not at the present moment inform the hon. Gentleman how the boys in question would be dealt with. He might add, that the only admissions as yet made by competition were into the practical class; but it was under the consideration of his noble Friend whether the same principle would not be extended to the theoretical class also, and to the academy generally.

Mr. HEYWOOD said, after the statement which had been made of the intentions of the Secretary for War with regard to the Royal Military Academy at Woolwich, he thought it would not be expedient to bring forward the Motion of which he had given notice for an Address praying Her Majesty to substitute an open examination in place of the present system of nominations for admission into that academy.

THE CORPORATION OF LONDON—QUESTION.

Sir JOHN SHELLEY said, he wished to ask when the Government intended to introduce the promised measure for the reform of the Corporation of the City of London, and whether such Bill would be founded upon the recommendation of the Commissioners appointed to inquire into that corporation? It had been stated on a former occasion that the Bill would be brought in as soon as the Metropolis Local Management Bill had passed through certain stages. That Bill was now very far advanced, and the subject was of very great importance, especially to the inhabitants of London.

Sir GEORGE GREY said, that the Bill for the reform of the Corporation of the City of London was founded, in its main features, upon the recommendations of the Commissioners of Inquiry, subject to some modifications as to details, in which those recommendations would be to a certain extent departed from. As to the other question, he could only say that he certainly had intended, and hoped to be able to carry that intention into effect, to submit that Bill to the House in time to secure for it the consideration and attention which its importance demanded. But the debates which had arisen on subjects of great importance, and had necessarily occupied much of the attention of the House, had unavoidably retarded the progress of various Bills. The Metropolis Local Management Bill, referred to by the hon. Member, was one of them; it had not yet got through Committee; then it had to be advanced through its other stages. There were also the Australian Constitution Bills, the Bills for establishing limited liability in partnerships, and the Cambridge University Bill, which had just come down from the House of Lords. In addition, they knew that the House of Lords had passed a Resolution declaring that they would not read any Bill a second time—unless it were a Bill of Supply, or one rendered necessary by urgent circumstances—after the 24th of July. He was bound to say that he thought the public business was rather retarded than advanced by having a multitude of important Bills before the House at one time. Under these circumstances he did not see any prospect of being able to lay the Bill referred to before the House that Session—that is, with any hopes of its passing. Therefore, it would be introduced at an early period next Session. That, he thought, was the best course to ensure its passing.

THE ARCTIC EXPEDITION.

Mr. MACKINNON: Sir, I feel that I ought to explain to the House the reasons that induce me to move for a Select Committee on the present occasion. On looking over the manner in which the House has dealt with the expedition under Sir John Ross, when Boothia was discovered; it appears that a Committee of this House was appointed in 1834, for the purpose of taking the subject into consideration, and I consider this to form a sort of precedent for me at present. The Committee of '34 awarded, after mature consideration, 5000*l.* to Sir J. Ross.

Sir, I have no connection whatever with the individual for whom I make this Motion; his name was not known to me until it was mentioned on the Continent, where I was at the time of his return home, and in moving for a Committee to ascertain whether or not Captain M'Clure is entitled to any, and what, reward, I am only actuated by the sentiment which is, I am sure, felt by every Member of this House, that justice should be done to every man in proportion to the services rendered to his country. It may, perhaps, be as well, before I enter into the merits of Captain M'Clure, for me to take a bird's-eye view of the attempts made to explore the north-west passage, and to show the great pains and heavy expenditure incurred by our nation to ascertain whether or not such a passage existed. There seems no necessity to go further back than the 16th century. It appears that, in 1524, an expedition was undertaken by Sebastian Cabot, to explore the Northern regions, where he made various discoveries; in 1527, Master R. Thorne, of Bristol; in 1553, Sir Hugh Willoughby, in the *Bona Esperanza*, endeavoured to explore the passage; in 1583, Sir Humphrey Gilbert made an unsuccessful attempt, failed and perished; after, John Davis also attempted to explore the Polar regions. It appears that, in this, the 16th century, no less than twenty-two attempts to discover a north-west passage were made, with various chances, but at a considerable expenditure and great loss of life.

There seems no necessity for me to recapitulate the attempts made in the

17th century for the same purpose, and with a similar result: the number of attempts in this, the 17th century, exceeded twenty.

In the 18th century various endeavours to seek a north-west passage were made by the following commanders—Knight, Vaughan, Scraggs, Middleton, Moor, and Smith: in all about twenty-one attempts, by the English and other nations. Middleton failed, and was accused of treacherous conduct: no very important discovery was made.

Let us now come to the present century. We find the prominent names to be Kotzebue, John Ross, David Buchan, W. E. Perry, John Franklin, and many others. In the year 1818, John Ross and W. E. Perry advanced considerably in the Polar regions; Boothia was discovered, for which Sir J. Ross received a reward of 5,000*l.*, but nothing resulted from the voyage as to a discovery of the north-west passage; every attempt made only increased the apparent impossibility of discovering the sought-for route, and, by many, it was considered to be hopeless.

In exploring the Polar regions, subsequently, Captain Buchan did the same. In 1820, Captain W. E. Perry went in chief command; he made, afterwards, a second and a third voyage, in 1824 and 1825; and again, a Polar expedition in 1827. After this, in 1845, the unfortunate attempt of Sir John Franklin took place, where that distinguished and gallant officer and his brave crew closed their career in the most miserable manner. In 1833, 1834, and 1835, Captain Back, a well-known and distinguished commander, was commissioned for the same purpose. It appears that no less than sixteen expeditions have been fitted out for the purpose of finding out and rescuing Sir J. Franklin and his brave companions.

Now, let us for a moment pause, and endeavour to ascertain the cost and loss of life entailed on the nation by these several and various abortive attempts at discovering a north-west passage. In the 16th century, fourteen voyages; in the 17th century, twenty voyages; in the 18th century, nineteen voyages; in the 19th century, twenty-two voyages—seventy-five voyages.

The loss of life in all these expeditions cannot but be much regretted, and also the privations undergone; the expenditure, too, must be considered: it is impossible to ascertain what the nation has expended in the three last centuries, when no official documents remain; but it appears from the Navy and Ordnance Estimates that the total expenses attendant on fitting out Sir J. Franklin, and in the expeditions in search of him, amounts to the enormous sum of 837,000*l.*, an expenditure almost incredible; so that, in this century, only one-half of which is passed, more than 1,000,000*l.* has been wasted, including those expeditions undertaken from 1800 to 1845.

Now, let us proceed to the case before us, and see what has been achieved by Captain M'Clure. He and Captain Collinson were selected by the Admiralty, each to command a vessel, and to proceed up the Pacific Ocean, and by entering the Polar regions on the westward side, above California, to ascertain whether any traces could be obtained of the lamented Sir J. Franklin. The two vessels started together, the *Enterprise*, Captain Collinson, and the *Investigator*, Commander M'Clure. They were towed through the Straits of Magellan by H. M. S. *Gorgon*, and it was ascertained that the *Investigator* was much slower than the *Enterprise*. Both these vessels, it must be admitted, were fitted out in a most superior manner by the Admiralty, and admirably adapted for the rough and dangerous service they had to perform. They sailed in January, 1850, and from the *Investigator* not being so good a sailer as the *Enterprise*, Captain M'Clure was left by his consort, and had to exercise his own judgment how best to fulfil his instructions. Let it be here borne in mind that the Act giving a reward of 20,000*l.* for the discovery of the north-west passage, which passed in 1745, was repealed in 1828, so that no inducement existed but the love of their country, and desire to fulfil their duty, in braving the dangers of the frozen seas. As already stated, Captain M'Clure arrived in the Polar Seas about August, 1850; in a short time his vessel, the *Investigator*, was firmly frozen in the ice; Captain M'Clure proceeded on the frozen sea with his brave companions, and, after dangers, privations, and fatigues that can scarcely be enumerated; after passing four years and a half in that miserable climate, where, for six months in the year, the sun was only seen by refraction for two hours in the twenty-four; where, in such a climate, the calls of hunger are more felt and imperative than in our milder climes,—Captain M'Clure achieved the important discovery so long desired and so anxiously sought for; he went through the north-west passage, and returned to England in the autumn of 1854, having by his courage, his perseverance, and admirable conduct, deserved well of his country.

Now, Sir, let us just recapitulate what this discovery has achieved. It has opened the west coast of America to the fisheries for whales and other monsters of the deep; it has saved the lives of countless thousands, for there is no doubt that continued attempts would be made in future, and others might share the fate of Franklin; it has saved enormous sums of money, that would have been wasted in further search; it has solved a problem in geography of the greatest importance; and, above all, the passage has been discovered by this nation, the first maritime Power in the world, which would have been injured in reputation if another nation had made it; and thus has added more brilliancy to the lustre of our maritime greatness.

ADMIRAL WALCOTT said, as a professional man I am desirous of bearing my testimony to the unwonted zeal and enduring qualities displayed by Captain M'Clure, the officers, and ship's company, in the performance of the arduous service assigned to them. It was unnecessary to be reminded of the anxiety which had been displayed by the nation for the important discovery of the north-west passage, an anxiety springing from ambition to maintain even in such expeditions of hazard our maritime ascendancy. During three centuries fifty-eight times had the attempt been made by the most distinguished nations of Europe, and I am proud to know at last it has been achieved by the intrepidity of British seamen. I therefore hope the noble Lord at the head of the Government will accede to the Motion. For my own part I am free to confess that I had from the very commencement regarded the expeditions as practically useless; at the same time that consideration did not in the slightest degree derogate from the high qualifications and extraordinary exertions of the officers engaged in them.

VISCOUNT PALMERSTON said, he could assure the hon. Gentleman he should have much pleasure in agreeing to his Motion. It was impossible that any one in that House could fail to appreciate as highly as his hon. Friend the great merits of Captain M'Clure; for it was that gallant officer's perseverance, courage, and daring, that had solved a problem which for a great length of time had excited intense anxiety among all the maritime nations of the world. He did not wish to supersede the functions of the Committee in indicating the way in which these services should be rewarded, but it would have been very unjust to the gallant officer and to the feelings of the House if he had not given his cordial assent to the Motion.

Motion *agreed to.*

Select Committee *appointed*—

"To inquire into the circumstances of the Expedition to the Arctic Seas, commanded by Captain M'Clure, of the Royal Navy, with a view to ascertain whether any and what reward may be due for the services rendered on that occasion."

Queen's *Recommendation* signified.

LANCASTER SHOT MANUFACTORY.

CAPTAIN LEICESTER VERNON said, he would now beg, pursuant to notice, to move for a copy of the Report of Major General Hardinge, Assistant Inspector General of Fortifications, on the building erected for the Lancaster shot manufactory at Woolwich, and the Report on that building by Sir Charles Fox. In bringing forward the Motion, he might perhaps be permitted to say a few words in reference to it, as the question involved, not only the interests of the country, but those of the corps of Royal Engineers, to which he had the honour to belong. On a previous occasion he had taken the opportunity of asking the hon. Gentleman the Clerk of the Ordnance whether the manufactory for making shot and shell had been erected by the firm of Fox and Henderson without the supervision of the Royal Engineers; if so, why such a step had been taken; whether the work executed had been to the entire satisfaction of the Board of Ordnance; and whether it had been examined by an officer of Engineers? The reply that he had received was to the effect that Colonel Foster, commanding the Royal Engineers at Woolwich, had signified that the work was not going on satisfactorily. Thereupon Messrs. Fox and Henderson were communicated with, and they entered into a guarantee which barred all future interference. However, it appeared the work was still going on unsatisfactorily, and Major General Hardinge was appointed to report upon it. That Report was also unsatisfactory, and was communicated to Sir Charles Fox, who requested a friend of his own to go and inspect the work on his behalf. Well, the report of that gentleman was immensely satisfactory; and he wound up by saying that he had been surprised to find so much done and so well done in so short a time. Now, it appeared to him (Captain Vernon) that that report and the Report of Major General Hardinge were completely at issue, and he certainly did not think that was a position in which to leave a Gentleman occupying the high and responsible post of Major General Hardinge. It appeared that the cost of the building was estimated at 25,000*l.*, a sum of no small importance in such times as the present. But it was not so much upon the amount of money involved as upon the principle that he thought the question mainly hinged. For it involved a new principle of working contracts irrespective of departmental supervision, which, after all, was the only protection to the public and the nation, and was introduced by the Ordnance, which had more to do with contracts than any other department under the Crown. What he desired to know was, why the firm of Fox and Henderson had been relieved of all supervision; was it because they were large contractors? Now, the only difference he saw between large and small contractors was, that the former stood in for a greater share of the public money, but on that account, therefore, ought to be the more narrowly watched. Or was it through courtesy? For if so, he should be glad to know why an equal amount of courtesy was not shown to the corps of Royal Engineers, whose work at Aldershot had been inspected by a civilian expressly sent down for the purpose. However, that corps was now about to be placed under the Horse Guards, and they were glad of it, for they believed they would be the gainers by it. He had had a good deal of experience of Government contracts during the twenty-four years he had served as a lieutenant in the Royal Engineers—an instance of the admirable advantages attendant upon a service where promotion went exclusively by seniority—but his experience had taught him that those contracts were best executed which were most narrowly watched. What did the public know of contractors? They had contract sheepskin coats, which the soldiers could not get on. They had contract ammunition boots, not worth wearing. They had contract trenching tools, which would not break ground. They were told last night that attempts had been made to throw the blame rather on the men than the tools; and it had been said of the troops, what should weavers and cobblers know about tools? He appealed to Gentlemen on that side of the House whether the agricultural and not the mechanical classes furnished the army with men, and an agricultural labourer was complete master of the spade before ever he saw a firelock. He was born to the billhook, and afterwards educated to the bayonet. It was to be hoped, therefore, they would hear no more of attempts to vindicate execrable tools at the expense of good soldiers. We had heard, also, of hay being purchased that was not particularly good; also of preserved meats, the condition of which, on being opened, raised the question whether they were poisonous or pestilential—perhaps they were both. It was not his business to eulogise the Board of Royal Engineers, but he saw the other day a letter from a French officer in the army before Sebastopol to a brother officer in Paris, from which he would read the following extract—

Captain L. Vernon

> "You ask my opinion of the English army now acting with us in the Crimea. Well, I will begin with the Royal Engineers, a corps which, from what I have seen of it at work, I think could not be excelled, and could seldom be equalled, in any part of the world. The education of the officers, the training and energy of the men, are fully equal to our qualifications. As to the courage of the troops, I need not say that they are like the rest of the British soldiers, brave almost to a fault. If ever there were a corps of which the British nation ought to be proud, it is that of the Royal Engineers."

He would remind the House that the Government had taken from that corps men to fill the most important situations as Governors of the colonies and Secretaries to Ireland, and to discharge various other important and responsible duties. Those officers could not have been selected by interest, for as a corps the Engineers possessed much less interest than any other branch of the service. Neither were the officers selected for those situations of high rank. They were generally of the rank of captain or lieutenant. The Governor of New South Wales, for example, was a captain; the Governor of Van Diemen's Land was a lieutenant; the Governor of St. Lucia was a lieutenant; and a former Under Secretary for Ireland was a lieutenant. As most of those distinguished individuals were alive he would not say anything of them. He would merely refer to one of the illustrious dead, Mr. Drummond, who was Under Secretary for Ireland, and to whose honour a statue was about to be erected in Ireland. That Gentleman was a lieutenant of Engineers, and was famous as a mathematician and as a chemist. He was the discoverer of what was now well known as the "Drummond Light," and the author of a sentiment which startled all Ireland by its beautiful simplicity and truth—namely, "property has its duties as well as its rights." Captain Owen, another officer of the Royal Engineers, was the man who, aided by two others, stormed the rifle pits before Sebastopol the other day at tremendous risk. His two brother officers were killed, and though he himself escaped with life, he was severely maimed. This was the corps whose skill and knowledge in this particular instance was set aside in favour of a contractor's guarantee, whether to the advantage or disadvantage of the public would shortly appear if the papers which he asked for were produced.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House a Copy of the Report of Major General Hardinge, Assistant Inspector General of Fortifications, on the Building erected for the Lancaster Shot Manufactory at Woolwich; and the Report on that Building forwarded to the Clerk of the Ordnance by Sir Charles Fox, of the firm of Fox and Henderson, the Contractors for its erection."

MR. I. BUTT said, he had given notice of an Amendment to the Motion of the hon. and gallant Member, and if the hon. Gentleman the Clerk of the Ordnance would consent to this addition he would offer no objection whatever to the returns. He asked for this addition in justice to the gentlemen alluded to by the hon. and gallant Member—he meant Sir Charles Fox and Mr. Henderson. If he thought that his hon. and gallant Friend would have gone at such length on the subject of the erection of this building, he could have referred to certain documents which would have clearly explained the nature of the entire matter. All he asked now was that in justice to those gentlemen, if the report of Major General Hardinge be ordered to be laid before the House, it be accompanied by the reply of Sir Charles Fox to that report, and also the subsequent report of Mr. John Anderson, Inspector of Machinery to the Board of Ordnance, in relation to the work in question. The firm of which Sir Charles Fox was the principal member were called upon to erect a manufactory in a space of time unprecedentedly short. They considered it necessary, if they were to erect the building in so short a time, that they should be left to carry out their own plans without any interference by the Engineer department. Now that was the grievance of which the hon. and gallant Member complained. It did not, however, appear to him (Mr. I. Butt) to be an unreasonable demand on the part of the firm. If the Board of Ordnance asked them to erect a building within the space of one month, which under ordinary circumstances would take four or five months to erect, they might reasonably say they would undertake the task, but that there should be no interference with them of any kind until the building was completed. Now, those were the real facts of the case. It was quite true that Major General Hardinge subsequently had seen the work; he knew nothing of the peculiar circumstances under which the contract was entered into; and he made his report as if the work was to be erected at the ordinary time and under ordinary circumstances. The Board of Ordnance then sent an inspector to inspect the work with a view to the peculiar circumstances of the contract entered into. He, therefore, begged leave to move as an Amendment, that the reply of Sir Charles Fox and the report of Mr. John Anderson be added to the Motion.

Amendment proposed to be made to the Question, by adding at the end thereof the words—

> "Also of the Letters addressed to the Board of Ordnance by Fox, Henderson, and Company, dated respectively the 23rd and 24th day of April and 5th day of May, and of the Report to the Board of Ordnance of Mr. John Anderson, Inspector of Machinery, dated the 11th day of May, on the subject of the Building for Lancaster Shells."

MR. MONSELL said, he had no objection to lay upon the table of the House the correspondence referred to in the Motion of the hon. and gallant Member for Chatham (Captain L. Vernon), and the Amendment of the hon. and learned Member for Youghal (Mr. I. Butt). The Board of Ordnance had no intention whatever of casting any slight upon the corps of Royal Engineers in the course which had been taken with respect to the new Lancaster shell manufactory. The facts were that Colonel Foster was called upon to prepare, in conjunction with Messrs. Fox, Henderson, and Co., a plan for the erection of the Lancaster Foundry. Some days after the Lancaster Foundry had been commenced, Colonel Foster came to him (Mr. Monsell), and said that from the lightness of the structure, which was being erected, he could not be answerable for its safety. Upon the other hand he said this was a building which required to be completed with the least possible delay, and that Messrs. Fox and Henderson had stated that they could not complete it within the stipulated time unless the work was executed in the way in which they had arranged to execute it. He (Mr. Monsell) stated that some difficulties would arise under these circumstances, and he finally suggested that Messrs. Fox and Henderson should be allowed to complete the work upon their giving a guarantee that the building would stand for twelve months. Colonel Foster said that he thought a guarantee for six months would be quite long enough, for considering the heavy Nasmyth hammers which would be employed in it, the whole building would certainly tumble down within a less period than that. He considered that the arrangement made was a perfectly satisfactory one; and he thought the House would be of the same opinion when they saw the correspondence which would be produced on the subject.

Colonel DUNNE said, he thought after the conversation which had just taken place, that the House would not be surprised at the disasters which had befallen our army at the commencement of the war. The fact now disclosed was, that the hon. Gentleman had taken upon himself the conduct of matters with which he was wholly unacquainted, instead of leaving them to the direction of the corps of Royal Engineers. The Board of Ordnance in this matter merited severe censure. Many of the disasters in the Crimea had been occasioned by the same improper interference, and he warned the hon. Gentleman that if he persevered in this course the army would have no confidence whatever in his conduct of this department.

Question, "That those words be there added," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

POSTAL ARRANGEMENTS (WATERFORD, &c.).

Mr. MEAGHER said, he would now beg to move for a Select Committee to inquire into the postal arrangements in reference to the counties of Waterford, Tipperary, Cork, and Limerick, with a view to ascertain how they might be improved. He must complain of the great inconvenience suffered in consequence of the delay that occurred in the postal service in many parts of Ireland, more particularly in the districts he had alluded to—such service being performed between certain important towns by means of a one-horse car. He considered that in his part of Ireland the people were in a much worse position as to postal arrangements than they were in previous to the establishment of railways.

Colonel DUNNE seconded the Motion. He said that he had given notice of a Motion for a Committee of inquiry into the postal arrangements generally in Ireland, and it was his intention to expose other practices in the Post Office besides those of irregularity. If the Government were sincere in their desire for administrative reform, let them grant a Committee with a view to reforming the Post Office arrangements in Ireland.

Mr. WILSON said, the first duty of the Post Office was to provide for the rapid, uniform, and regular delivery of letters. That object, however, must be regulated somewhat by the nature of the particular service and fiscal considerations. So far from the Government being parsimonious in respect to this service in Ireland, it appeared that for the year ending the 5th January last there was a deficit of something like 2,000*l.* or 3,000*l.* in the Irish Post Office over and above the receipts. Wherever a railway could be used consistently with the convenience of passengers, it was invariably used for postal service. As this matter had come frequently before the House, and as the hon. Members from Ireland were desirous for this inquiry, he thought their wishes should be assented to. It was not, therefore, the intention of the Government to refuse the Committee; and he would communicate with the hon. Member for Waterford as to its appointment.

Mr. BRADY said, he would gladly have seen the proposed inquiry extended to the whole of Ireland, for there were many other irregularities in the postal service in other parts of Ireland besides those which had just been brought under the notice of the House.

Mr. I. BUTT said, he would express a hope that in the composition of the Committee there would be a fair representation of the Irish Members.

Mr. FRENCH said, that looking at the number of Irish Members present, it was clear why the Government had made their concession. He wished, however, to know if it was intended that a fair and impartial Committee would be appointed to inquire into the subject?

Viscount PALMERSTON said, that his hon. Friend (Mr. Wilson) had already stated that he would put himself in communication with the hon. Gentleman who moved the question for the purpose of nominating the Members of the Committee in the usual way.

Select Committee *appointed,*

"To inquire into the Postal Arrangements in the city and county of Waterford, and counties of Tipperary, Cork, and Limerick, with a view to ascertain and report how they may be improved."

Motion *agreed to.*

STATUTE LAW COMMISSION.

Mr. LOCKE KING said, he would now beg to bring forward the Resolution relative to the Statute Law Commission, of which he had given notice. He considered that it was time Parliament should show that it was really in earnest on this important subject. Great expense had already been incurred without any practical result, and it appeared to him that the Commission had only trifled with the question which had been committed to their charge. A modern French writer, M. Villemain, had described the English law as an endless study and a learned chaos; and it was evident that, by keeping up the mass of existing verbiage, in the shape of these obsolete Statutes, we were wasting a vast amount of legal learning, besides giving rise to that uncertainty which necessarily existed as to what the law really was. He thought that, when they looked to the progress of the nation in other ways, it would be admitted that we were considerably behind in regard to the state of our laws, both written and unwritten. So much were they in need of consolidation, so confused were they, and frequently so ill-expressed, that they were almost as unintelligible as in the olden time, when they were written in bad Latin, or afterwards in worse French. It was impossible, with the vast amount of obsolete Acts which still encumbered our Statute Book, for even a man bred to the law to know what the law really was, they were such an undigested mass of enactments—some repealed, some obsolete, and some irreconcilable with subsequent Acts. To show the growth of this confusion, Mr. Taylor, in a paper laid before the Statistical Society, had described the increase in the number of Acts of Parliament within the last few reigns; and from this it appeared that in the reign of William III. there were 317 public Statutes, which was at the rate of sixty per year; in the reign of Anne, 344, which was at the rate of seventy-nine per year; in the reign of George I., 377, showing an average of fifty-eight a year; in the reign of George II., 1,547, or eighty-four a year; and in the reign of George III., 6,953, or 246 a year; under George IV., 1066, or 322 a year; under William IV., 678, which was at the rate of 257 a year; while up to the end of 1853, during the reign of Victoria, there had been 1,864 public Acts. Efforts had been made at various times to do something in the way of consolidating our Statute Law, but without much success. At the end of the last century there was a Commission appointed, but no result attended it; in 1831, another Commission was appointed, which was to digest and report upon the Criminal Law, but, after the enormous expenditure of 50,000*l.*, there was again no result; and then, in 1853, there was a third Commission. The opinions of great lawyers and statesmen in times past were favourable to the consolidation, arrangement, and digest of Statutes, and the removal of all that were sleeping or not in force; and Lord Lyndhurst had testified to the vast quantity of useless rubbish which encumbered the Statute Book, and which he thought should be swept away. The *Code Napoleon* had been found to work so satisfactorily that it had been adopted in several other States of Europe, and it was so concise that it might be bought in the form of a pocket volume, at the cost of one franc, or even less. The various attempts which had been made in the United States of America at consolidating the law had been also very successful. When so great progress had been made in this direction in foreign countries, he must assert that there was no reason why our Statute Book should be allowed to remain in its present confused state.

Motion made, and Question proposed—

"That, in the month of March 1853, a paid Commission of five Barristers was appointed by the Lord Chancellor, 'to proceed without delay in the work of the Consolidation of the Statute Law' (First Report, page 209), of which 'the first process would be to ascertain precisely the text of the Statute Law, as it then existed, by determining what Statutes had been repealed, expressly or virtually, what had expired, and what had become obsolete or unnecessary in the present state of society; whereof a special and detailed Report should be made, and should form the groundwork of a declaratory Bill to repeal such Statutes, to be introduced, if possible, at the end of the then Session' (Parliamentary Paper, No. 78, of Session 1855); and that, in pursuance of the said Commission, a special and detailed Report, embracing every entire Act of the descriptions above mentioned, and containing in all ten thousand and forty-seven Acts, was prepared by Messrs. Anstey and Rogers, two of the said Commissioners, and submitted to the Lord Chancellor in the course of the same Session, under the title of Expurgatory List, and by way of Appendix to their joint Minute of the 25th day of July 1853:

"That it appears from the Papers communicated to this House by Her Majesty, that no Bill of which the said Expurgatory List is the groundwork has as yet been prepared, although in an undated Report of 1854, made by Mr. Brickdale, the Commissioner to whom (First Report, page 109) 'the task of careful revision by a fresh hand was assigned' by Mr. Bellenden Ker, the Chief Commissioner, the List itself has been certified to evince 'the great familiarity of his two colleagues with the Statute Book,' and to cause him 'to feel hardly any doubt that they had not entered as obsolete any Act which had in fact been repealed,' and although Mr. Bellenden Ker has reported it to be 'a very laborious, useful, and valuable paper,' and to have shown their industry and familiarity with the Statute Book:'

"That it is the opinion of this House, that it would greatly conduce to the improvement of the Statute Law of this Country, if the preparation of 'a declaratory Bill, of which the said special and detailed Report shall form the groundwork,' were no longer to be delayed, and that such Bill ought to be forthwith prepared, for the purpose of being laid before Parliament."

The ATTORNEY GENERAL said, he agreed in a great deal of what the hon. Member had stated, though he did not think it necessary to enter into a discussion on the condition of our written and unwritten law. It was admitted on all hands that the Statute Book required considerable revision, and that there were many obsolete Acts which ought to be expunged from it. The expurgatory list made out by the Commissioners contained between 10,000 and 11,000 Statutes, and the hon. Member proposed to deal at once with all these. But the fact was this expurgatory list was in so imperfect a state, that it would be impossible to make it the basis of a declaratory Act. The Commissioners had made out this list as a rough sketch of what might be done; they made it out, having been at work three months; and was the House to deal, without further inquiry and consideration, with these 11,000 Statutes, in the manner the hon. Member proposed? So far, then, as the practical part of the Motion was concerned, he (the Attorney General) could not agree with it, because he did not think the expurgatory list was in a condition to make it the basis of legislation. With regard to the Commissioners, no doubt there had been differences of opinion, but they should be allowed a reasonable time to perfect their work, and he anticipated some useful results from their labours. Should Parliament not be satisfied with the results, then it would be for Parliament to act, but no good could be accomplished by interfering with and interrupting the operations of the Commissioners in the way that was proposed by the hon. Member. It would only disgust them if they were to be perpetually harassed, and would delay rather than expedite the work that all desired to see properly performed.

Mr. NAPIER said, he did not think it was unnatural for hon. Members, seeing the large sum of money which had been voted for this Commission, to expect some useful result from it. He himself thought that the opportunity might have been taken for the consolidation of Acts English and Irish, and the formation of Imperial Statutes, so as to bring the laws of the United Kingdom into as much harmony as possible. But until we had a separate department of Public Justice, he did not anticipate that our laws would be reduced to that uniformity, simplicity, and clearness which were so desirable. If the salaries of the Chancellor of the Duchy of Lancaster, of these Statute Law Commissioners, and of the Administrative Reform Commissioners, who were to be appointed, were put together, it would furnish more than enough for the establishment of a department of Public Justice. To revise the laws on some intelligible principle, to place them on some uniform basis, and to have them philosophically arranged, was worthy the serious attention of that House. Although the Motion of the hon. Member for East Surrey (Mr. L. King), was not likely to lead to any direct result, he thought that it would be useful as indirectly stimulating the Commissioners and the Government in the execution of the task they had undertaken to perform.

Mr. MALINS said, he concurred in principle with the hon. Member for East Surrey, that it was desirable those numerous Statutes which were obsolete, or no longer law, should not be printed in the Statute Book as parts of the law. But if this were to be done, it was most necessary that it should be well and correctly done. He had reason to fear that the Report made by the Commissioners after only three months' examination, was inaccurate, and he considered it highly necessary that the list should be revised again and again, by men of knowledge and experience, before Parliament was asked to make it the basis of legislation. There was no blame attachable to the Commissioners for this; the time and the number of Statutes they had to wade through rendered it impossible that the list so prepared could be other than imperfect. For these reasons he could not concur with the Motion—reasons which did not touch the principle involved in it, but only referred to its details. He was as sincerely desirous as any one to improve the law, but he thought the hon. Member for East Surrey was bound to take a more comprehensive view of the question than he had done. He complained that the Statute Law was not more perfect, but he should recollect how Acts of Parliament were passed. At the present time gentlemen engaged all day had to come to the House in the evening, and then when exhausted in minds and bodies between twelve o'clock at night and two o'clock in the morning, they were called upon to run through dozens of Bills. In a few minutes Acts of Parliament, containing twenty, thirty, and fifty clauses, were frequently passed, and no hon. Member in the House knew what was occurring. On Wednesday last there was a remarkable instance of this hurrying through important Bills at more than railway pace. On that day a Bill containing twenty-nine clauses, was passed through Committee by the Chairman almost without drawing breath, and amidst the cheers and laughter of the House at his marvellous rapidity of utterance. And now the hon. Member for East Surrey came forward and complained that the Statute Law was not perfect. His hon. and learned Friend the Member for the University of Dublin (Mr. Napier), had said that nothing would be right until we had a Department of Justice. But would he desire that every Bill in that House should be submitted to a Minister of Justice before it could pass? What happened at the present moment? Why, that scarcely a Bill of the simplest description passed that House, though backed with the sanction of the Law Officers, and the universal approbation of the House, that did not undergo such alterations and amendments at the hands of the Law Lords in another place, as to render it almost worthless when it came back to the House of Commons. Well, if that were the case as between the two Houses of Legislature now, what might they not expect if they constituted a Minister of Justice? Why, they might as well abolish the functions of the Legislature altogether. The fact was, however, that such a department would be opposed to the constitution of the country. The free institution of Parliament was the real origin of our unequal legislation. The laws were made by the expert and the inexpert, and therefore they were not made with uniformity. But he believed that their defects had been greatly exaggerated. The Statute Law was not the great difficulty. Although he concurred in the general objects which the hon. Member for East Surrey had in view, he could not assent to his Motion. The subject of Statute Law consolidation was beset with so many difficulties that he for one was not sanguine as to the result of the working of any of these Commissions. On the contrary, he believed it would, after all, be necessary to depend upon the labour of private members of the profession. At the same time, he admitted that a great deal might be done, and he should be ready cheerfully to give his assistance to do that which might be safely done; but he cautioned the House against listening to crude and immature schemes, or thinking that the laws of England, so complicated as they were, could within a few months be reduced into a digest, whether it was the Statute Law or any other law whatever.

MR. MASSEY said, he wished to know whether they were to leave these laws in their present unsatisfactory state, or to resort to the common sense mode of dealing with them, that of delegating the revision to certain stated gentlemen. That was the object of the Royal Commission last year. If those gentlemen were really prosecuting their duties with attention, then the censure of the hon. Member for East Surrey (Mr. L. King) was misplaced. But would the hon. Member by his Motion interrupt the labours of that Commission? Was it not a fact that the Commissioners had quarrelled among themselves? And had not their internal dissensions interrupted the progress of their work? The House now was told that the labours of these Commissioners were extremely valuable, but for some reason or other they were turned out, and only the Chief Commissioner and his secretary left. The hon.

and learned Attorney-General said the subject was one which ought to be considered by several experienced hands, and in that he fully agreed with him; but did the hon. and learned gentleman hold out any hope that he was going to select gentlemen to revise the labours of the Commission? Nothing of the sort. The hon. and learned gentleman held out no prospect that any advance would be made in the work, and, therefore, if the House went to a division he should certainly support the Motion.

THE ATTORNEY GENERAL said, the fact was not as stated by the hon. and learned Gentleman (Mr. Massey), that the Commission now consisted only of Mr. Bellenden Ker and his secretary. The whole subject was under the consideration of highly qualified persons, and each of them took a particular branch of the Statute Law under his care. It was not correct, therefore, to say that the whole work was in the hands only of the chief Commissioner and his secretary.

MR. M'MAHON said, the Statute Law never would be consolidated until the Commissioners took in hand the Statutes of each particular reign one by one, so that all obsolete or unnecessary laws might be struck out of the Statute-book, and none left but what were now actually in force. He agreed with the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier), that there ought to be a Minister of Justice appointed, and he would give as an instance an error which had crept into the Merchant Shipping Act last Session, which could not have occurred had the Act been revised by such an officer. With regard to the consolidation of the Common Law, that he thought was quite impossible, and therefore he hoped the hon. Gentleman would confine his attention to the consolidation of the Statute Law.

MR. HADFIELD said, he thought the difficulties in the way of consolidation were very greatly exaggerated. Year after year, however, money was voted for the purpose, and nothing was done, apologies never being wanting for the delay. If the Statute-book was reduced to proper dimensions, it would be most useful to those who were engaged in the practice of the law. If rightly undertaken, it was a work which could easily be performed; but it never would be effected by men whose minds were engaged in other pursuits and other objects. His decided conviction was, that if a moderate staff of zealous men were employed, the consolidation might be completed in three years. He thought the Motion a most excellent one, and he should give it his best support.

MR. CRAUFURD said, that the Expurgatory List, drawn up by Messrs. Anstey and Rogers, had been prepared with great intelligence and ability, and the chief Commissioner had himself stated that it was of great value, although in a work of such extent it was, perhaps, impossible to avoid some inaccuracies. The present Motion merely proposed the preparation of a declaratory Bill of which the Report should form the groundwork. It simply took up the proposal of the Lord Chancellor, and suggested that a Bill should be founded upon the Report, which the chief Commissioner had declared must be the basis of any such measure.

MR. LOCKE KING said, that he had not proposed that the Expurgatory List should be adopted without any revision, but he wished that it should be revised, and that it should then form the groundwork of a declaratory Bill.

Question put.

The House *divided*:—Ayes 43; Noes 26: Majority 17.

ARMY COMMISSIONS.

MR. HEADLAM said, the proposal he was about to make was a very simple one, and would not require any lengthened statement on his part. He was about to ask the House to do an act of justice to a class of men who, even in ordinary times, were entitled to the favourable consideration of the House, but who, from the dangers to which they were now exposed, and the fortitude and gallantry they had recently displayed in defence of the honour of their country, had special claims upon its attention. This Motion, however, did not require to be enforced by an appeal to the generosity of the House, its adoption should be conceded on grounds of simple justice. By the regulations at present in operation in the army, if a regimental officer died in the performance of his duty, the money which he had paid for his original commission, as well as for every subsequent step of promotion, was wholly forfeited and lost to his family. The effect of this system was, that when an officer of rank died, the country, so far from having remunerated him for his services, must, in almost every instance, be considered as being absolutely his pecuniary debtor. A lieutenant colonel in the line, for example, had to pay 4,500*l.* for his commission; and unless, therefore, he had been a lengthened period in the army, the aggregate amount of the salary he received literally would not recompense him for the purchase money he had been required to give for his professional position. Then, again, an ensign had to pay a sum of 450*l.* on entering the line; and if he fell in battle, on the very day after he obtained his commission, his representatives had no claim to be reimbursed a single shilling of this 450*l.* The principle was precisely the same through all the other commissioned grades of the army. Thus a lieutenant colonel not only jeopardised his life in the cause of his country, but he had also to risk the sum of 4,500*l.*, and if he were to insure his life for that amount of money he would actually have to pay in the shape of premium more than the sum which he received in pay. Setting aside, therefore, the danger to his life which an officer incurred, it could not be said that he ever derived, as the reward for his invaluable services, a bare pecuniary equivalent for the money he had invested in buying his commission; and whether he lived or died, his country, looking at the matter in a pecuniary point of view, were indebted to him. No sophistry as to the strict rules of the service could justify such a system as this. Take another example of the practical working of the present system. An officer was tried by court-martial in the Crimea the other day, and, being found guilty of conduct unworthy of his position, was sentenced to dismissal from the service; but this decision being referred home to the authorities in this country, and some extenuating circumstances pleaded, he was allowed to sell out, and was thus enabled to recover the regulation value of his commission. If, however, this officer had never been charged with ungentlemanly conduct, but had fallen heroically in the trenches like Colonel Egerton, the Government would have pounced upon the price of his commission, and his family would have been deprived of the whole sum that he had invested. The hardship of this rule was not so much felt in time of peace, because an officer could sell out whenever he pleased; but during the prevalence of war, when public opinion did not admit of his quitting his post in the hour of danger, the least that the country could do for him was to give him a security for the return of the money that had been exacted from him on entering the service. He was not now going into the general system of the purchase of commissions in the army; this Motion was quite distinct from that question; but the adoption of this Resolution would afford great facilities for effecting such a change. The Resolution he proposed consisted of two propositions—one that upon an officer dying in active service his representatives should receive back the value of his commission, the other that the country should make up this sum. The first of these propositions might be adopted without the other. The consequence of this would be, that when an officer died in service his representatives would receive the value of his commission, and this sum would be paid in the same manner as when an officer sold out. There would then be no death vacancy, no promotion without purchase, upon the death of an officer in the field. He (Mr. Headlam) did not propose this. He thought that the country ought to pay the representatives of the deceased officer, and that there then should be the same promotion without purchase in the regiment as at present. But if the House would not adopt this plan, he then said that an officer dying in active service should be treated as an officer selling out, and that as between the representatives of the deceased officer on the one hand, and the surviving officers of the regiment on the other, it was more fair and just that the former should receive the value of the commission than that the latter should have a step without purchase. The fact was, that promotions without purchase were for the benefit of the country. They are the means by which we stimulate our officers by the hope of promotion to deeds of daring. As the country benefits by this stimulus to the army, it was right that the country should pay for it; and it was not just, it was not right that the country should sacrifice the pecuniary interests of those who have died in its service for the sake of promoting its own interests by stimulating the exertions of the surviving officers. He was aware that his proposal would cost the country a certain sum, but they would have the satisfaction of feeling that the pecuniary boon to the army would be far larger than the sum paid by the country, for the following reason:—at present officers are obliged, in consequence of the risk to which they are exposed, to pay heavy sums for the insurance of their lives upon the sums paid by them for their commissions. 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If, however, this boon were granted, officers would know that, in the event of their being killed in the service, the money which they had expended in the purchase of their commissions would be returned to their families, and they would not be obliged to insure. A pecuniary benefit would thus be given to many officers by freeing them from the necessity of paying these heavy premiums upon their lives, and this would be a relief and a saving to officers who survived the war, and in respect of whom, therefore, the country would not be put to any additional expense by the adoption of the Resolution. He was justified, therefore, in saying that the benefit conferred upon the army would be far greater than the burden imposed upon the country. The question is not, however, simply a pecuniary one. The bravest men are the most tender-hearted, and there are many officers who for themselves would willingly seek "the bubble reputation in the cannon's mouth," but the same men would feel bitterly the necessity of leaving their relatives in poverty. By the adoption of the Resolution we should carry comfort to the hearts of many brave men, and make them feel that if they died in their country's service their country would repay to their families the money they had paid for entering into the service.

Mr. OTWAY seconded the Motion.

Motion made, and Question proposed—

"That this House do, To-morrow, resolve itself into a Committee, to consider of an humble Address to Her Majesty, praying that she will be graciously pleased to direct alterations to be made in the rules of the Military Service to the effect that the Regulation value of the Commissions of Officers in the Army dying or having died in active service during the present war, may be paid to their representatives and deemed part of their personal estate, and to assure Her Majesty that this House will make good the same."

Mr. FREDERICK PEEL said, the Motion originally placed upon the paper by the hon. Gentleman was that, whenever an officer died, the value of his commission should be included in the property distributed among those of his relations who were entitled to it. That Motion raised a general principle upon which he should have felt disposed to take issue; but the hon. Gentleman had since materially altered the form of his Motion, leaving the simple declaration, that officers dying in the course of the war should be allowed to bequeath the value of their commissions to their relatives. Now, if the principle of the Resolution were a sound one, he could not understand why it should be limited to certain cases, and not extended to others. He understood the Motion to relate entirely to persons who might die in active service against Russia [Mr. Headlam assented]; but if it were adopted it would hardly be possible to resist claims that might be preferred in other quarters. The other day an officer lost his life in endeavouring to quell an insurrection of the diggers in the colony of Victoria, and if the privilege advocated by the hon. Gentleman were to be conferred in the cases of officers who lost their lives in the Crimea, he could not understand why it ought not also to be extended to the case of an officer who lost his life in active service in the colony of Victoria. Still further, if the Motion were agreed to, he could not see why claims of a similar character preferred by the relatives of officers killed in the Kafir war should not be allowed. No distinction could in justice be drawn between the case of one officer and another, and, provided only that he fell in active service against the enemy, it was of no consequence whether that enemy was Russia, or the savages of South Africa. He might be told that the privations endured in the Crimea were of a very peculiar character, and that they ought to be taken into consideration, but, on the other hand, it ought to be borne in mind that, if the privations were severe, the opportunities of gaining distinction, and of acquiring renown, were also considerable. If an officer lost his life, it mattered little whether he lost it in the Crimea or in active service against a more savage enemy, like the Kafirs; and it would be no consolation to his relatives, after he was killed, to tell them that he ran less risk of losing his life in South Africa than in the Crimea. Certainly, if the House were disposed to recognise the justice of the principle recommended by the hon. Gentleman, they ought not to limit its application to the particular case contemplated by the hon. Gentleman. He apprehended that the object of the hon. Gentleman was to secure some provision for the widows and families of officers killed in action. It was often said that the army was almost wholly officered from the ranks of the aristocracy. Now, he had ample evidence in his possession to show that that was not the case, and, indeed, the House was repeatedly told that the widows and families of officers would be left almost entirely destitute were it not for the provision made for them in the way of pensions. It would be well, however, for the House to consider whether there was not sufficient provision made for the widows and families of officers by the pension-warrant. The pension granted was intended as a compensation to the relatives of officers who were not in affluent circumstances. He did not see how it would be possible to resist the demand for pensions to the widows of private soldiers if the hon. Gentleman's proposition were adopted, for the ground upon which that demand had hitherto been resisted would be entirely destroyed. It would also be impossible to continue to grant pensions to the families of officers if the prices of the commissions held by such officers at the time of their death were to be repaid. The hon. Gentleman suggested that the families might have the option of which they would receive. But the plan of the hon. Gentleman would only benefit certain classes of survivors. It would, for instance, be an advantage to a young widow to receive the full value of her deceased husband's commission rather than an annuity, which would cease if she remarried; but the present arrangement was the most advantageous to widows advanced in years, who would have a difficulty in investing any large sum of money. He had before him a warrant issued within the last few days, under which, if the value of an officer's commission were worth 1800*l*., the *maximum* amount of pension that his widow would receive was 150*l*. He doubted whether any average investment of 1800*l*. would secure for life a larger sum. [Colonel NORTH said he should be glad to know under what circumstances that *maximum* would be granted?] It would be granted under favourable circumstances, in the case of an officer who had seen active service; and the number of children he might leave, and other matters, would be taken into consideration. The hon. Gentleman (Mr. Headlam) said that the first part of his proposition might be adopted, and the last part rejected; but if the value of the officers' commissions were to be repaid to their families, he asked whether the House ought not to make good the sums required for that purpose? Why were not the prices of commissions now paid to the representatives of officers who died in the service? Because the Government took advantage of the vacancies so created to confer commissions, without purchase, upon such persons as non-commissioned officers, sons of distinguished officers, and young men who had passed creditable examinations at the military colleges. This plan gave facilities for obviating one inconvenience of the purchase system; and, if it were altered, the House ought to provide Government with the means of still bestowing commissions upon the parties to whom he had referred. Government did not derive the slightest advantage from the sums that passed between officers for the interchange and purchase of commissions. His chief objection to the Motion was upon principle; he did not think it would be advisable to recognise the idea of property as connected with a commission. He looked upon a commission as a personal thing, which could not last beyond the existence of the person upon whom it conferred a special duty. A commission could not even be regarded as a life interest, for it might at any time be revoked, and to lay down the principle that an officer had a property in his commission, would, he thought, interfere with the discipline of the army. If they recognised a pecuniary interest in commissions, how could a number of officers be reduced to half-pay at the conclusion of the war? He would recommend the hon. Gentlemen to examine the warrant lately issued, under which an increased rate of pension had been granted to the widows and children of officers. He would take into consideration the proposition submitted by the hon. Gentleman, and, if he could satisfy himself that it would be just and right to carry it into effect, he would not scruple to act upon that opinion; but he could not at present, for the reasons he had stated, give his assent to the Motion.

COLONEL DUNNE said the hon. Gentleman, the Under Secretary for War, seemed rather puzzled by the case as put by the hon. Gentleman (Mr. Headlam). The fact was, that after greatly underpaying officers in the army, when they were killed in action you could not give them the money they had paid for their commissions. So large a number had been recently killed or died, that no one dared ask the House for the sum required to pay for their commissions. The hon. Gentleman (Mr. Peel) said some time ago that the Government had sold a number of vacant commissions, and had realised a large sum, and he (Colonel Dunne) thought that under those circumstances that money should go to the families of officers who had been killed or died on service. He thought the proposition of the hon. Member for Newcastle-on-Tyne a reasonable one, because it would not draw largely on the resources of the country. Something ought to be done in the direction which was indicated by the hon. Gentleman.

LORD ALFRED PAGET said, that some time since he had placed a similar notice on the paper, but his Motion only went as far as the widows and orphans of officers who fell in action. As long as the State recognised the principle of purchase in the army, he conceived it was only just that the widows and orphans of officers should receive the price of their commissions. At present one officer, upon being ordered for foreign service, might sell his commission and realise a large sum; while another officer, who felt bound in honour to follow his regiment, might fall in battle, and the value of his commission be lost to his family. Surely, the widows and orphans of an officer killed in action or by pestilence, when on foreign service, if not other relatives, should receive the full benefit of his commission. He had prepared a statement which clearly showed that the pay of officers, in relation to the cost of commissions, was inadequate. The regulation price of the commission of a lieutenant colonel in the Life Guards was 7,250*l.* The pay per annum was 532*l.* Deducting income tax 31*l.*, forage 51*l.*, and band subscription 17*l.* 10*s.*, the pay was really only 426*l.* 10*s.* per annum. He believed it was only in the English service that deduction was made for forage. In the Austrian army he knew cavalry officers received forage free. The regulation price of the commission of a lieutenant colonel of cavalry was 6,175*l.*, and the pay 419*l.* The deductions for income tax, forage, mess, and band brought it to 320*l.*, and he had to buy his chargers, while in most other services chargers were given to officers up to the rank of captain. The price of a captain's commission in a cavalry regiment was 3,225*l.*, the gross pay 266*l.*; but, making the same deductions, it was only 197*l.* The price of a commission of an ensign in the line was 450*l.*, the gross pay 95*l.* 16*s.* 3*d.*; but after making the deductions it was only 84*l.* 19*s.* 6*d.* Upon that sum an ensign had to keep up his uniform, and pay his mess and other expenses. He had to live as a gentleman upon 5*s.* 3*d.* per day, when there was not a common shipwright in the port of London who did not earn his 10*s.* a day. How could officers, then, provide for their families in case they should be killed in action? He had made a calculation of the amount of annuities which might be purchased with the price of commissions, taking the ages of lieutenant colonels at forty-five, and of captains at thirty, and the outfit for cavalry officers at 400*l.*, including horses, and for infantry officers at 200*l.* The nett pay was reckoned, after deducting the items of forage, and mess and band expenses to the cavalry, and mess and band expenses in the infantry, but not deducting income tax, because annuities were subject to it. In the Life Guards a lieutenant colonel's commission and outfit cost 7,650*l.*, which would purchase an annuity of 495*l.* for his life, at the Government rate. His pay was 463*l.* 1*s.* 8*d.* nett. A captain's commission and outfit cost 3,900*l.*, which would purchase an annuity of 209*l.*; his pay was 227*l.* 8*s.* 10*d.* In other cavalry regiments a lieutenant colonel's commission and outfit cost 6,575*l.*, which would purchase an annuity of 430*l.*; his pay was 345*l.* 0*s.* 10*d.* And a captain's commission and outfit cost 3,625*l.*, which would purchase an annuity of 195*l.*; his pay was 212*l.* 15*s.* 8*d.* In the Foot Guards, a lieutenant colonel's commission and outfit cost 9,200*l.*, which would purchase an annuity of 606*l.* His pay was 488*l.* 3*s.* 9*d.* A captain's commission and outfit cost 5,000*l.*, which would purchase an annuity of 269*l.* His pay was 282*l.* 17*s.* 6*d.* In the infantry of the line a lieutenant colonel's commission and outfit cost 4,700*l.*, which would purchase an annuity of 308*l.* His pay was 293*l.* 5*s.* A captain's commission and outfit cost 2,000*l.*, which would purchase an annuity of 108*l.* His pay was 199*l.* 16*s.* 3*d.* So that, taking eight officers of different ranks and ages from the Household Brigade and the line, cavalry and infantry, it was apparent that the sum total of the annuities which might be purchased with the amount which their commissions and outfit cost was 2,620*l.*, the sum total of their pay being only 2,512*l.* 9*s.* 6*d.* Each officer might have purchased, on the average, an annuity of 327*l.*; while the average pay was only 314*l.* Certainly there were pensions, but the widow of a lieutenant colonel of cavalry only received 80*l.* a year; a captain's widow, 70*l.*; a cornet's widow, 36*l.* a year.

In the infantry the pensions were in the same ratio. The pensioning officers' widows was a perfect farce. There was the case of Major Halkett, killed at Balaklava. He left a widow and three children, and the widow's pension was 70*l.* a year. There was the still stronger case of Colonel Moore, who was his late father's aide-de-camp. He knew him well, and a more kindhearted or better man could not exist. Colonel Moore was offered 15,000*l.* for his commission, and refused. He was drowned; and, but for Her Majesty's bounty, his widow would only have received 70*l.* a year. They could do nothing for those who had already fallen, but they might do something for those who were yet fighting their country's battles. He was sure the noble Lord at the head of the Government would take the matter into consideration, and devise some means of providing for the widows and orphans, if not for the relations, of those officers who fell in the service.

Colonel NORTH said, the hon. Gentleman the Under Secretary at War had forgotten the disadvantage which officers on active service laboured under when seeking to insure their lives. An officer going out to Quebec or the Ionian Islands could get his life readily insured; but if going out to the Crimea, he could not get an office to open a policy, or if it did, it would be at an immense premium. He certainly thought that something ought to be done to meet the case of an officer who went to take part in a campaign, and who was, in consequence, deprived of the opportunity of insuring his life on anything like moderate terms.

Mr. RICE said, he thought the strong feeling entertained by the country against the purchase system in the army would be much mitigated by the adoption of some such plan as that proposed by the hon. Gentleman (Mr. Headlam). He must, however, protest against the argument of the Under Secretary for War, that a purchased commission was a personal trust, and believed it to be an investment—a very bad one indeed, but one which an officer ought to have the power of bequeathing to his widow for sale on his death.

Viscount PALMERSTON: Sir, the Motion of my hon. Friend is only one part of a large and difficult question, because it is obvious it connects itself directly with the question which has been much discussed in this House and elsewhere, whether the system of purchase and sale of commissions is one which ought to be continued in our service. As to that, every one must see that it is a question beset with difficulties; and even if the Legislature determined to abolish that system, it is impossible to decide in the way in which many persons wish it to be decided, and it would be impossible to carry it out at once to any practical result. But my hon. Friend, as it appears to me, during the whole of his speech laboured under an entire misconception of what the system is, because he urged over and over again that the public were debtors to our officers for the amounts paid for their commissions; and that if an officer dies without having sold his commission, the State is in possession of the money which he has paid for it. That opinion of my hon. Friend is an entire mistake. No money is paid by any officer to the State for his commission. When an officer purchases a commission, he pays the money to some other officer who sells it. The State is not the holder of the money, nor is it the gainer when an officer dies and his commission is disposed of without purchase. An officer who gets his commission without purchase is so far a gainer, that he gets a rank without payment which, under other circumstances, he would have had to purchase; but it is a fallacy to say, that the State is a pecuniary debtor to the officer for the value of the commission he may have bought. Then, the Motion of my hon. Friend is, that during the present war, and only during that time, and I presume, too, at the seat of war alone as regards any officer who may die, the State should advance money to pay the value of the commissions he may have bought, but I am quite at a loss to see how my hon. Friend can disconnect the first portion of his Resolution from the second, because, unless the House agrees to make good the sums, I cannot understand from what fund the Government could repay to the relatives of deceased officers the value of their commissions. The money the officers paid for those commissions does not, as I have just stated, go to the Government, and could only be repaid out of the revenues of the State. I think there is a good deal in some of the considerations which have be enurged by my hon. Friend; but, at the same time, I think his Resolution proposes to go much beyond the point to which the feeling of the House will accompany him. I think, however, it would be an arrangement to which the country would not object, and which the House, I apprehend, would not object to carry out, that officers might be allowed to make a choice whether, in the event of their being killed in action, their families should receive the pensions and national allowances now given by the regulations, or whether, in lieu, their representatives should receive from the public funds the value of the commissions held by those officers at the time of their death. There are many cases in which it would be more advantageous to the family to receive the value of the commission, but there might be other cases in which it would be more advantageous to receive the increased amount of pension and allowances granted by the regulations. I think, whatever additional expense might be entailed on the public by such an arrangement, the public would incur that burden cheerfully, and that this House would have no hesitation in sanctioning such an arrangement; but, if you go beyond that—not for the present war alone, for I cannot admit the distinction—you create a new difficulty. Our troops now engaged in the East have deserved all this country can give in the way of honour or reward, but I cannot admit that there is anything so peculiar in the nature of that service, or in the scene of operations, to make their case different from that of troops engaged in other parts of the world, by the orders of their Sovereign, in the defence of the honour and the interests of the country. Whatever regulations are made must be general regulations, applicable to all officers in all parts of the world, who, under any circumstances, may fall in action in the performance of their duties. But then comes the case of those who die not in action. I wish the House to consider what would be the effect of extending the regulation to cases of this sort. You can easily frame a law for the cases of officers falling in action; but if you include the cases of officers dying from other causes on foreign service, what distinction is there between war and peace? What distinction between foreign service and home service? What distinction between any circumstance, any disease, which may terminate the life of an officer in one part of the world, and any similar disease which may terminate the life of another officer in a different part of the world? If we include any officer who dies in the Crimea from fever, then come the cases of those who may die from fever in the West Indies, at the Cape, or in North America; and why ought we not also to include the cases of officers dying at home from diseases which may be referred to the performance of their military duties? So that you would come to apply the rule without limit, and in the case of every officer dying on full pay, unless it can be shown that his death was the consequence of some malady constitutional, and quite independent of the performance of his military duties. I think there would be great difficulty in extending any regulation to such cases as that. As to the first point, I say I think the Government is perfectly willing to adopt a regulation such as I have mentioned, that in cases of officers killed in action there should be a choice allowed between the pensions and allowances established by the present regulations and the value of the commission which the deceased officer had bought or would have been entitled to sell before his death. I cannot quite admit all the grounds upon which this Motion has been supported. The hon. Gentleman (Mr. Headlam) and the noble and gallant Member for Lichfield (Lord A. Paget) have urged the principle of a commercial speculation, as if they compared the annuity which might have been bought with the amount paid for the commission, with the pay received on account of the commission. But even upon that ground the noble Lord has shown us the difference is only that between 327*l.* and 314*l.*—some 13*l.*; and he does not take any notice of the pensions and allowances to the widows, a very important point, and which should not be forgotten. But I altogether deny that we ought to look on the motives that induce a man to enter into the army or the navy, as the same by which a man is guided when he makes an investment in railway shares, in three per cent consols, or upon mortgage, or upon any other security by which he may seek to obtain interest for his money. The motives that induce an officer to enter the service are the desire of distinction, the desire of an honourable condition in life, and of that reputation and consideration which belong to the military service; and therefore the ground to which I have referred is certainly not one on which this question can be properly argued. I hope, after the statement I have just made, that the hon. Member will leave the question in the hands of the Government, with a view to their carrying out the arrangement I have mentioned, and which I hope will meet the concurrence and prove in accordance with the feelings of the House.

MR. MONTAGU CHAMBERS said, he objected to the Motion of the hon. Gentleman, that it was not large enough—being confined to the officers engaged in actual warfare in the Crimea. He thought the misery of a man being banished to an unhealthy and distant climate, whilst others were engaged in war, deserved consideration, and that a man who perished under those circumstances was as much entitled to the privileges spoken of, as he who died on the field of battle. It was difficult, he would confess, to draw the line. Some officers perished on their passage to the Crimea; others died of sickness on the eve of battle. He did not believe there existed any such privilege as had been mentioned of an officer being allowed to sell out when he was ordered for active service.

MR. HEADLAM said, that after the discussion which had passed, he thought he ought not to press his Motion. He understood the proposal of the noble Lord at the head of the Government to be this, that every officer henceforth should have the option of declaring whether he would take the benefit to be given to his family, in case of his death, under the new warrant, or whether he would have for his family the regulation annuity. After such a great concession on the part of the Government, if he understood it rightly, he would not persist in his Motion.

MR. OTWAY said, he did not press for a division, but he wished to have a clear understanding on the subject. He did not so clearly apprehend what had been said by the noble Lord (Viscount Palmerston). Had the noble Lord in any way conceded the principle of the Motion, and would he allow greater advantages to the widows and orphans or representatives of officers who fell in action than they at present enjoyed?

VISCOUNT PALMERSTON said, that what he meant to have said was this: that he thought it would be right for a regulation to be made by which, as it was rightly stated by his hon. Friend (Mr. Headlam), it should be optional with the officer to determine in his lifetime whether, in the event of his falling in action, the family should receive the allowances or pensions, whatever they were, now given by the regulation; or whether, in lieu of that, they should receive the value of his Commission — that was, the regulation value of course, not the sum he might have actually invested in it.

Motion by leave *withdrawn.*

The House adjourned at half after Ten o'clock.

HOUSE OF COMMONS,

Wednesday, June 20, 1855.

MINUTES.] PUBLIC BILLS.—1° Woollen, &c. Manufactures (Scotland); Dublin Carriage Acts Amendment.
2° Administration of Oaths Abroad.

MARRIAGE LAW AMENDMENT BILL.

Order for Committee read.

House in Committee.

Clause (Repeal of Statutory Prohibition of Marriage with a deceased Wife's Sister or Niece).

SIR FREDERIC THESIGER said, it was his intention to move certain Amendments, the effect of which would be to do away with the retrospective operation of the Bill. From the date of the Act of 1835 until the present time, marriages of this description were positively prohibited by the law, and were declared to be null and void. He considered that nothing could be more dangerous than the principle which would be established by this Bill, which sought to legalise the marriages of those parties who had knowingly violated the law. In all cases in which parties had, through ignorance or inadvertence, violated the law the Legislature had interposed for their relief, but on no occasion had it legalised and sanctioned acts committed against the provisions of an Act of Parliament. Wilful transgressors of the law were not entitled to the protection of Parliament, but it was now sought to give this Bill a retrospective effect on behalf of parties who had wilfully violated the law. One person in speaking of this had said that he knew he was running counter to the Act of Parliament, but that if he had committed a religious or moral wrong he could not be absolved from it by the repealing of the Act. Another person denied that an Act of Parliament could either create or annul a moral obligation. In the present case they then had persons who by their own confessions had contracted marriages, well knowing them to be prohibited by law, coming before Parliament and saying, "though we have deliberately and knowingly violated the law, yet we ask you to interpose for our protection, and make that legal which at the time it was done was perfectly illegal, and has continued so to the present time." The Bill which had recently passed the House of Commons to proctect one of its Members from the loss of his seat, because he had inadvertently and ignorantly taken the oaths when the Speaker was not in the Chair, could not be regarded as a precedent applicable to the present case. Whatever differences of opinion there might be as to the religious or moral obligation of abstaining from marriage with a deceased wife's sister, no man could deny that Parliament had authority to pass a law upon that matter, since it could not be pretended that such marriages were ordered or enjoined by the divine law. An Act of Parliament, then, which was not contrary to the divine law, did create a new moral obligation; and the persons who, by their own confession, had chosen to disregard that moral obligation, were not deserving of the protection which they sought by this Bill to obtain. It might be said that, on a former occasion, the Legislature did remedy the invalidity of marriages of this kind which previously existed; but that was not the fact. Before the Act of 1835, marriages within the prohibited degrees of affinity were void, but could only be declared void by sentence of the Ecclesiastical Court, which could only be obtained during the lifetime of both of the parties. After their death, the marriage could not be voided, and the children were legitimate. The children were thus in a most precarious situation. It was common to have a friendly suit carried on during the whole time of the joint lives of the parents, so as to prevent any person who might be entitled to the succession from taking steps to invalidate the marriage, which might have been done where that device was not resorted to. It might also happen that the married parties themselves, from some caprice or some feeling against each other, should annul the marriage. Of course such a state of things could not be allowed to continue, and the Legislature interposed in 1835, but in what manner? Parliament might either have declared all such existing marriages to be null and void, which would have been the greatest possible hardship on the children, who, if no suit had been instituted during their parent's lifetime, were entitled otherwise to the succession as legitimate. Parliament might, on the other hand, have rendered all those marriages valid which had previously been contracted, but to do so would have been an acknowledgment by the Legislature that they were not prohibited by the divine law. The Legislature, therefore, adopted a middle course, and passed a Bill by which it was provided that, with respect to all marriages within the prohibited degrees which had already been contracted, no suit should be instituted in the Ecclesiastical Courts to annul them. But this did not amount to a recognition of their validity; and the Legislature moreover declared that all such marriages in future contracted within the prohibited degrees of affinity or consanguinity, from that time forth should be null and void. His argument was, first, that the Legislature had never passed a Bill for the protection of persons who had wilfully violated the law; and, secondly, that the Act of 1835 was one which it was competent to the Legislature to pass, and which, therefore, it was the duty of every subject to obey. It might be urged that the innocent offspring of such unions ought not to be left exposed to the consequences of illegitimacy. He (Sir F. Thesiger) felt pity for them, but he could not consent to remove, by protecting the children, that powerful motive to self-restraint which persons who were disposed to violate the law would find in the natural regard for the welfare of their offspring. And how far should that principle of compassion be carried? The inquiries made upon this subject had unhappily revealed the fact, that marriages of a much more revolting character often took place. There were innocent offspring of those marriages too; but was the Legislature to interpose for their protection? He ventured to say there were many more illegitimate children, the fruit of illicit intercourse, throughout the country, than there were children of these prohibited marriages; but although we must feel compassion for those who had been brought into the world in a degraded state, by the sins of their parents, it was impossible to save those victims of the guilty act of shame which gave them life. The children of the poor would have nothing to lose, and those of the wealthy might have given to them, by will, as much as the bounty of their parents designed for them. Such would be their condition as to property; but as to their social position, those who thought these marriages immoral would regard them in the same way, whether legalised by this Bill or not. There were many estates entailed, in which the persons who were first in the line of entail had contracted marriages of this description; and of course their offspring could not succeed. It would be unjust in those cases to interfere with the rights of the parties next in succession, by making the children legitimate. The Legislature on previous occasions always took care of the interests even of common informers who had actually sued for penalties incurred by any breach of the law, and ought not now to deprive the next successors of the property which belonged to them in consequence of the illegality of these marriages during the last eighteen or twenty years. He warned the House against furnishing for the first time the mischievous precedent of sanctioning a wilful violation of the law by rewarding the offenders with the fruits of their offence, and he hoped they would assent to his Amendment, the effect of which would be to prevent the retrospective operation of the Act.

Amendment proposed, page 1, line 9, to leave out the words "is hereby," and insert the words "shall from and after the passing of this Act be."

Mr. HEYWOOD said, he could not, of course, agree to the Amendments proposed by the hon. and learned Gentleman. There was a direct precedent for the retrospective operation of this Bill. In the reign of Henry VIII. the marriage of priests was absolutely forbidden by Act of Parliament, and made punishable with death. The Protestant religion, however, was gaining ground at that time; and in the reign of his son Edward VI. the Act 2nd and 3rd *Edward* VI., c. 21, empowered priests to marry, and also went back and legalised all the marriages of priests then living, which had taken place up to that time. The fact was that while the Protestant religion was increasing the priests had been marrying, although it was illegal to do so; and the Act provided "that all manner of forfeitures, pains and penalties, crimes and actions, heretofore incurred, shall be utterly frustrate and of none effect. The Act was confirmed by a subsequent one, the 5th and 6th of *Edward* VI., which declared that "the matrimony of every priest heretofore celebrated and made shall be adjudged legal, and all the children shall be deemed legitimate and inherit." This was a case directly in point. The Act of 1835 had been in operation twenty years, and public opinion so completely favoured these marriages, that not a single lawsuit of any kind had been begun with reference to them; there was no such suit pending, as the hon. and learned Gentleman assumed; and he believed no person who wished to stand well with his fellow-countrymen would venture to institute such a suit, and if any one obtained an estate by such means, his neighbours would not visit him, and he would be regarded as having done a most wicked thing in dispossessing his near relative upon such ground.

Lord ROBERT CECIL said, the Committee would be insane to look for guidance to the precedents of such an era as that to which the hon. Gentleman had referred, when Parliament acted at the bidding of a bloody and capricious despot—[Mr. Heywood: Edward VI.?]—then, of a Council of bloody and capricious despots. They might just as well act upon the precedent of that gigantic invasion of private rights, the seizure of the property of monasteries. But the precedent adduced by the hon. Gentleman (Mr. Heywood) did not answer his purpose, for it was no reply to the argument of his (Lord R. Cecil's) hon. and learned Friend (Sir F. Thesiger) that the rights of parties would be prejudiced by retrospective legislation. A man who, being next in succession to an entailed estate, and relying upon the consistency of Parliament, had looked forward to the enjoyment of that estate, ought not, without warning, to be deprived of his just hopes. This Bill was regarded by many persons as a private Bill introduced for the benefit of a few. That view might be unfounded, but what a handle would be given to the scandal if its enactments were made retrospective? Those who had violated the law had done so wilfully, they belonged to the educated and wealthy classes, and it was, therefore, just that their children should be bastardised. They had of late heard much about the influence of the aristocratic and the wealthy classes in the Government of this country, and although he did not believe the charges which had been made against those classes, how strongly would they be corroborated, if Parliament, in a matter the most sacred with which legislation could deal, did that for the wealthy violators of the law which they would never think of doing for the poor?

Mr. BECKETT DENISON said, the Act of 1835 had been a failure, and ought to be got rid of, for it inflicted great injustice on large numbers of persons not only among the wealthy, but the poor, The poor could not get married as they were not rich enough to go abroad; but they did worse, and in the manufacturing districts many of them lived in immorality in consequence of that Act of 1835. As to the religious objection to these marriages, he believed that the clergy were by no means agreed as to it. The Archbishop of Dublin, the Bishop of Durham, the Bishop of St. David's, the Bishops of Norwich, Manchester, Llandaff, Limerick, Meath, and others of the bishops, were against the law, with such clergymen as Canon Dale, Dr. Hook, Dr. M'Caul, of King's College, Mr. Champneys, &c. As to the rich, they went abroad and were married, and were not one whit worse received in society on the account of such marriages. When a widower lived in the same house with his sister-in-law no act of Parliament could prevent the respect with which they would at first regard each other from changing to a feeling of another character, and they ought not to be prohibited from contracting marriage. He was sorry that the law should be violated, but he was still more sorry that the law should have existed. The Act of 1835 was decidedly wrong, and ought to be repealed. That very Act confirmed these marriages up to the time of its passing. Before that Act there was no Statute Law against them; and they could only be annulled in the Ecclesiastical Courts; and that Act declared that they should not be annulled unless in then existing suits so far as regarded marriages before the Act. He should, therefore, support the clause as proposed, and vote against the Amendment of the hon. and learned Member for Stamford (Sir F. Thesiger).

Mr. COLLIER said he should oppose the Amendment, which would have the effect of invalidating only those marriages which had taken place between 1835 and 1855. After all, it would not affect the parents, because they might be legally married the day after the Bill was passed; but it might make the elder children of a family illegitimate, while the younger children were legitimate. The Act of 1835 was retrospective, because it prevented ecclesiastical suits from being instituted to invalidate the marriages contracted up to the time of its passing. This question was not, however, a question of precedent, but of principle. If marriages of this kind were improper, they ought to be altogether prohibited; if they were proper, let Parliament legalise them—but let them not make the miserable compromise of bastardising only the children born within a certain period.

Mr. NAPIER said, he quite agreed that this was a question of principle, but he could not help expressing his astonishment at hearing the Bishop of St. David's quoted as an authority in favour of the Bill, when, during a debate upon a similar measure in another place, that right rev. prelate had said that, although it might afford accommodation to a number of individuals, it would introduce distrust, jealousy, and alarm into many families, and he could not therefore accept the responsibility of agreeing to it. The Bishop of Cork, too, was set down as favourable to this Bill, when his name appeared in the list of Non-Contents against the previous measure. An excellent friend of his, who supported a former Bill, did not know at the time that the Reformed Churches had pronounced against these marriages. These were specimens of the misconceptions that prevailed in consequence of the statements put forth by the supporters of the Bill. The law of England had been stated by Mr. Baron Parke before 1835, when delivering the unanimous opinion of the Judicial Committee of Privy Council to be that these marriages were null and void, and incestuous and illegal by Divine and human law. The Act of 1835 did not make these marriages valid in future, but only said that those which had been contracted should not be annulled, and in so far as they had before been incestuous and illegal by the law of the land so they remained. Lord Campbell stated that there were more cases of bigamy than of these marriages. Bigamy was a felony; it was committed in spite of the law; but should Parliament therefore repeal the Statute against parties who contracted bigamy? Both Lord Campbell and Lord Brougham stated that Lord Lyndhurst's Act had produced no new law whatever, and when he was asked to consent to repeal the Act of 1835, as a premium to those who had violated the law, he must declare that he would not be a party to any such legislation.

Mr. BECKETT DENISON said, he had alluded to the Bishop of St. David's and other prelates for the purpose of showing that they did not recognise the religious objections to this measure, and not to prove that they were in favour of the particular measure before them. The Bishop of St. David's, he was informed, argued in the other House that such marriages were not prohibited, but were tacitly permitted in the chapter so often quoted, and he protested against the notion that there had been a Divine prohibition of these marriages.

Mr. NAPIER said, that some persons thought that these marriages were prohibited by the Divine law, while others objected to them on social grounds. The Bishop of St. David's, at all events, voted against a Bill on this subject in 1851.

Viscount EBRINGTON said he had repeatedly voted in favour of the repeal of the Act of 1835, as desirable for the sake of religion and morality. He should have much pleasure in supporting the mover of the Bill in maintaining this part of it, as well as in carrying through the general principle of the measure.

Mr. FRESHFIELD said, the hon. and learned Member for Plymouth (Mr. Collier) had erroneously characterised the Act of 1835 as a retrospective Act. It was in no sense a retrospective Act, for it simply had for its object to put an end to a doubtful state of things as to whether a marriage of the kind in question was a marriage or not. The course of legislation hitherto on this subject was to refuse to interfere with marriages with a deceased wife's sister, and to leave them to be interpreted according to the ecclesiastical law; and the present Bill was a departure from that course, which he thought was uncalled for, inasmuch as the feeling of society, as he contended, was undeniably opposed to marriages of this sort.

Lord SEYMOUR said, he should vote against the Amendment, for he thought that, if the Bill were carried at all, it ought to contain the retrospective clause, otherwise great confusion would be created; for, take the case of a gentleman who had married his wife's sister since the Act of 1835, the Amendment would not legalise that marriage, and, if the gentleman wished to continue his connection with the family, he might leave this lady and marry another sister, his marriage with whom, after the passing of this Act, would be perfectly legal. This was was the way in which the hon. and learned Gentleman (Sir F. Thesiger) proposed to legislate for the peace of families.

Sir FREDERIC THESIGER said, the argument used by the noble Lord went to show more strongly than anything he had heard that they should abstain from legislating on this question altogether. Parties were bound to obey the laws. It had been contended that statutes did not create a moral obligation. Certainly they did, if the subject was within the scope of legislation. Was it denied that this subject was within the scope of legislation? He would observe that there were no precedents whatever for legalising an act which had been committed contrary to law. With respect to the marriages of priests, they were never contrary to law. By the common law, the marriages of priests were valid. They rendered the parties, it was true, liable to ecclesiastical censure; but over and over again it had been decided in the courts of common law that the marriages of priests were legal. He contended, in opposition to the hon. and learned Member for Plymouth (Mr. Collier), that the Act of 1835 had no retrospective operation whatever. It merely confirmed the condition of the children by putting them in a position in which they could not be prejudiced by any suit instituted to set the marriage of their parents aside.

The ATTORNEY GENERAL said, when the Act of 1835 was brought into the House of Lords it did not contain a clause declaring marriages with a deceased wife's sister illegal in future, and in the debate which afterwards took place upon it a clause to that effect was inserted as an afterthought. That Act had a retrospective operation in respect to marriages which had already taken place, and so the present Bill ought to have. It was in fact the *ex post facto* legislation on this question which had led to the necessity for the present Bill. The Amendment before the Committee would have the effect of punishing those who were entirely innocent. The parents themselves would obtain all they were asking, and those marriages would become legitimate; but this Bill, thus amended, would fix on the children the brand of illegitimacy, which had resulted from the act of their parents. If ever there was a case in the world in which retrospective legislation was legitimate and proper, this was that case of all others.

Mr. WALPOLE said, he hoped that the Committee would not pass a retrospective law to enable parties who had violated an Act of Parliament to take advantage of their disobedience of the law. The Act of 1835 was, in the true sense of the word, anything but a retrospective law. The key to the meaning of the Act of

1835, and to the intentions of its authors, was, not what had passed in debate in the House of Lords, but in the preamble of the Act, which stated that marriages between these parties were in future to be *ipso facto* void, and not voidable. These marriages were not legal before 1835, and were just as bad then as now. The noble Lord (Lord Seymour) had put the case of a gentleman who might have married the sister of a deceased wife since the passing of the Act, but who, not being able to live with her, might marry another sister, which marriage would be legal. Now, he should like to have an answer to these questions:—Supposing a man who had married his wife's sister, thinking that marriage null, married his wife's niece, which marriage was to be good after the passing of this Bill? Or, supposing a man who had married his wife's sister, and had six children by her, married another person and had children by that marriage, which marriage was to take effect—which set of children were to be legitimate? He submitted these questions to show the Committee that the moment they passed a retrospective law they would involve themselves in endless confusion.

Mr. HEYWOOD said, in his opinion, in the first case the first marriage ought to be valid, and in the second case the second marriage.

Mr. HENLEY believed that in an assemblage of women this Bill would have no chance, and that in an assemblage of men a Bill to legalise the marriage of a woman with two brothers would not meet with approval. He thought the argument, that Parliament should consider the position of the innocent children of these marriages was equally applicable to the children of persons who had been guilty of bigamy, and he would venture to say, for one person born of these marriages there were twenty born of marriages where there were either more wives or more husbands than one. He believed it would be most mischievous to give the Bill a retrospective operation, and should, therefore, support the Amendment.

Mr. WALPOLE said, the question he had put had not been answered.

The ATTORNEY GENERAL concurred in the opinion of the hon. Member for North Lancaster (Mr. Heywood), that in the one case the first marriage, and in the other case the second marriage, ought to stand.

Mr. WALPOLE said, that there was not one word in the Bill to say so. Did the hon. and learned Gentleman propose to bring up a clause to that effect?

The ATTORNEY GENERAL said, it was his belief that such was the effect of the Bill as it stood.

Question put, "That the words 'is hereby' stand part of the Clause."

The Committee *divided*:—Ayes 130; Noes 83: Majority 47.

Clause *agreed to.*

Clause 2 (Such Marriages before the passing of this Act, not to be void or voidable).

Sir FREDERIC THESIGER said, his object, as he had previously stated, was to prevent the retrospective operation of the Bill; he should now move the second Amendment of which he had given notice. He entreated some one to give satisfactory information as to what would be the effect of the clause under the circumstances suggested by his right hon. Friend (Mr. Walpole). They ought not to legislate in the dark. They ought to understand, and at present he did not understand, what would be the effect of a marriage which had taken place with a deceased wife's sister, and a subsequent marriage either with a deceased wife's niece, or with another sister, or with any other person. He wanted to know what would be the effect of this clause upon those marriages; whether the first was to be the lawful marriage and the children legitimate, or the second was to be the lawful marriage and the children legitimate? Until some explanation was given as to the condition of such parties he thought the Committee were hardly in a position to legislate at all in this matter.

Amendment proposed, to leave out the words "which has been or shall be celebrated at any time or place whatever."

Mr. HEYWOOD said, cases had occurred of some persons among the poorer classes who had married the wife's sister, became tired of her, repudiated her and her children, and married some other person. In those cases, whether the second marriage was with the wife's niece or another sister, or whom they pleased, he thought the first marriage ought to be valid.

Mr. WALPOLE said, he wanted to know what became of the second marriage?

Mr. HEYWOOD said, he supposed it was precisely the same as bigamy.

Mr. WALPOLE said, that they would

then, by a retrospective law, make illegal marriages valid, and declare the offspring of legal marriages to be bastards.

MR. ROBERT PHILLIMORE said, he was perfectly certain no Court in England would voluntarily commit an act of such gross injustice as would virtually be committed if the views of the hon. Member (Mr. Heywood) were adopted.

MR. HENLEY said, he considered it important that the Committee should have the opinion of the Attorney General, whether the intention of the Bill was really such as the right hon. Member (Mr. Walpole) had stated, to legalise marriages which, being illegal, had been repudiated, and bastardise the issue of persons lawfully married. The case was now fairly before them, and he should like to hear from the Attorney General if it were intended that a woman, married upon the faith of the law of the land, making a previous marriage of her husband null and void, was, by this prospective enactment, to be declared a prostitute and her children bastards?

THE ATTORNEY GENERAL said, he must refer to his previous answer: as he understood the question then put to him, it was this—Supposing a man contracted a marriage with a wife's sister, which under the existing law was invalid, and then contracted a marriage with a wife's niece, which was also invalid, which marriage ought to stand? And, in that case, he said the first marriage ought to hold good. But, supposing a man had contracted a marriage which under the existing law was invalid, and subsequently another marriage—which was valid? Then he said the second marriage ought to hold good.

SIR FREDERIC THESIGER said, if that was the intention of the framers of the Bill, it was not expressed in its provisions. It appeared to him it was impossible to have more striking illustrations of the evil of giving to the law a retrospective operation than in the variety of opinions which had been expressed during the debate, and the inextricable difficulties which would evidently arise. It was proposed by the Bill to render lawful marriages with a deceased wife's sister which had taken place since 1835; and, of course, if those marriages were rendered lawful, the children of them were all legitimate. Various instances had occurred of persons who, having married their deceased wife's sister, had subsequently married some other person; and, according to the existing law, the first marriage being void, the second was a valid marriage and the children legitimate. The question arose, what effect would the retrospective operation of the Bill have upon those marriages? In either case enormous difficulties would arise in reconciling the rights of parties, and that was a strong reason why the Committee should not violate all precedent by giving a retrospective effect to the Bill.

MR. H. S. KEATING said, he thought the difficulties suggested by the hon. and learned Gentleman would be obviated by the introduction of the word "lawfully" before the word "intermarry" in the third clause. He considered the argument that because all such acts could not be legitimised none should was a bad one, and to get rid of any doubts which might exist, he could suggest some such plan as he proposed.

MR. NAPIER said, he could instance an actual case of a man who had married in succession three sisters, in which it would appear from the present Bill the third was alone to be valid. It appeared to him that the Bill in this respect proceeded upon no principle at all.

MR. HEYWOOD said, he felt bound to defer to the legal opinion of the hon. and learned Member for Reading (Mr. Keating), and, therefore, would introduce the words "lawfully intermarried" into the third clause.

MR. WALPOLE said, he wished to know in case where a man had married his wife's sister, and then her niece, which of the children should be deemed legitimate? The Attorney General had given an opinion that the children of the first marriage would be legitimate, but the second not; and upon that point some further information would be desirable, for, if that were so, where were the arguments of the supporters of the Bill about the hardships upon innocent children? Unless some better explanation were given he thought Parliament would be involving itself in endless confusion by such legislation.

MR. COLLIER said, the cases supposed might be possible, but certainly were not probable cases. With respect to the marriage with a deceased wife's sister, and subsequently with her niece, he would say, the second marriage not being one which could be lawfully contracted before this Act, the first would be the valid one. As to hardships to possible children of possible marriages, those possibilities could not compare with the enormous inconvenience of continuing the present state of things.

Mr. WALPOLE said, that what the hon. and learned Gentleman called "possible cases" were the very cases which the Bill was intended to meet.

Mr. ROBERT PHILLIMORE said, he thought the Committee ought not to proceed to deal with a clause of such immense moral importance without better information. The hon. Gentleman who introduced the measure had placed a different interpretation upon the clause to that enunciated by the hon. and learned Attorney General. He (Mr. Phillimore) should move that the Chairman do Report progress.

Sir FREDERIC THESIGER said, he wished to point out to the Committee the difficulty in which it was placed. He found by the second clause of the Bill that no marriage which had been or should be celebrated at any place between a man and his deceased wife's sister or her niece should hereafter be voidable or void. Now cases had occurred where a man had married after the decease of his wife, first, her sister, and then her niece; and supposing that by the first marriage of the latter marriages a man had six daughters, all coparceners to the estate; but by the second, that with the niece, a son and heir-at-law —would they tell him which of those marriages was to be declared valid?

Mr. LOWE said, he thought the principle upon which the majority of the Committee wished to legislate was perfectly plain, and the only difficulty arose from hon. Gentlemen opposite wishing to discuss another object than that intended by the Bill. The object of the Bill was one of indulgence, and intended to make legal and valid certain marriages which now were void. The cases supposed by hon. Gentlemen opposite might be provided for by a clause which could be proposed upon the bringing up the Report, but he could see no reason for adjourning the Committee upon that account. The question of priority might be settled at a future stage. There must be individual hardships in all cases, but there was no reason why the progress of the measure should be now stayed.

Mr. HENLEY said, it was all very well for the hon. Member to advise them to go on, but he (Mr. Henley) wanted to know where he was going to. It was said this Bill was introduced for the benefit of the humbler classes, although, if the humbler classes alone were interested in the matter, he doubted much whether the House would ever have heard of the measure. There were plenty of cases where men had married three sisters, and all of them were still alive. Was the Bill intended to allow such men to have two legitimate wives? He thought it would be far better to strike out the words giving a retrospective action to the Bill.

Mr. HEYWORTH said, he could see no obscurity at all in the Bill.

Mr. HEADLAM said, he thought the case of a man marrying two sisters, both of them being still living, was provided for by the words in the second clause applying only to such marriages "as shall be void or voidable by reason only of the affinity of the parties thereto."

Motion made and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 100; Noes 124: Majority 24.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 123; Noes 97: Majority 26.

On the question that the Clause, as amended, be *agreed to,*

The ATTORNEY GENERAL said, as some doubt seemed to exist as to the interpretation of the clause, he was anxious that his opinion should be clearly understood. He would suppose two cases. In the first, a man marries the sister of his deceased wife, but subsequently, taking advantage of the state of the law, he repudiates her, and marries her niece. Well, with regard to that case, he had no hesitation in saying that the first of the two marriages ought to stand, both parties being in an equally false position—the wife's sister and the wife's niece. In the second case, a man marries the sister of his deceased wife, and then, laying her aside, he contracts a marriage with a person whom by law he could marry. Well, there he had equally no hesitation in saying that it was the second marriage that was the valid one, for the wife had acquired rights under the existing law.

Mr. WALPOLE said, that he understood his hon. and learned Friend to repeat precisely what he said before. It was, however, right that the Committee should know exactly the intention of the Bill, and then consider whether it ought to pass. It appeared to him that, as the Bill was drawn, it would, in point of fact, make the marriage with a deceased wife's sister and a deceased wife's niece valid, and great difficulty would consequently occasionally occur with reference to the *status* of the children of such marriages, unless that matter was made more clear.

Mr. G. BUTT said, that as he understood the Bill, it would give validity to marriages which had hitherto taken place, which by the existing law were illegal, and therefore legitimatise the offspring of those marriages. Let the Committee consider for a moment how much mischief that might give rise to. Under the existing law many persons entitled to real property as tenants in tail might have disposed of their rights ; but if the offspring of these marriages were legitimatised, it would dispossess purchasers of those rights, the fourth clause only securing them to the persons who were actually in possession of the estate. So also with respect to personal property, and interest of every kind. He could not but look upon the retrospective clauses as extremely objectionable, and by their adoption they would probably do more injustice to innocent parties than they would by their rejection to those for whose benefit the Bill was ostensibly framed. He therefore felt it his duty to vote for every Motion which would have the effect of retarding the measure.

Mr. HILDYARD said that, according to the hon. and learned Attorney General's statement, if a man married his deceased wife's sister, and afterwards his deceased wife's niece, the operation of the law would be to make the former marriage valid. They were therefore going by a retrospective enactment to marry a man against his will, and, to aggravate the injury, they were going to marry him to the old woman and take him away from the young one. Assuming that a man had married his deceased wife's sister, that they had no children, and that, living unhappily together, they had said, "This marriage is not valid in law, we cannot live comfortably together, and, therefore, let us separate"—assuming, too, that after their separation the man married his deceased wife's niece, with whom he lived happily and by whom he had children, what would be the operation of the law as interpreted by the hon. and learned Attorney General? Why, that they would separate him from the woman with whom he was living happily, would bastardise his children, and marry him again to the old woman from whom he had separated with her own consent. He therefore asked would the Committee sanction such a principle as that.

Mr. LOWE said, he was prepared to answer the question which had been put by the hon. Gentleman. The man in the case he had put had chosen to contract a marriage with his deceased wife's sister, and he held it to be the duty of the Committee to say that such marriage should be valid. They did not want to marry a man against his will, but merely that he should be estopped from saying that such marriage was not legal. In the case of the young and interesting lady alluded to by the hon. aud learned Member, his answer was that the law would leave her in precisely the same situation in which she was now placed, neither better nor worse. Such a person was not a legal wife now, and would not be then. They did not do her tardy justice, but all the justice which she could expect.

Mr. HILDYARD said, that the hon. Gentleman who had just sat down had advanced another principle for the adoption of the Committee, which was just as objectionable as the one which he (Mr. Hildyard) had protested against. A man who, by contracting a particular marriage, had acted in direct defiance of the law of the land was to be told that such marriage was valid. He did not wish to speak rashly or with asperity, but he must say that he was astonished that lawyers should rise up in that House and base an argument upon such a supposition.

Mr. LOWE said, he must beg to explain that what he said was not that it was a valid contract, but that those who had entered into it should be estopped from pleading its invalidity for their own purposes.

Mr. HENLEY said, he wished to inquire the effect of the words in the clause "by reason only of the affinity of the parties." The clause enacted that no marriage which had been or should be celebrated between a man and his deceased wife's sister or niece should be void or voidable by reason of the affinity of the parties, or on account of any canonical or other objection or impediment founded only on such affinity. He did not know whether that would not have the effect of setting up a marriage contracted informally. There was great doubt as to the effect of the words, which it was desirable should be cleared up.

The ATTORNEY GENERAL, in reply, said, that the effect was that no marriage should be void or voidable on account of affinity alone, but that this clause would not protect a marriage which was in other respects informal. The clause related only to objections founded on affinity.

Sir FREDERIC THESIGER said, that the difficulty was whether those words, "founded only on affinity," would apply only to the two particular cases.

Question put, "That Clause 2 stand part of the Bill."

The Committee *divided :*—Ayes 126; Noes 97; Majority 29.

Clause *agreed to.*

Clause 3, relating to "excepted cases."

Mr. BAILLIE said, that by the last clause the Bill was not to apply to Scotland, in consequence of which many Scotch Members had given their support to the measure. He wished to inquire of the hon. and learned Gentleman (the Attorney General) whether the marriage of a Scotchman in England with an Englishwoman would not bring the case within the operation of the retrospective clauses.

The ATTORNEY GENERAL said, he thought that all cases involving the solemnisation of the rites of matrimony would do so; but on that point a question might arise with respect to the very marriages that might now be celebrated on the Continent—namely, whether a marriage between English subjects, contracted and celebrated in Denmark, according to the laws of that country, could be brought within the operation of the retrospective clauses of this Bill. Supposing the law of Scotland, whereby such marriages were illegal, to remain unaltered, if two persons so related, coming from Scotland, solemnised a marriage in England, it would be legal here, but whether, if they returned, it would be legal in Scotland, was a question that remained to be decided.

Sir FREDERIC THESIGER said, the nature of the whole of his Amendments was to prevent the retrospective action of the Bill, to which he certainly felt very strong and conscientious objections, considering it to be a violation of a very important principle. He was therefore desirous of preventing the passing of the Bill by using every fair and legitimate means, but he did not deem it becoming in him, after the determination of the Committee, as expressed in the divisions, to persevere in bringing forward Amendments the objects of which were identical. He would therefore withdraw the other Amendments which he had placed on the paper.

The ATTORNEY GENERAL said, that they had now entered on a clause in respect to which a great many difficulties had been suggested, which difficulties should have his best attention. He should now move that the Chairman report progress.

House resumed.

Committee report progress.

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. VANCE said, he objected to proceeding with the measure at a quarter to six o'clock, when it was impossible to discuss it properly, especially as notice had been given of several important Amendments. He should move that the House go into Committee on the Bill that day week.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day week, resolve itself into the said Committee," instead thereof.

Mr. MULLINGS said, he was extremely sorry that any further opposition was to be given to this Bill, which he considered was one very much required, and one which would confer great advantage upon the mercantile community.

Sir GEORGE GREY said, he hoped the House would agree that the Speaker should leave the Chair, and so advance the Bill a stage. It did not necessarily follow that the whole of the clauses would be considered, and the objections might be reserved.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided :*—Ayes 146; Noes 25: Majority 121.

Question again proposed, "That Mr. Speaker do now leave the Chair."

Mr. SCHOLEFIELD said, he should now move the adjournment of the debate. The Bill was one which seriously affected the mercantile interests, and it ought not to be allowed to pass through Committee *pro formâ.* His hon. colleague (Mr. Muntz), who was not now present, had very serious objections to it, and it was generally believed to be most injurious.

MR. SPOONER said, he hoped the House would allow the Bill to proceed to Committee that day. There would be ample time for hon. Members to bring forward their objections.

MR. I. BUTT said, it was clear that no progress could be made in Committee that day, and the only object was to advance the Bill a stage without opposition.

Debate *adjourned.*

The House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 21, 1855.

MINUTES.] PUBLIC BILLS. — 2ª Stamp Duties Repeal on Matriculation and Degrees (Oxford); Grants of Lands; Public Libraries and Museums (Ireland); Consolidated Fund (£10,000,000); Spirit of Wine.

Reported—Duchy of Lancaster Lands (1855); Militia (No. 2).

3ª Leases and Sales of Settled Estates; Cinque Ports; Insurance on Lives Abatement of Income Tax Continuance.

PUBLIC OFFICES.

EARL GRANVILLE, referring to an answer given by him on a former evening to a question put to him on the subject of an offer recently made to the Government to build new public offices on certain terms, said that, though it had been very far from his intention to cast any slur on any one, yet he understood that a gentleman concerned in the offer had felt himself aggrieved by the terms he had used with regard to the amount of security required from the parties by the Government. He had, therefore, great pleasure in reading the following letter, which he had received from his right hon. Friend the First Commissioner of Works on the subject—

> "My Dear Lord Granville—When Mr. Stapleton had an interview with me on the subject, I did not ask him what pecuniary 'security' he could give for the execution of his scheme, but took time to consider the principle of his proposal. On reflection I came to the conclusion that the principle was one which ought not to be sanctioned by a Government, that it would be no saving of expense to the Government, and that the Government would have better security for the due execution of the works required, by performing them, than by contracting with gentlemen who wished to engage in this speculation.
>
> "Yours truly, WILLIAM MOLESWORTH.
>
> "Office of Works, June 6th."

THE EARL OF MALMESBURY thought that the Government had overlooked the two great advantages contained in this offer—the certainty of the time when the offices would be finished, and the certainty of the sum which they would cost.

THE EARL OF ELLENBOROUGH hoped that, if ever this plan of bringing all the public offices under one roof were adopted, the Government would not forget that one roof might be burnt at one time. No adequate precautions had been taken against that danger in the long galleries of that House, and if ever a fire did get possession of one of those galleries it would be perfectly impossible to get it under. The proper principle would be to build separate blocks of buildings, communicating with each other by means of bridges.

LORD BROUGHAM pointed out the great convenience of setting aside a separate chamber for the transaction of the judicial business of the House.

OUTRAGE ON A FLAG OF TRUCE AT HANGO.

THE EARL OF MALMESBURY: I rise to draw the attention of Her Majesty's Government, and to ask from them information in respect to a subject which has filled the public mind of this country, and I doubt not of the whole of civilised Europe, with feelings of horror and indignation. Your Lordships will readily understand that I allude to the massacre on the coast of Russia, near Hango, of a boat's crew, with the officers in command, belonging to Her Majesty's ship *Cossack.* It will hardly be necessary for me, my Lords, to go into the details of this cruel and unjustifiable act, for your Lordships will already have read the despatch of Captain Fanshawe, of the *Cossack,* to Admiral Dundas, who sent the boat whose crew were made the victims of this wanton outrage to land certain Russian prisoners at their own request at Hango, and in which those details are fully stated. It will be sufficient, therefore, for me to remind your Lordships that the boat contained Russian prisoners who were to be landed under a flag of truce, and was commanded by the lieutenant of the *Cossack,* a surgeon, and one or two petty officers, who had charge of the prisoners; that these prisoners had been allowed themselves to select the part of the Russian coast at which they wished to be landed at; that they were accordingly to be landed at a wharf near Hango. It appears that when the boat approached the shore at Hango, and when the men landed on the wharf, no sign of life was seen excepting one man; but suddenly the boat's crew and the liberated prisoners also were attacked by a large armed force, who fired upon them and massacred all, with the exception of one, a man named John Brown, who, though badly wounded, managed to escape in the boat. Not only were the party defenceless, but, according to this man's account, the officer in command, Lieutenant Geneste, was shot down while in the act of waving the flag of truce over his head, and while one of the Russian prisoners was explaining in the Russian language to the attacking party the circumstances under which, and the object for which, the landing had taken place; and it further appears that when the atrocity had been consummated, the Russian soldiers went down into the boat and threw overboard, not only the bodies of the dead, but those also who were wounded. Such is the account given by Captain Fanshawe to Admiral Dundas, upon the authority of the man Brown. When Admiral Dundas was first made acquainted with these facts, he naturally imagined that there had been some act of indiscretion, or that some omission in displaying the flag of truce, or some fault on the part of the lieutenant in command of the boat, had taken place, and would be made the excuse for the perpetration of this wanton violation of all national and of all human law; and accordingly he wrote to Captain Fanshawe, putting to him a number of questions categorically, all of which being answered satisfactorily, Admiral Dundas became convinced that no blame whatsoever applied either to Captain Fanshawe, to the officer in command of the boat, or to any of the crew. It is, however, but fair to add, that not many hours ago an account had reached London, and which appears in the second edition of a morning paper, giving the Russian version of this melancholy affair. That account states that the whole of the boat's crew were not killed, but that nine of the men and two of the officers were taken prisoners, three or four of whom are wounded, and the rest, they say, were killed in resisting the Russian troops who attacked them when they landed. Not a word of the flag of truce is mentioned in this account; but I have thought it fair to state to your Lordships what is the Russian version of the story, so far as we know it. But, even assuming that this version is correct, and that nine, or rather eleven men, including the two officers, were taken prisoners, though it mitigates in some degree the horrible cruelty which, according to our own version, had been perpetrated, still it in nowise exculpates the Russian soldiers, and more especially the officer who commanded them, from the complete and wanton breach of the law of nations which they have committed. The killing even of one man, or the taking even of a single man prisoner, while under the safeguard of a flag of truce, is an infraction of the law of nations, and of the law of honourable warfare, derived from the ancient code of the Middle Ages, for the purpose of restraining men's passions when not engaged in actual conflict, and which is adopted by every civilised nation. A flag of truce has always been honoured and held sacred—in every age and by every nation—it is necessary for the interests of humanity, and for the protection of the soldiers themselves—and I scarcely know of an instance of its having been violated. I believe if you trace history throughout you will not find a parallel either in ancient or modern times to this atrocious act. My Lords, it is not so much for the purpose of repressing the feelings of horror with which I have heard of this atrocious tragedy that I have risen on this occasion, as to ask Her Majesty's Government what course they intend to pursue under the circumstances? It appears to me to be the interest, not only of the Government of this country, whose subjects have perished in this cruel manner, but of every Government in the world, to take notice of such an act—and certainly it is the interest of every Sovereign in Europe, as it is the interest of every officer and of every soldier of every army in Europe, to demand that it should be noticed, and the perpetrators of it visited with condign punishment, in order that that sense of honour and of humanity which is inherent in every man's breast may be upheld in the wars of civilised nations. How this is to be done—how punishment is to follow this violation of the sacred law of nations—I wish to know from Her Majesty's Government. It is not for me to suggest the means, but I am sure Her Majesty's Government will not think me out of place in making these remarks, and inquiring of my noble Friend opposite, the President of the Council, what course they intend to pursue?

THE EARL OF CLARENDON: My Lords, although the question put by my noble Friend has been addressed to my noble Friend the President of the Council, I am, perhaps, in a better position to answer, and, with the permission of your Lordships, I will do so. My noble Friend has accurately stated all the facts of the case, and the manner in which this atrocity was carried into effect, and he has characterised it in a manner which must be in unison with the universal feelings entertained by your Lordships. It is an outrage so horrible and unparalleled, so utterly at variance with the usages of war and the customs of civilised nations, that we are compelled to believe that the perpetrators of it cannot have acted upon the instructions or have met with the approval of their superiors. I think it only reasonable to suppose in the first instance, till we have further information, that such was the case; and I say this the more, because it does appear that it must have been the brutal act of some unauthorised subordinate—for I see that Captain Fanshawe, in his despatch, expresses an opinion that the person who directed the force and gave the orders to fire might not be an officer. On receiving information of the transaction, I lost not a moment in forwarding the papers detailing the circumstances to Her Majesty's Minister at Copenhagen, instructing him to request the Danish Government to send instructions to the Danish Minister at St. Petersburg—of whose friendly zeal on behalf of British subjects and British interests it is impossible to speak too highly—requesting him to bring the matter to the notice of the Russian Government, and to state that Her Majesty's Government waited with extreme anxiety to learn what steps they had taken, or intended to take, to mark their sense of this brutal outrage—an outrage which might possibly have happened in some one of the savage islands of the South Sea without exciting any great degree of surprise, but which was not to be expected in civilised Europe, and which, if not amply punished, would demand severe reprisals. Under these circumstances, my noble Friend will see that it is not until we know what steps the Russian Government have, I hope, taken in the matter that we can determine what course it may become Her Majesty's Government to adopt.

The Earl of ELLENBOROUGH said, the course taken by Her Majesty's Government seemed to him quite proper; but he considered it extremely probable that the English Admiral had already acted on the information he received, and had already made a communication to the Russian Government; and he therefore thought it desirable that the communication between the Danish Government and their Minister at St. Petersburg should pass through the English Admiral.

The Earl of CLARENDON said, that the Danish Minister would, of course, communicate to the British Admiral what steps were taken; but he was not aware that the British Government could communicate with the Russian Government in any other manner than that he had referred to.

The Earl of ELLENBOROUGH repeated his opinion that the English Admiral, upon receiving Captain Fanshawe's report, would have sent a flag of truce to the Russian authorities, probably to the High Admiral of the Russian navy, and would have communicated all the facts, in order that the Russian authorities might take some steps in respect to the transaction. Under these circumstances, he thought that it would be prudent that any further correspondence on the subject should be carried on in communication with the English Admiral.

Earl GRANVILLE quite agreed with his noble Friend (the Earl of Clarendon) that this most wanton outrage must be disowned by the Russian Government; but, if that were not the case, what security would there then be that a flag of truce from the English Admiral would not be treated in a similar manner—though he hardly thought so—to the way in which the flag of truce from the *Cossack* was treated? If there should be a double representation made to the Russian Government on the subject—one through the English Admiral, and another through the Danish Minister—he saw no great inconvenience in that circumstance, for it was desirable that the matter should be brought to a conclusion as soon as possible, because the feelings of indignation which must be excited by the transaction, unless those feelings were prevented by some act on the part of the Russian Government, would necessarily tend to add still more to the horrors of war.

In reply to the Earl of Shaftesbury,

The Earl of CLARENDON said, that the number of Russian troops engaged in the affair appeared to amount to about 500, but he could not say whether or not they were regular troops.

Lord COLCHESTER thought that in any such case as this it was the duty of the officer commanding Her Majesty's forces immediately to communicate by a flag of truce with the highest authority he could find, mentioning the circumstances, and demanding that the atrocity should be disclaimed.

LORD BROUGHAM said, he took it to be quite clear, that when his noble Friend expressed a hope that the Russian Government would disclaim and disown this shameful outrage, he must have meant to express a hope that it would not only disclaim and disown the act, but that it would also punish the perpetrators of a deed so extraordinary and so cruel. If ever the land cried for blood it was now.

THE EARL OF MALMESBURY said, he had no fault to find with the course taken by Her Majesty's Government, which he thought was as judicious a course as could be taken under the circumstances; but he trusted that if the circumstances were found to be as described, and the Russian Government tried by any subterfuge to escape from the liability to which they had exposed themselves by sanctioning or at least by permitting the act to go unpunished, Her Majesty's Government would take further measures in the matter. The noble Earl used the word "reprisals." He could not, at that moment, think of any reprisals that would be at all satisfactory to the feelings of the people of this country. If reprisals meant vengeance in the shape of offensive acts against Russian subjects, they would be imbued with the same cruelty which we now protested against, and would bring dishonour upon those who employed them, and would not be satisfactory. What he should like to see his noble Friend do would be to bring the force of public opinion in Europe and throughout Christendom to bear against this act. If he were in his noble Friend's place, he would appeal to every Government that was an ally of Her Majesty, to every State that had a civilised Sovereign, and to every free kingdom that had civilised subjects and civilised laws, to protest before the Cabinet at St. Petersburg against such an atrocity. This Sovereign would then see that, however great and powerful he was, the force of public opinion would be too strong for him, and he would be compelled to bow before the representations made by nations more civilised, as powerful, and as honourable as his own. He asked, therefore, if it was the intention of the Government to bring this matter before a jury of nations? Nothing but that would give satisfaction, while anything like vengeance would only increase public disgust.

EARL GRANVILLE entirely agreed with the sentiment just expressed by his noble Friend, that it would be wrong to enter upon a course of retaliation. His noble Friend said he had ransacked history with reference to this question; but he begged to remind him of a remarkable instance in which the Duke of York issued a general order in reply to a sanguinary decree of the French Convention, in which he expressed sentiments that excited the greatest satisfaction on both sides, and so called forth the generous feelings of the French soldiery as to make them disobey the orders they had received, and act in the generous spirit in which the order of the British general had been conceived.

MEASUREMENT OF MERCHANT STEAMERS BILL.

Order of the Day for the Second Reading read.

THE EARL OF HARDWICKE in moving the second reading of this Bill said, it was not intended to make any change in the present law of tonnage, but he was desirous that some addition should be made to the existing law as affected measurement and registration. He regretted that certain returns which he had moved for, and which would have thrown considerable light on the question, had not yet been made. The Government had recently employed in the transport service 210,000 tons of shipping at an expenditure of 3,000,000*l.*, and he believed there was an estimated amount of about 5,000,000*l.* more to be paid. It was not surprising, therefore, that he should inquire whether they were paying so large a sum of money for tonnage that was as available as it might have been for public purposes. The question of tonnage really meant power of carriage coupled with speed. The mode of ascertaining tonnage by measurement was of very ancient date; it seemed to have been satisfactory to merchants and builders, and it was a system which met the wants and wishes of the country so long as vessels were propelled by wind and sails; but the application of steam to purposes of navigation had materially altered the circumstances of the case, and afforded cogent reason for a total change in the system of registration and measurement. Now, the internal measurement of a ship, by which the tonnage was at present calculated, was merely an imperfect statement of its room, and of its means of holding a certain quantity of materials within a given space; but, then, the question arose, what materials these might be? Say that a ship contained 100 cubic feet of space, if that space were filled with iron the weight might be twenty or thirty tons; if it were filled with lead the weight would be still greater; while if it were filled with straw the weight would be considerably less;—so that it was clear that the means a ship had of carrying weight were not at all indicated by her internal vacant space. It was, however, necessary that persons who wished to purchase the use of a ship, or to obtain her services, should possess the means of ascertaining accurately what quantity of materials she would carry. He would show their Lordships, by the case of two of her Majesty's ships, that it was possible for the tonnage of a vessel to represent by measure an amount which her real power of carrying did not approach, while, on the other hand, the tonnage of a ship by measurement might in reality be very much beneath her real capacity. Her Majesty's yacht *Fairy* measured 313 tons, but could only carry 176 tons, and, supposing the Government or a merchant were to hire a vessel of the same form as the *Fairy*, paying upon a tonnage of 313 tons, and were to put that quantity of goods on board, the ship would undoubtedly sink. The *Cruiser*, another of Her Majesty's ships, measured 540 tons by the present legal mode of registering tonnage, but owing to her form would carry 1,013 tons. He thought, therefore, these facts showed that the mode in which tonnage was now measured and registered did not truly represent the capacity of a ship. He would now refer to the question of steam power. At the present moment no law whatever existed in this country for the registration of steam power. There was no law that fixed any unit of power by which merchants or the Government could tell at what speed a steam-vessel could be propelled, or for what period of time she could be enabled to sustain that degree of propulsion, or what her carrying powers were in conjunction with her speed. He considered that it was imperative upon the Government and the country, for the advantage of merchants, shipbuilders, hirers of ships, and all persons concerned in transit on the ocean, that an approximation to a unit of power should be established by law. James Watt, to whom the invention of the steam-engine had been attributed, put down the unit of horse-power at 33,000 lb. raised one foot per minute, and this was yet regarded by the makers of steam-engines as the unit by which steam power was to be calculated; but such had been the improvements effected in the steam-engine of late years that that unit was entirely useless for all calculations. He would mention the case of four of Her Majesty's ships—the *Trident*, the *Retribution*, the *Caradoc*, and the *Elfin*. The *Trident* was nominally of 350 horse-power, but her indicators showed her to be of 492 horse-power; the engines of the *Retribution* were nominally of 400 horse-power, but when worked they were found to be 1,092; the engines of the *Caradoc* were nominally of 350 horse-power, but they worked up to 1,600 horse-power; and the engines of the *Elfin*, nominally of 40 horse-power, worked up to 244. He found also that the real horse-power of the *Encounter* was double her nominal power; the real power of the *Agamemnon* was three times, and that of the *Undine* four times, of the *Banshee* five times, and of the *Elfin* six times the nominal power of those several ships. He wished their Lordships to consent to establish a new unit as the unit of power, approximating to the real power of the steam-engine, so that the public might be enabled to calculate the value of a steam-vessel. A scientific friend of his, who had directed his attention to the question of steamship capabilities, had laid down a unit, which he proposed to be taken as a standard of what might be called in future "marine horse-power." In making his calculations, the gentleman in question took ten vessels, and by taking their nominal horse-power in the first instance, then deducting 15 per cent for friction and other matters connected with the engine itself, and dividing the whole sum of the indicated horse-power of the ten vessels by the nominal horse-power, it was found that 132,000 lb. raised one foot per minute was the unit of the horse-power of the ten vessels. The vessels, however, were of a peculiar construction, and therefore 32,000 lb. were deducted, which left 100,000 lb. raised one foot per minute as the unit of the horse-power. By adopting this unit the House would have some groundwork upon which to calculate the power of the steam-engine, and having once embodied in the law and registered a power to be called "the marine horse-power," taking 100,000 lb. raised one foot per minute as the unit, they would supply the public with data upon which to form an accurate estimate in future of the power and capabilities of any vessel they might engage. He now came to another part of the subject having reference to the change which he proposed to introduce into the system of measuring steam-vessels. In substituting a new system for that already in practice, he thought that nothing could be easier than to rectify an error which had crept into the present system. In every ship now built the builder was perfectly acquainted with the "displacement" of every vessel that left his yard—the quantity of water which she put aside, and displaced in her immersion in the water. All that he desired now was to have a register of the displacement, which would give the weight of the hull of a vessel, and indicate what she could carry in weight. The present measurement might be retained; and having thus accurately shown both the roomage and tonnage, any merchant engaging a vessel would be enabled to calculate exactly what she would be able to carry. At present, when a vessel was constructed upon the stocks, the builder was compelled by law to mark an indelible line upon her stem and sternposts and amidships, showing her draught of water, previous to receiving on board any of her equipment or engines, and thus the exact weight of her body was ascertained. He now proposed that, in addition to the launching draught of the ship, her light draught, showing the displacement of water when she was fitted up with machinery and rigged and equipped for service, and also her deep draught, representing what she would carry when loaded, should be marked in indelible marks upon her stem and sternposts and amidships. A clause embodied in the Bill would compel the builder, under penalties, to delineate these lines upon the hull of the vessel. Under the present law it was perfectly impossible that a merchant could know even what roomage tonnage he would be entitled to have, because the roomage tonnage must depend upon the quantity of fuel put into her before the use of her was obtained. Suppose a vessel of 5,000 tons displacement were engaged to make a passage of 1,000 miles, at the rate of eight knots, or miles an hour, 172 horse-power would be all that would be required to propel that vessel, and she would be enabled to carry a cargo of 2,738 tons. But if she were engaged to go the same distance at the rate of ten miles an hour, she would require 336 horse-power, and would be enabled to carry a cargo, not of 2,738, but of 2,524 tons. To go at the rate of eighteen miles an hour—a speed now frequently obtained—she would require 1,961 horse-power, and would only be able to carry a cargo of 585 tons. If they wished for a speed of twenty miles an hour, she would carry no cargo at all, because upon a voyage of 1,000 miles driven at that speed her whole available space would be required for the coal she would consume upon her voyage; and this, he thought, was an additional reason why they should know the actual capacity of a ship. He had thus shortly endeavoured to state the grounds upon which he desired that the law should enable us to obtain the weight-carrying powers of our vessels, and at the same time their true powers of propulsion and speed. He had ventured, also, to put into the Bill a clause which, he thought, would be of great value to the passenger traffic of the country, forbidding any steam-vessel having passengers on board to load beyond her deep-draught water line. If this were done, it would effectually secure to the passengers safety from those accidents which now often arose from overloaded ships, while, on the other hand, was not too much to require from the builder and the merchant, on the part of the public, that the immersion of the ship should not be inconsistent with her perfect security. He was confident that at the present moment, and according to the present mode of dealing with shipping power and tonnage, no man would be very willing to engage in shipping affairs who had not some previous knowledge on the subject; but, if these matters were placed upon a clear and intelligible footing, so that the buyer and the hirer might know perfectly what they were about, it would tend very much to the improvement of the shipping interest generally, by inducing many persons to enter into the business. He was sure that this subject would be taken up by the public, and that the Government would be compelled to adopt at some period or other, if not the details, at all events, the principles of the Bill the second reading of which he now proposed. If they permitted routine to interfere on this occasion—not proper and necessary routine, but that which, under cover of some obsolete law, took no heed of the science and ability of the country—he was convinced that ultimately this subject would be forced upon Parliament from out of doors. Let the Government call together scientific men and take up this question, acting on the advice of those who could guide them; and, if they did so, he should with great pleasure place this Bill in their hands, and leave it to them to pass into a law, with such improvements as they might think fit.

Moved, That the Bill be now read 2ª.

LORD STANLEY OF ALDERLEY said, that if the noble Earl, with all his professional knowledge of the subject, felt its technical difficulties, he might well be excused if he owned that it was impossible for him to argue this question upon its own merits and to enter into details with which he was not competent to deal. But he hoped, on general grounds, to show sufficient reasons to induce their Lordships to believe that they would not be committing an error if they declined to entertain the second reading of this Bill. The object of the measurement of ships was, first, to procure a test of the size of a ship for the purpose of paying light, dock, and other dues; and, secondly, to get a fair estimate of its capacity to carry. Of the two modes of testing the capacity of a ship—first, by displacement, in order to ascertain her weight; and, secondly, by measurement, to ascertain the available space—it was obviously, for ordinary purposes, more important to ascertain the number of cubic feet in a vessel; and to accomplish that object the late alterations were made, in accordance with the principle formerly observed, so as to give a more perfect and accurate measurement of the capacity of a ship in cubic feet. The subject had been brought before the consideration of the Government by a Commission, which heard evidence and considered plans from different parts of the country. That Commission recommended Moorsom's plan for adoption, and this plan was submitted to all the local marine boards, the Trinity House, Lloyd's, and to the Admiralty, in order to ascertain whether they thought the mode of measurement in question was the best which could be adopted. The result was, that these important bodies universally recommended the adoption of Moorsom's plan, the only dissentients being one assistant-surveyor and one master shipwright in Her Majesty's dockyard. The system now in operation was not, therefore, as had been stated, an obsolete and effete one, showing an adherence to routine of the worst description, nor had the Government refused to open their eyes and ears to the recommendations of men of science. So far from this being the case, the Government were at all times most ready to receive any objections to the existing system, or communications as to the introduction of a better; but up to this moment not one single objection had been urged to the present mode of measurement, either by the Mercantile Marine Boards or the Admiralty; and, therefore, he thought no sufficient case had been made out for the adoption of a new system. Besides this, he had consulted with the principal authorities, with the Surveyor of the Navy, the Assistant Surveyor, and the Chief Engineer, who assured him that the plan proposed in this Bill was impracticable, and that, even if it could be carried into effect, it would be useless. All seemed to depend on this—whether it was possible to ascertain the draught-water line upon launching a ship. Now, as he was informed, it was impossible to ascertain this until the vessel actually went to sea, and even then it depended upon many circumstances which were not always the same. Four eminent shipbuilders had decided against the plan proposed by the noble Earl, and how could it be expected that in all the ports of this country, where ships were built, ordinary shipbuilders would be able to fix the line of flotation? The noble Earl had stated that by the plan which he proposed it would be known at once what amount of goods a ship contained; but he thought that the system at present in use effected that purpose. The noble Earl had also stated that the present system was an arbitrary one; but, in his opinion the plan proposed by the noble Earl would be equally so. He himself was not competent to deal with such questions, but he had been guided by the opinions of those who were most competent to do so, and all those persons whom he had consulted were unanimous in favour of the existing system, and thought that no substantial benefit would be gained by adopting the present proposal. The present mode of measurement was adopted, with variations, by all the nations in the world; and, as at present advised, he could not ask their Lordships to change it for the system set forth in the Bill of the noble Earl.

Amendment *moved* to leave out "now," and insert "this day six months."

LORD COLCHESTER maintained that the present system of measurement was extremely defective, and, therefore, he thought that their Lordships ought to be much obliged to his noble Friend (the Earl of Hardwicke) for having called their attention to this important subject. He thought that the Bill which had been proposed adopted those scientific improvements which the reports of various Commissions justified, and he hoped, therefore, that their Lordships would give it a second reading.

THE EARL OF HARDWICKE replied. He thought that the noble Lord (Lord Stanley) had overlooked one fact entirely, namely, that no system of tonnage registration existed. That which was now called the tonnage was, in fact, the roomage of a ship. He would illustrate the nature of the present mode of measurement by an example. A ship might be filled—all her so-called tonnage entirely occupied—by ladies' bonnets, and yet she would not draw one foot more water than she did when empty; while, on the other hand, she might be laden with cannon balls which would barely cover one of her decks to the depth of one foot, and yet bring her down below her water line. To put the matter on a more satisfactory footing, and give to every one the means of knowing the real capabilities of vessels, was the object of this Bill. But even if the Government were resolved to reject his system of measurement, there was no reason why they should decline to adopt the other part of his Bill—that which related to the establishment of a register of marine horse-power.

On Question, that "now" stand part of the Motion,

Their Lordships *divided:*—Content 21; Not Content 28: Majority 7.

Resolved in the *negative.* Then the Question as amended was *agreed to;* and Bill to be read 2ª *on this day six months.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 21, 1855.

MINUTES.] PUBLIC BILLS.—1° Haileybury College; Merchant Shipping Act Amendment.
2° County Palatine of Lancaster Trials.
3° Spirits (Ireland) Act Amendment.

METROPOLIS LOCAL MANAGEMENT BILL.

Order for Committee read; House in Committee.

Lord Colchester

Clause 124 *agreed to.*

Clause 125 *postponed.*

Clause 126 *agreed to.*

Clause 127 (Provides for three separate and distinct rates for sewers, lighting, and general purposes).

MR. HENLEY said, he objected to this clause upon the ground that the expenses of recovering the rates would thus be increased. It would be better, he considered, to make one rate, including the poor rate, as was done in St. George's, Hanover Square.

SIR BENJAMIN HALL said, he must beg to explain, that his object was to enable the local authorities to collect the rates at different times, if they thought proper, so as not to bear so heavily upon the poor ratepayer.

MR. MONTAGU CHAMBERS said, he begged to ask what would be done with the Inns of Court, and other extra-parochial places?

SIR BENJAMIN HALL said, that this was not the proper time to explain that part of the measure. He would promise that all the amendments or additions which it was intended to make to the Bill should be printed and placed in the hands of Members on Saturday, or, at latest, on Monday morning.

SIR WILLIAM CLAY said, he had some apprehension lest, if these rates were demanded along with the poorrate, at one time, the effect might be to disfranchise many of the poorer voters of the metropolis, by calling upon them for a larger sum than could at once be paid. It would be better to levy the poor rate separately.

Clause, as amended, *agreed to;* as were also Clauses 128 to 133 inclusive.

Clause 134.

SIR HENRY WILLOUGHBY said, he wished to call attention to the serious importance of authorising, as it was proposed by the words inserted here, the Metropolitan Board of Works to tax any district of the metropolis for the cost of works of drainage, according to their notion of the benefit which the locality would derive from it.

SIR BENJAMIN HALL said, that the object of the clause and the amendment he proposed was to prevent particular districts from being taxed for sewers when nothing had been spent in those districts, and therefore it was proposed to have, in addition to the general rate, a special district rate.

Clauses 135 to 158 were *agreed to,* with some verbal amendments.

The House resumed; Committee report progress.

NEW PALACE, WESTMINSTER—QUESTION.

LORD SEYMOUR said, he begged to ask the right hon. Baronet the Chief Commissioner of Works, in reference to a Return presented on the 19th day of June, showing the proposed extension of buildings connected with the New Palace, Westminster, first, whether he had sanctioned the plans and estimates for 280,272*l.*, on account of which sum 107,175*l.* had, it was stated, been voted in this Session? Secondly, whether he had approved the plans and estimates for further works proposed, to the amount of 651,285*l.*, which were not included in the plan of the buildings laid before Parliament with the Estimates of the present year?

SIR WILLIAM MOLESWORTH, in reply, said, he must beg the House to distinguish between the two classes of Works referred to in the Return in question:—1st, works indispensable for the completion of the New Palace of Westminster which had received the sanction of the Government, and were in progress; secondly, additional works suggested by Sir Charles Barry as expedient and desirable, but which were not indispensable for the completion of the New Palace, and which had neither been sanctioned by the Government nor commenced. With regard to the first class of works, it had been estimated that the sum required for their completion was 280,000*l.* on the 31st of March, 1854; of that sum 107,000*l.* was voted last Session, and 85,000*l.* this Session. With regard to the second class of works, he should explain that, in consequence of wishes expressed in that House by many hon. Members, he had requested Sir Charles Barry to report to him his views respecting any additional works which he might consider to be desirable and expedient. He had received from Sir Charles Barry a statement in reply, with an estimate that the additional works suggested by him would cost about 650,000*l.* Those works had not in any way received the sanction of the Government, nor had they been commenced. His (Sir W. Molesworth's) report with regard to them was under the consideration of the Treasury. It was included in the Return referred to by the noble Lord, and raised questions deserving the consideration of the House.

ARREARS DUE TO WOUNDED SOLDIERS—QUESTION.

MR. STAFFORD said, he had two questions which he wished to put to the hon. Gentleman the Under Secretary for War. The first related to a subject to which he had six times previously called the attention of the House since February last. His first question was, whether any arrangements had been made for payment of the arrears due to those sick or wounded soldiers who had returned from the Crimea? And the second was, whether it was intended to place invalid soldiers on board the hospital-ship *Britannia* before the hospitals on shore were filled? It was well known that the soldier disliked nothing more than to remain on board ship.

MR. FREDERICK PEEL said, that the reason why the back claims of the soldiers had not been settled was, because the Government were not yet aware of the amount of money due to the men up to the period at which they left the head-quarters of their regiments in the Crimea, and they were also not aware of the amount due to the men for the period they were in the hospital at Scutari. These returns had been delayed in consequence of the state of confusion which the accounts of the paymasters in the Crimea had been in. Three months ago peremptory instructions were sent to the paymasters to furnish the required returns, and additional paymasters were also sent out to bring up the arrears. Several lists had been already sent in showing the amounts due; the returns from Scutari were still wanting, but were expected shortly, when all arrears would be filled up before the men were sent to the ship referred to by the hon. Gentleman.

ARMY COMMISSIONS—QUESTION.

MR. HEADLAM said, he begged to ask the First Lord of the Treasury, whether he would lay upon the table of the House the new regulation for the army, whereby officers are entitled to bequeath the regulation value of their commissions under certain circumstances; also, whether the noble Lord would lay upon the table the new warrant, under which pensions to officers' widows were to be increased?

LORD HOTHAM said, he would beg, also, to ask the noble Lord whether a grant of money would be necessary to carry into effect the increased pensions to which the hon. Member had referred?

VISCOUNT PALMERSTON, in reply, said, that the other evening he had stated what the intentions of the Government were with regard to this subject—those intentions could only be carried out under a new warrant, which was in preparation, and, as soon as it was ready and duly sanctioned, it should be laid before the House. With regard to the question put by the noble Lord the Member for the East Riding, he could not at present say whether any grant of money would be nenessary, but apprehended that, should it be so, the House would readily give their sanction to such a grant.

ROYAL MILITARY ASYLUM, CHELSEA—QUESTION.

MR. OLIVEIRA said, he begged to ask the hon. Under Secretary for War, whether arrangements were being made at the Royal Military Asylum, Chelsea, for receiving the 120 additional children of soldiers on foreign service, promised by the late right hon. Secretary at War, on the 5th day of May, 1854 ?

MR. FREDERICK PEEL, in reply, said that fifty additional boys had already been received, and the remainder would be admitted as soon as some buildings now in progress for the reception of the monitors and pupils of the normal school, which was a branch of the establishment, had been completed, which would be at the expiration of about three months.

COLONEL NORTH said, that on the 4th of May last year the House ordered that 120 additional children should be admitted to this establishment. On the 20th of September last he received from the right hon. Gentleman the late Secretary at War a letter, in which he stated that he had approved of the plans and specifications for the erection of buildings, to be completed at the end of the last or the commencement of the present year, when the 120 children would be admitted. Ten days ago he (Colonel North) went to see what was being done, and there was positively hardly a brick above the ground. He wished to know whose fault it was that the orders of the House had not been carried into effect ?

MR. BOUVERIE said, that, as one of the Commissioners for the management of the Hospital, he would beg to state that the building referred to was nearly ready for roofing. No addition could be made to the number of children admitted until it was completed, as it would be obviously unwise to overcrowd the existing buildings.

TENANTS' IMPROVEMENTS COMPENSATION (IRELAND) BILL.

Order for Committee read.

House in Committee.

Clause 4 (Reclaiming Waste Lands, &c.)

MR. HORSMAN said, he would now move the Amendment on this clause, of which he had given notice.

Amendment proposed, in page 5, lines 6 and 7, to leave out the words "The reclaiming of waste lands or cut-out bog ground, by converting the same into arable or pasture land."

MR. FRENCH said, he should take the sense of the Committee upon the question of the withdrawal of this important provision, and he regretted that the Secretary for Ireland should have proposed its omission after the repeated admissions which had been made of the practicability and expediency of reclaiming waste land, and the promise which the Government of the noble Lord the Member for London had held out on the subject.

MR. POLLARD-URQUHART said, an Irish Secretary who had any personal knowledge of Ireland and its resources would not attempt to pass such a mockery of a Tenants' Compensation Bill as one which excluded the reclaiming of bog ground, an improvement more required than any other in that country.

MR. BLAND said, he fully concurred in the suggestion of the hon. Member for Roscommon (Mr. French), thinking it most important, in a national point of view, that waste lands should be included in the compensation provided by the Bill.

MR. HORSMAN said, he entirely concurred in the importance of the question of encouraging the reclamation of waste lands in Ireland, but the question was not whether the reclamation of waste lands ought to be encouraged in Ireland, but whether it was one of that class of improvements which ought to be fairly brought into the Bill now under discussion. It was thought desirable to insert in the Bill only that class of improvements concerning the compensation for which there could be little or no difference of opinion. It had been said that this class of compensation had been inserted in previous Bills; but none of those Bills had received the sanction of the Legislature, and the Government wished to frame such a measure as might pass.

MR. MAGUIRE said, he had a strong desire to hear the Attorney and Solicitor Generals for Ireland give expression to their opinions as to maintaining or withdrawing this most essential part of the fourth clause. This was a great national question of solemn importance, and he deprecated the attempt made on that—his own—side of the House to convert it into a mere party question. He believed, if the Government did not insist on the retention of that most important improvement in reference to compensation for the reclamation of waste lands, they would hold out a bonus for new agitation and new excitement on this question.

MR. KIRK said, he should support the Motion of the hon. Member for Roscommon (Mr. French) for he contended that it was an extraordinary thing that the subject of compensation for the reclamation of waste lands should be excluded from the Bill, and more especially as it was included in the former measure.

ADMIRAL JONES said, he was convinced no Bill would satisfy the hon. Member for Roscommon, and those who acted with him, unless it was one which included the famous four points of the Tenant Right Association of Dublin; and such a measure would take away all the property from the landlords in Ireland. ["No, no!"] He contended that it would deprive them of the control they now possessed over their own property, and give it to other persons.

MR. SEYMOUR FITZGERALD said, the right hon. Gentleman the Secretary for Ireland had alleged sufficient reasons for striking out that part of the clause which would give tenants the power to call on their landlords to improve waste lands, or would enable them to improve such lands at their landlords' expense; but there was this additional reason, that in some cases the reclamation of waste lands cost more than the fee simple of fruitful land. He hoped, therefore, the Government would persist in their determination.

MR. O'FLAHERTY said, he should support the Motion of the hon. Member for Roscommon (Mr. French), believing there was no subject more deserving attention and legislative provision than that of encouraging the reclamation of waste lands in Ireland. He believed that if the Secretary for Ireland left out that great principle from the Bill, it would be much better to abandon the Bill altogether.

MR. GEORGE said, he considered that the course taken by the Government, with reference to the omission of a portion of the clause, had not been capriciously taken. They had adopted that course on the principle, on which they meant to act, that whatever was to receive compensation should be in the nature of improvements which were tangible and above ground, and not those that were either altogether buried under the surface or of such a kind as to render it impossible to ascertain their value.

MR. M'CANN said, he would beg to remind the hon. and learned Gentleman (Mr. George) there were gentlemen in and out of that House who wished for such a clause as this introduced into the Bill, and who had as much wealth and property in the country as the hon. and learned Gentleman and those who acted with him.

MR. I. BUTT said, he was of opinion that, whether the reclamation of waste lands was a desirable object or not, it was not one which ought to be included in the present Bill. It could not be denied that the object of the Bill was to provide that, in cases where a landlord had not placed upon the farm he let all the appliances necessary for its cultivation, it should be optional for the tenant to call upon him to provide them, and, in case of his not doing so, the tenant might undertake the improvements himself, or be entitled to ultimate compensation for them. But the improvement of waste lands could not by any means be considered as coming within the scope of the Bill now under consideration; and, even if it did, the machinery provided by the present measure would be insufficient for the purpose. In the first place, who was to determine what were waste lands; and next, who was to estimate the possible outlay in rendering them fit for arable purposes? The foundation of the Bill was, that the landlord should be called upon to execute improvements; but, in the case of reclaiming waste lands, no limit of time was fixed by which it could be determined when the tenant's right to execute the improvements himself began. It might be quite right to compensate a tenant who, by dint of daily exertion and skill, brought unprofitable lands into beneficial use, and he would not hesitate to support a measure intended and adapted for that purpose; but, believing that the present Bill was framed for a different object, he must object to the clause as only tending to create litigation between landlord and tenant in Ireland.

MR. V. SCULLY said, he thought that the Bill was in some respects a reasonable one, and in nothing more than the present proposition. The hon. and learned Member for Youghal (Mr. I. Butt) had asked who was to judge of the correctness of the estimates? What estimates did he allude to? It had been said that the tenant ought to be compensated only for those improvements which appeared on the surface of the land; but those who said that forgot that improvements in draining and other matters which did not appear on the surface might be made, and would tend greatly to increase the value of the land. Were tenants not to be compensated for such improvements as that, especially when the principle of granting compensation for the improvement of waste lands had been affirmed in all the previous editions of the Bill?

MR. I. BUTT said, he must refer the hon. and learned Member to the schedule, where he would find that the proposed improvements were to be described, and an estimate of their cost given. That was the estimate to which he had alluded. He advised the hon. and learned Member, before he undertook to lecture him (Mr. I. Butt) on his reading of the Bill, to take care to read it himself.

MR. NAPIER said, this Bill was composed of two Bills, and only one part of it was his, and the part they were now discussing was not his. With regard to the reclaiming of waste lands he had stated the day before, and he now repeated, that, in his opinion, the only way to carry out the reclamation of waste lands was by contract between landlord and tenant. It was proposed by the provision which they were now discussing to work out those improvements, independent of express contracts, and although he had for some time been of opinion that it could be effected by the machinery of a Bill, experience, and the opinions of many gentlemen opposed to it had convinced him that any attempt to do so would be a failure, and therefore he would support the proposal for striking out the words in question.

MR. SERJEANT SHEE said, he must confess himself greatly disappointed by the nature of the Amendments proposed to be introduced by the Government; and, judging from those Amendments, he doubted whether the Government really entertained a sincere wish to have this measure carried into execution. The right hon. and learned Gentleman (Mr. Napier), who had long paid considerable attention to this important subject, told them that he had made a great mistake, in which he had for a long time persisted, but that when his friends went out of office he found out his mistake. Now, he must say he thought the right hon. and learned Gentleman had better abstain for the future from giving the House such oracular advice as that with which he had been accustomed to favour them. The right hon. and learned Gentleman had alluded to the evidence he gave before the Committee of the House of Lords, but that evidence had never been printed, and its effect had been to mislead a noble Duke (the Duke of Argyll) who deserved great credit for his attention to public affairs. The evidence of the right hon. and learned Gentleman induced the House of Lords, the Session before last, to make a Report upon this Bill which had done infinite mischief, and which was extremely discreditable to that House. Not one word of objection was uttered by the right hon. and learned Gentleman in that House, or in the Select Committee, of which they were both Members, and which sat for weeks upstairs, to the retention of the compensation clause. Nay, the right hon. and learned Gentleman, after he left office, and when Sir John Young (the Secretary for Ireland) proposed to limit the compensation, assisted in making the Bill, as it was then proposed by the Government, perfect in Committee, and he never at that time raised any objection to the provision. He (Mr. Serjeant Shee) conceived that the exclusion of the compensation clause would be most fatal to the Bill; and he called upon the noble Lord at the head of the Government to pursue a bold, a generous, and a manly course; to take the Bill as it was passed through that House, when he was Secretary for the Home Department, by Lord Aberdeen's Government; to press it with all the power of the Government in the House of Commons, and, if it were rejected elsewhere, they could try it again another Session. The noble Lord, in the able and excellent speech which he delivered upon the second reading of the Bill, affirmed all the principles upon which it was founded; and it was too bad that a man of his station and reputation — an Irish landlord, and a good one—should come forward and throw down the whole edifice of improvement embodied in Lord Aberdeen's measure, which was not what the tenants of Ireland desired, but which they had the wisdom to adopt in deference to the opinion of that House and of Lord Aberdeen's

Government. The Legislature, however, now turned round upon them and said, "We did not act wisely—we were all wrong—we voted what we ought not to have done, and we must cut down the Bill again." It was impossible for a people to prosper who could not trust the Government under which it lived. It was not the moral effect of bad laws, but it was the rooted distrust in the honesty and wisdom of Government which prevented the prosperity of the country. Most heartily did he trust that the Government would feel it their duty to rise above the petty obstacles of embarrassed and over-mortgaged landlords in both Houses, and say at once, fairly and manfully, "The Bill which we approved last year was a good one, we consider its principles to be sound, and we will do our best to pass it through this House; and if it should not pass through the House of Lords, then it is not our fault." Now, what was the real history of the Bills before the House? Some criticisms had been made as to the language of the Bills. The fact was, that he (Serjeant Shee) was in no way responsible for the language of the Bill. The Bill which had been introduced was actually and identically the Government Bill. They were the Bills which had been framed by the Government, and which, after two or three months' discussion in the Committee upstairs, they determined to be the right thing, and which they themselves introduced to the House. Her Majesty's Government now, it would appear, had altered their tone with respect to these Bills, and they, in effect said, "We cannot think of passing the measure," although precisely the same as that which they had previously introduced, "because it is much too favourable to the tenant, and much too unjust for the landlord," and, instead of adopting this Bill, they had taken up all the absurdities which had been bruited abroad by the opponents of the measure. He thought he could prove to the House that the improvement which was now the subject of discussion was really one which ought to be made. The Bill was originally called the Tenants' Compensation Bill, and it still retained its name; but it was nonsense to call it a compensation Bill. It was nothing of the sort. The Bill was, in effect, one to protect the tenants who had improved their holdings against arbitrary eviction without compensation by their landlords. That was all which the Bill proposed to do. Now, what would be the action of this Bill supposing this improvement to be omitted? The landlord might wish to evict one of his tenants; some election had gone against him, the tenant had voted against him, he was anxious to get rid of him. The tenant was one of 289,000 tenants in Ireland who held under fifteen acres, or probably one of the 432,000 who held under thirty acres. These small tenants had voted against the landlord. The landlord would say, "That house which he occupies could not have cost more than 50*l.*; he voted against me at the election, he has not sent his children to my school, he voted against me as guardian, and I want to turn him out. His house will not cost me much if I do so; he has brought into cultivation some four or five acres of waste land, which I may reckon as a set-off for the house, and it will answer my purpose very well to turn him out, while, at the same time, I gratify my personal feelings against him." Now, that was precisely the way in which the Bill would work if this clause was struck out. On the other hand, if the clause were left in, it could not by any possibility hurt the landlord, but it would protect the tenant. He knew it might be said that these cases of small tenants reclaiming waste lands were of very rare occurrence. Now, on the contrary, they were of very frequent occurrence. These small tenants, holding some fifteen or twenty acres, cultivated some small patches of land on the mountain side, adjoining their own farm, to the profit of the landlord; and if this clause remained in the Bill, the landlord would be without the temptation to evict the improving tenant, in order that he might obtain the benefit of his labour and the outlay of his capital. But it was not correct to say that the cultivation of this waste land required large capital, and could not, therefore, be accomplished by a small tenant. The reclamation of this land by the small tenant was effected by a small outlay. The Committee was not at the present time considering the case of reclaiming large tracts of mountain, in which a very large capital was required to be sunk. Thrifty tenants, such as the Irish were, did not value so much the size and convenience of their farm buildings as they did the improvement of the soil itself. Many of them lived in the poorest dwellings, and spent what capital they had in improving the land. The poor men holding these small farms almost invariably employed upon it their own superabundant labour, without expending any large amount of capital, and the profit which accrued from it was so much clear gain to themselves. He should resist striking these improvements out of the clause. It was said that if this Bill were sent up to the House of Lords it would be rejected. Well, let the Lords reject it, and let the Bill be sent up again and again, until a proper measure should be passed into law.

VISCOUNT PALMERSTON: Sir, instead of "fighting our battles o'er again," as some hon. Members seem disposed to do, I think we had better confine our attention to the Bill now before us, which is one highly deserving of our consideration. Those who wish to improve the condition of Ireland, and think that this measure contains provisions tending to effect that object, would, in my opinion, act wisest in not insisting upon everything which they may deem conducive to that end, but in endeavouring to shape this Bill in such a manner as would enable it to pass into law, and to pass, too, this year, that Ireland may have the benefit of it without further delay. I cannot, therefore, concur with the hon. and learned Gentleman (Mr. Serjeant Shee) who thinks our best course is to send this Bill up to the House of Lords in a form in which that assembly will reject it, and then to send another Bill up to them the next year, and another again the third year, and so to carry on a continued conflict with the other branch of the Legislature, instead of accomplishing as much good as, in his opinion, and in that of others, it is in our power to do at once. Surely it is better for a man to get a part of what he wishes than to have none at all, and to be always waiting and fighting, and yet achieving no practical result. I quite agree that the improvement of waste lands is an object of great interest and importance to Ireland, although I somewhat differ from those who think that such a result is not only desirable, but practicable; for I own that the operation of cultivating waste lands or cut-away bog lands on any great scale is, in my opinion, not likely to be a very profitable investment of capital. I have tried it myself, and I certainly should not recommend my friends to adopt it with any such anticipation. The cultivation of bog land is best effected by the small cottier, who takes a quarter of an acre next his own dwelling, and, having no capital to expend, goes on digging at it, bringing a basket of lime upon his back at one time, and a little manure at another, and so gradually getting cabbages, then potatoes, then turnips, and afterwards a little oats. In this way, I may almost say, square yard by square yard, you would see cultivation creeping along the edges of bog-lands; but, as for encouraging the reclamation of such land on any extensive scale, such as is contemplated by that part of the Bill which we are now discussing, it is an exceedingly doubtful undertaking, and I would not, as I have just said, recommend any friend of mine blindfoldly to engage in it. I confess that my opinion now remains very much what it was when I had occasion to state it in Committee upstairs upon these Bills—namely, that this part of the present Bill, and the whole of these provisions, are at variance with sound principle. I hold that true political economy tells you that you ought to leave all contracts and arrangements between buyer and seller to be regulated by the parties themselves, and that interference by law, in such cases, is generally mischievous. Now, the landlord is the seller and the tenant the buyer, so to speak, of the occupation of the land for any particular period agreed upon between them; and, therefore, in the abstract I should be opposed to any legislation which would prevent the parties from dealing with each other according to their mutual views of their reciprocal interests, which, in the long run, I believe, is the safest and wisest plan. But at the same time there are circumstances connected with the peculiar position of Ireland, with the manner in which land is held there, and also with the mode in which the tenure of land is put an end to, which require an exception to be made in the case of that country with reference to certain things, but to certain things only. Now, what I ask is the object of this part of the Bill? It is to enable the tenant to improve the land of his landlord without his consent, and then to make him answerable for such improvements. Now, although we may be willing to admit that in the present condition of Ireland this is a desirable arrangement, nevertheless we should specially guard and limit the particular class of improvements in regard to which you are to confer this privilege on the tenant; and I say that, unless you exclude this species of improvements now under discussion, you cannot accomplish this object. There are certain characteristics which seem to designate the particular class of improvements with respect to which you may safely give the tenant this extraordinary and exceptional power. The tenant tells his landlord that he is about to make a certain improvement, and the landlord has only one alternative left to him. He may say, "I will make it for you." But the landlord may not desire to do this, or he may not have the money requisite for the purpose. We are told that many Irish landlords are extremely poor, but, surely, the poorer they are the harder it is to compel them to pay for improvements which they may not be rich enough to effect of their own accord. The tenant may persist in making these improvements, and at the expiration of his lease, or of his notice to quit, if he be a tenant-at-will, he may demand compensation. Now, there are two categories within which such improvements should be confined. First, they ought to be improvements which are tangible and visible, which can be measured in value, so that, when the tenancy runs out, there may, if possible, be no dispute. For example, they should be houses, outbuildings, roads, and boundary-fences, the value of which any man accustomed to make estimates can easily compute, and which being permanent in their nature, when they come into the landlord's hands, enable him to get a better rent for his property. The case is, however, altogether different with the reclamation of waste land and uncultivated bog. To determine the value of these you must know what were the nature and condition of the ground, perhaps, twenty or thirty years previous, before the improvements were begun. The tenant in that case will have his witnesses to prove one thing, and the landlord may possibly have his to testify to quite the reverse; and thus you will have endless litigation between the two, and never arrive at a satisfactory result. Therefore I maintain it is highly objectionable to insert in this clause anything which is not palpable and visible to the eye, and which requires difficult comparisons to be instituted between the state of land at the present time and at remote former periods. But there is another criterion. The improvements for which you ought to compensate the tenant at the expiration of his occupancy are things which do not produce to him a yearly profit. Now, to this class belong a house, a road, or a boundary-fence, neither of which yields such an annual profit. There is no question of account in regard to them, as is the case the moment you deal with agricultural improvements. When a tenant, for instance, seeks to be paid for a few acres of waste land that he has reclaimed, or for a piece of cut-away bog that he has dug and planted, the landlord has a right to ask—"What has it cost you to make these improvements; and, on the other hand, what profit have you derived from them up to a certain date?" because, if the tenant should be as fortunate as some have been represented to be, and should be able to reimburse himself for his outlay in the first year after he has made his improvements, it is quite clear that after a short period he could have no fair claim upon his landlord. Here, then, you would have complicated questions of account as to what a tenant has expended and what he has gained, which it is most desirable to avoid. Thus, then, if you go beyond objects that are above ground, which can be seen and estimated, and which are permanent in their character, you involve yourselves in the most hopeless uncertainty, and open the door to interminable disputes. Again, suppose the landlord takes his choice of reclaiming a certain piece of his waste land under occupancy, is it to remain in the tenant's hands while the improving process is going on? Why, obviously it must be taken out of the tenant's hands; because it is plain that such an operation cannot be undertaken in January and finished by March, neither can it be begun in March and finished in July. It requires many years to bring it to completion; and evidently, therefore, it is not a thing which is contemplated by the principle of this Bill. Under these circumstances, I appeal to those who believe that this measure is, in the main, likely to prove beneficial to Ireland, to make some sacrifice of their extreme opinions in order to secure the passing into law, during the present Session, of a Bill the greater portion of which I am convinced is calculated to confer important advantages not only upon the tenantry and the landlords of the sister country, but upon the community at large.

COLONEL DUNNE said, he must protest against this exceptional legislation for Ireland. For he agreed with the noble Lord who had just spoken, that the Bill now before them was based upon false principles, and he could see nothing in the state of matters in Ireland differing from that of England, either with regard to the possession of property, the tenure of property, or the letting of property. If any one would take the trouble to go round London, he would find a great deal of land extremely similar to the waste lands of Ireland; and if any one liked to know why such land was uncultivated, it was simply because such cultivation would be unremunerative. Now, he would ask why should compensation be allowed in Ireland where it would be refused in England? Waste lands in Ireland were of various descriptions, some of which might, no doubt, be cultivated with profit. It is, however, quite a Utopian idea to think they could improve bog some thirty or forty feet deep. He happened to be the proprietor of some 1,000 acres of waste land himself, and all he could say was that he would be very happy to pay for its improvement; but that could not be done, certainly not quickly.

MR. P. O'BRIEN said, that as a large section of the Irish tenantry, through their representatives, declared that it was important that the principle involved in the clause should be carried out, it was idle for hon. Members to oppose the clause on the ground that it would be inoperative. If this species of cultivation was unprofitable, it would not be undertaken; or if undertaken, there could be no claim made on the part of the tenant against the landlord, and therefore there was no necessity for the Committee striking these words out of the clause.

MR. M'MAHON said, that the words proposed to be left out had been objected to, because it would be difficult to ascertain how much of the waste lands had been reclaimed, but nothing could be more easy, as at the expiration of the lease the tenant would serve a notice on his landlord, who could go and see how much land had been reclaimed, and there could be nothing more natural than that the tenant should be compensated for the expenses he had incurred in reclaiming it. The noble Lord (Viscount Palmerston) had said that the contracts between landlord and tenant ought to be left free, but for a great number of years they had had a Parliament of landlords passing statutes in favour of the landlord and against the tenant, and it was now incumbent on the House of Commons, by some such attempt as the present, to endeavour to check the ill effects of that legislation.

MR. DUFFY said, that the noble Lord at the head of the Government recommended the supporters of the measure to assent to a compromise; why, they had been doing nothing else since the Bill was first introduced than yielding point after point, in order to obtain a settlement. When the Tenant League began their agitation, the people of Ireland were dying by thousands, while thousands more were flying to distant lands. The Tenant League, the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Keogh) being one of the council of that League, laid down certain broad and intelligible principles at first, upon which their original demands were based; but they accepted the Bill of Mr. Sharman Crawford, who was himself an Irish landowner, as a compromise between themselves and the landowners. The hon. and learned Gentleman (Mr. Serjeant Shee) had taken the Bill, this Session, in the state in which it had already received the approbation of the House of Commons, and although the Tenant League were far from being satisfied with it, they had silently assented to this Bill as a settlement of the question. They had made now so many concessions, that he (Mr. Duffy) should advise them, if the Bill were not carried this Session, to fall back on their original demands. The proceedings of the Irish Parliament as well as those of this House of Commons, contained many voluminous reports and documents upon the subject of reclaiming the waste lands of Ireland; and yet no progress had been hitherto made. He was convinced that if the tenantry of Ireland were encouraged to take the work into their own hands, by that means, and by that means alone, it would be accomplished. The noble Lord (Viscount Palmerston) had drawn a very touching picture of the industrious tenant farmer endeavouring to improve the soil by the labour of his spare hours; but would the noble Lord venture after that to allow the landlord to rob him of the fruits of that labour?

MR. MAGUIRE said, he would beg of the Attorney General for Ireland to give some explanation in reply to the charges which had been made against him.

Question put, "That the words proposed to be left out, stand part of the Clause."

The Committee *divided*:—Ayes 47; Noes 93: Majority 46.

MR. SERJEANT SHEE said, he would now move the insertion in the same clause of the words "The main draining, or thorough draining of land, or the improvement of it by irrigation." This provision had been inserted in all the Land Improvement Bills which had been brought before the House, and he would mention the names of Sir Robert Kaye, Mr. Ferguson, and other authorities to show the necessity of giving every possible encouragement to drainage.

COLONEL DUNNE said, he should oppose the Motion, for the right hon. and learned Gentleman the Attorney General for Ireland, the Clerk of the Ordnance, and several other hon. Gentlemen opposite, had voted against a similar one last year.

MR. POLLARD-URQUHART said, he should support the Motion, on the ground that tenants could not be expected to make improvements if some security of this kind were not given them. He believed that in many parts of England the same tenant-right existed that was proposed by this amendment to be extended to Ireland, and he could see no difficulty whatever in the way of carrying it out.

MR. NAPIER said, he thought they ought to act upon the recommendation of the Select Committee of which the hon. and learned Serjeant was a Member, and which, after a full consideration of the question, came to the conclusion that all improvements in the soil ought to be made the subject of express contract.

SERJEANT SHEE said, he must deny that he had ever agreed to anything of the sort, though he did assent to what he could not help. It was of no avail to say, that another part of the Bill enabled compensation for drainage to be provided for by express agreements with the landlords, notwithstanding any difficulties which might be caused by the settlement of the estate. To render this operative it was necessary to have provisions in the earlier part of the Bill, such as he proposed. The only way to induce the landlords to make such agreements was to show them that, if they did not make them, the tenants would be by law empowered to improve the estates without their consent, and that, after having so improved, the tenants could not be evicted without compensation.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 49; Noes 100: Majority 51.

MR. SERJEANT SHEE said, he would now beg to propose after line 5 to insert the following words, "The durable improvement of land by clearing away rocks and stones." This was a provision which was inserted by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) in his Bill when Attorney General for Ireland in Lord Derby's Government. In reference to the noble Lord's (Viscount Palmerston's) observations upon what he had said, he begged to observe that he never meant to say anything disrespectful of the House of Lords. His opinion was, that a really good measure would be passed by that House. If the Government had prepared a proper measure, and had pressed it upon the attention of the House of Lords, he believed that that House would not have rejected it.

MR. BRADY said, that every one who had been in Ireland must see the necessity of adopting such a provision as this. He knew from experience that the removal of stones was a great improvement to the land in many parts of Ireland.

MR. FRENCH said, he fully concurred in what had fallen from both of his hon. Friends, but it was quite evident that their party had no force in that House at all equal to the majority which could be obtained at the call of the noble Lord (Viscount Palmerston). It was his opinion that the Government were not at all anxious to carry this Bill. While the noble Lord said he was prepared to send up the measure to the House of Lords to be there carried, he at the same time remarked that many parts of it were objectionable and inadmissible in principle. Under such circumstances, he did not think it advisable to continue to divide the Committee upon those propositions, but to rest satisfied with entering their protest against the conduct of the Government upon this subject.

MR. DUFFY said, he could not concur with his hon. Friend in the course he proposed. On the contrary, he thought that there was a grave responsibility upon their shoulders to use the little power they possessed in resisting to the utmost the objectionable measures of the Government. This Bill could be carried at any time if the Irish Members determined to reject the blandishments of office and to attend solely to the interests of their unfortunate country. He thought that they ought to divide.

MR. MAGAN said, he was so much dissatisfied with the conduct of the Government upon this measure that he thought it would be better to move that the Chairman report progress and ask leave to sit again.

Question put, "That these words be there inserted."

The Committee *divided:*—Ayes 44; Noes 112: Majority 68.

Mr. GEORGE said, he would beg to move the insertion of words the object of which was that leases under seal or agreements in writing existing at the time of the passing of the Bill, should be respected, and that the provisions of the Bill as to prospective improvements should not come into operation in such cases until after the leases or agreements were expired, unless by mutual arrangement between the landlord and tenant.

Amendment proposed, in line 13, after the words "in respect," to insert the words "to parties holding under leases or agreements in writing during their continuance, save in accordance with the provisions thereof, or by mutual consent."

Mr. HORSMAN said, the proposed Amendment was opposed to the principle of the Bill, and therefore he could not assent to it.

Colonel DUNNE said, he felt the Bill itself to be a violation of all existing contracts. The Amendment had for its object to respect existing agreements, and he should support it.

Mr. SEYMOUR FITZGERALD said, he considered the Bill, so far as the prospective clauses were concerned, to be objectionable, but it was doubly so when in a certain way it tended to take a retrospective character, and to affect contracts which the parties who had entered into them were desirous to maintain. He should support the Amendment.

Mr. V. SCULLY said, the Amendment, as worded, would not have the effect which its hon. Mover intended. He should oppose the Amendment, for if it were adopted they might as well get rid of the Bill altogether.

Mr. GEORGE said, he had considered that his Amendment applied to all contracts or leases existing at the time of the passing of the Bill; however, he would add to his Amendment words expressive of that intention.

Amendment proposed to the proposed Amendment, after the words "in writing," to insert the words "existing at the time of the passing of this Act."

Question, "That those words be inserted in the proposed Amendment," put, and *agreed to.*

Mr. MALINS said, he understood that the Bill included a claim for compensation for improvements made in pursuance of an express contract, whereas the objection of his hon. and learned Friend was that, if they were made during the continuance of a lease, the rights of the parties should depend on the terms of the lease. In that objection he entirely concurred, being convinced that if such a proposition as that contained in the Bill were made with respect to the rights of landlords and tenants in England, it would be scouted at once. It was repugnant to every principle which ought to affect the relations between those parties.

Mr. H. HERBERT said, the Committee having decided the question of compensation, the question that remained was, whether that compensation should be granted when there was no contract or lease. The exigencies referred to by the Amendment were provided for by a lease.

Mr. J. D. FITZGERALD said, he thought the Committee would not have any. The Bill gave the tenant the power of calling on the landlord to provide farm buildings, and in the event of his not doing so to provide them themselves. These buildings when erected by the tenant were in the nature of permanent improvements; and as such became valuable property to the landlord.

Mr. E. BALL said, the question seemed to strike at the root of obligations and at the root of good faith. He thought the Amendment was necessary, and should give it his support.

Mr. H. S. KEATING said, the interpretation clause, as applied to the Amendment, gave rise to serious considerations in connection with the case of reversioners or leases for lives renewable for ever, on what the increased value of property made at this moment a merely nominal rent. It would be hard, indeed, if the reversioner, whose interest might be very small, should be compellable by the tenant to expend large sums of money upon the estate on the return of 5 per cent.

Mr. KEOGH said, the danger apprehended by the hon. and learned Member who had last addressed them did not exist. The 5th and 6th clauses gave the option of refusal to make the improvements in question to the landlord, and the case contemplated was one in which the tenant ought to make these improvements himself. Under no circumstances would the landlord be called on to pay anything unless he resumed possession of the land; in that case it was only just and fair that he should pay for these valuable improvements.

Mr. MALINS said that in reference to an observation which had fallen from the hon. and learned Gentleman the Solicitor General for Ireland (Mr. J. D. FitzGerald) he did not mean to contend that to give the power to a tenant to force the landlord to pay for a house he might choose to build on his land was a violation of the English constitution, but he maintained that it was a violation of the rights of property.

Mr. Serjeant SHEE said, that the arrangement which the hon. and learned Gentleman denounced as a violation of the rights of property was the law in every country in the world, except in those places where, as in England, it was the custom for the landlord to erect the necessary buildings himself. It was the law in every country where the civil law was in force. This question had been argued as if it was one that lay between landlord and tenant only, whereas the real point at issue was whether it would be good for the whole people of Ireland. In the best circumstanced districts of Ireland 43 per cent of the inhabited houses were mud cabins with only one room, and the people were living like pigs. Was this a state of things that ought to continue? The object of the Bill was to preserve the rights of property, not to destroy them, and, at the same time, amend a state of things that was truly disgraceful. If they continued the present reckless system, it would be impossible to maintain the rights of property in Ireland.

Mr. J. G. PHILLIMORE said, the law, as laid down by the hon. and learned Gentleman, did not apply to his proposition. The Roman law was that, if a person let a house, and it was not found to serve the purpose for which it was let, he must repair it; but it never could mean that, if a man let a field without a house, the person taking the field could compel him to build a house upon it.

Question put "That the words, so amended, be there inserted."

The Committee *divided:*—Ayes 99; Noes 109; Majority 10.

Mr. GEORGE said, he would now move to insert after the words "like improvements," the following words:—"or in any case where a special agreement, in writing, with respect to the same, or the costs thereof, or the property therein, shall have been made by the landlord and tenant respectively, otherwise than in accordance with such special agreement."

Mr. HORSMAN said, he did not object to the Amendment, as it was in conformity with the Bill; but would suggest that the hon. and learned Member had better prepare a special clause at another stage.

Mr. GEORGE said, he would accede to the suggestion.

Amendment *withdrawn.*

Mr. SEYMOUR FITZGERALD said, he wished to move the insertion of certain words in this clause which were rendered necessary by the previous decision of the Committee. His object was to provide in cases where tenants held under leases of lives, or for a term of years, and had been amply recompensed for the improvements they had made by a continued enjoyment of their benefit, that landlords who had been kept out of their land for a number of years should not, in addition thereto, be afterwards required to pay for such improvements.

Amendment proposed, in line 18, after the word "case," to insert the words "where lands are held under or by virtue of a lease where less than the full annual value of the land is reserved, nor in any case."

Mr. KEOGH said, he must oppose the Amendment, which he considered to be quite unnecessary.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 85; Noes 110; Majority 25.

Colonel DUNNE said, he should now move that the Chairman report progress, and ask leave to sit again.

Viscount PALMERSTON said, he must oppose the Motion in the hopes that the Committee would first get through the clause then under consideration.

Question put.

The Committee *divided:*—Ayes 43; Noes 154; Majority 111.

Clause, as amended, *agreed to.*

The House resumed. Committee report progress.

BILLS OF EXCHANGE AND PROMISSORY NOTES BILL—ADJOURNED DEBATE (SECOND NIGHT).

Order read, for resuming Adjourned Debate on Question [20th June], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate *resumed.*

Mr. H. S. KEATING said, he did not wish to prevent full discussion of all the clauses of the Bill, and he trusted that the

House would not object to Mr. Speaker leaving the chair.

Mr. VANCE said, this was almost a new Bill, and if Mr. Speaker left the chair it would raise the whole question, and of necessity create a debate. He thought that at that late hour (half-past twelve o'clock) it would be inconvenient to go on with the Bill, which could be with more advantage discussed at the morning sitting.

Mr. THOMSON HANKEY said, this was not a new Bill, and he hoped the House would not object to going into Committee, in order that hon. Members might hear what had been done with respect to the Bill.

Mr. I. BUTT said, he considered the Bill was a totally new Bill ["No, no."] It was totally different to the original Bill, and he therefore objected to proceeding with the measure at that hour.

Mr. NAPIER said, the effect of the alterations that had been made was to create one law for England, another for Scotland, and another for Ireland, whereas the opinion of the Commissioners was that there should only be one uniform law.

Mr. JAMES MACGREGOR said, the Bill was a most important Bill, affecting all the commercial world, and his opinion was that it would be the best course for Mr. Speaker to leave the chair, and then for some Member of the Committee to explain what had been done, and the object and purposes of the Bill. If the Bill passed, the conviction on his mind was, that greater frauds in bills of exchange would take place than at present did take place.

Mr. MALINS said, he considered the question was of such great importance, affecting such great interests, that it ought only to be passed after the most serious discussion. He thought, at that late hour, it would be unwise and improper to discuss the Bill.

Sir GEORGE GREY said, the proposition for Mr. Speaker to leave the chair was to be understood as involving no progress in the Bill.

Mr. HENLEY said, he hoped that what was proposed would be acceded to, and that Mr. Speaker would be allowed to leave the chair.

The House went into Committee *pro formâ.*

The House resumed; Committee report progress.

ADMINISTRATIVE REFORM— ADJOURNED DEBATE (THIRD NIGHT).

Order read for resuming Adjourned Debate on the Main Question, as amended [18th June],

> "That this House recommends to the earliest attention of Her Majesty's Ministers the necessity of a careful revision of our various Official Establishments, with a view to simplify and facilitate the transaction of public business, and, by instituting judicious tests of merit, as well as by removing obstructions to its fair promotion and legitimate rewards, to secure to the service of the State the largest available proportion of the energy and intelligence for which the people of this Country are distinguished."

Question again proposed.

Main Question, as amended, put, and *agreed to.*

Resolved—

> "That this House recommends to the earliest attention of Her Majesty's Ministers the necessity of a careful revision of our various Official Establishments, with a view to simplify and facilitate the transaction of public business, and, by instituting judicious tests of merit, as well as by removing obstructions to its fair promotion and legitimate rewards, to secure to the service of the State the largest available proportion of the energy and intelligence for which the people of this Country are distinguished."

The House adjourned at half after one o'clock.

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Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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